

**HOUSE . . . . . No. 3443**

By Representative Cabral of New Bedford and Senator Pacheco, joint petition of Antonio F. D. Cabral and others for legislation to establish a transit fund to finance the construction of public transportation improvements outside of the greater Boston area. Transportation.

**The Commonwealth of Massachusetts**

PETITION OF:

Antonio F. D. Cabral	Benjamin Swan
Mark R. Pacheco	Mary E. Grant
John J. Binienda	William Lantigua
William M. Straus	Robert F. Fennell
John P. Fresolo	Stephen J. Buoniconti
Robert M. Koczera	Susan C. Fargo
John F. Quinn	Mark C. Montigny
Michael J. Rodrigues	Patricia A. Haddad
Stephen R. Canessa	Anthony J. Verga
Sean Curran	Steven M. Walsh
Robert Correia	Vincent A. Pedone
David B. Sullivan	Mark V. Falzone

In the Year Two Thousand and Seven.

AN ACT CREATING THE MASSACHUSETTS TRANSIT FUND.

1 *Whereas*, The deferred operation of this act would tend to defeat  
2 its purpose, which is to reduce our dependence on foreign oil by  
3 expanding access to public transportation, therefore it is hereby  
4 declared to be an emergency law, necessary for the immediate  
5 preservation of the public convenience.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. It is hereby found that, after two decades of invest-  
2 ment in the reconstruction of Boston’s central artery and related  
3 infrastructure and the resulting lack of investment in transportation  
4 infrastructure in the remainder of the commonwealth, the improve-  
5 ment of public transportation outside of greater Boston is beneficial  
6 to the economic development of the commonwealth and the general

7 welfare of its citizens. While Boston and adjacent towns have bene-  
8 fited from the central artery project, much of the remainder of the  
9 commonwealth has stagnated economically since the start of that  
10 project. There is satisfactory evidence that improvements in public  
11 transportation in other cities and towns outside of Boston will  
12 improve the economies of those cities and towns and, thereby, revi-  
13 talize the economy of the commonwealth as a whole. Such improve-  
14 ments to train, bus and intermodal public transportation centers have  
15 been shown to attract private investment and development.  
16 Improved public transportation in Massachusetts' smaller cities and  
17 towns will increase the tax base, provide important, new employ-  
18 ment opportunities and otherwise benefit the general welfare of the  
19 citizens of the commonwealth.

20 It is further found and declared that extending public transporta-  
21 tion access to more of the commonwealth's residents in more of its  
22 cities and towns is in furtherance of a public purpose and will pro-  
23 vide an essential stimulus to the economic health and development  
24 of the impacted cities and towns. To assure that those principally  
25 benefited by new or improved public transit options bear some of the  
26 associated costs, it is appropriate that a portion of the costs incurred  
27 in expanding or improving public transit be paid by those immedi-  
28 ately benefited by such projects. Residents and businesses in  
29 impacted communities will benefit from the increased convenience  
30 and lower costs of public transit and property owners will benefit  
31 from the increase in property values which follow such investments.  
32 Travel related businesses, including hotels, restaurants and entertain-  
33 ment and other retail establishments within the commonwealth will  
34 benefit from these projects and will in turn generate substantial, new  
35 revenues to the commonwealth through room occupancy, meals and  
36 sales taxes. Therefore, the development of new or improvement  
37 transit warrants the imposition of special financing fees on room  
38 occupancy, motor vehicle rentals and related travel businesses in  
39 impacted cities and towns. In addition, district improvement  
40 financing will capture some of the increases in property values these  
41 projects will produce. This substantial source of new revenue will  
42 provide a means to insure that the costs of construction of public  
43 transit projects will be financed and paid to the fullest extent pos-  
44 sible without substantial resort to the existing general revenues of  
45 the commonwealth.

46 It is further found and declared that the prompt accomplishment  
 47 of these public purposes requires the timely completion of the  
 48 Fund’s projects. The commonwealth wishes to avoid the substantial  
 49 risk of construction delay and resulting additional costs caused by  
 50 labor disharmony in connection with the construction of these pro-  
 51 jects. Therefore, the commonwealth, in its capacity as a market par-  
 52 ticipant, has decided to require project labor agreements, including a  
 53 uniform grievance and arbitration procedure and an obligation not to  
 54 strike, for construction work on these projects.

1 SECTION 1A. To provide for the construction and financing of  
 2 public transportation improvements outside of greater Boston, the  
 3 sums set forth in this section and section 1B are hereby made avail-  
 4 able, subject to the provisions of law regulating the disbursements of  
 5 public funds and the approval thereof.

**EXECUTIVE OFFICE OF  
 ADMINISTRATION AND FINANCE.**

*Executive Office.*

1100-XXXX	For the Commuter Rail Parking Expansions as defined in Section 2; provided, that amounts expended from this item shall be for the planning, financing, development, construction and related costs of this project in accordance with the provisions of section 14; and (b) all construction employees employed in the construction of said project shall be paid no less than the wage rate established for such work pursuant to a project labor agreement with the appropriate labor organization or labor organizations, which includes (1) a uniform grievance and arbitration procedure for the resolution of work-related disputes on job sites; (2) mutually agreeable uniform work rules and schedules for the project; and (3) an obligation for any such labor organization and its constituent members not to strike with respect to work on such project, provided that it shall not be a precondition to the award of a contract that a bidder have previously entered into a collective bargaining agreement with a labor organization, but only that the bidder be willing to execute and comply with said project labor agreement for the project if it is awarded a contract .....	50,000,000
1100-XXXX	For the New Bedford/Fall River Commuter Rail Extension as defined in section 2; provided, that amounts expended from this item shall be for the planning, financing, development, construction and related costs of this project in accordance with the provisions of section 14; and (b) all construction employees employed in the construction of said project shall be paid no less than the wage rate established for such work pursuant to a project labor agreement	

with the appropriate labor organization or labor organizations, which includes (1) a uniform grievance and arbitration procedure for the resolution of work-related disputes on job sites; (2) mutually agreeable uniform work rules and schedules for the project; and (3) an obligation for any such labor organization and its constituent members not to strike with respect to work on such project, provided that it shall not be a precondition to the award of a contract that a bidder have previously entered into a collective bargaining agreement with a labor organization, but only that the bidder be willing to execute and comply with said project labor agreement for the project if it is awarded a contract .....

800,000,000

1100-XXXX

For the Worcester Commuter Rail Improvement as defined in section 2; provided, that amounts expended from this item shall be for the planning, financing, development, construction and related costs of this project in accordance with the provisions of section 14; and (b) all construction employees employed in the construction of said project shall be paid no less than the wage rate established for such work pursuant to a project labor agreement with the appropriate labor organization or labor organizations, which includes (1) a uniform grievance and arbitration procedure for the resolution of work-related disputes on job sites; (2) mutually agreeable uniform work rules and schedules for the project; and (3) an obligation for any such labor organization and its constituent members not to strike with respect to work on such project, provided that it shall not be a precondition to the award of a contract that a bidder have previously entered into a collective bargaining agreement with a labor organization, but only that the bidder be willing to execute and comply with said project labor agreement for the project if it is awarded a contract .....

200,000,000

1100-XXXX

For the Springfield Commuter Rail Extension as defined in section 2; provided, that amounts expended from this item shall be for the planning, financing, development, construction and related costs of this project in accordance with the provisions of section 14; and (b) all construction employees employed in the construction of said project shall be paid no less than the wage rate established for such work pursuant to a project labor agreement with the appropriate labor organization or labor organizations, which includes (1) a uniform grievance and arbitration procedure for the resolution of work-related disputes on job sites; (2) mutually agreeable uniform work rules and schedules for the project; and (3) an obligation for any such labor organization and its constituent members not to strike with respect to work on such project, provided that it shall not be a precondition to the award of a contract that a bidder have previously entered into a collective bargaining agreement with a labor organization, but only that the bidder be willing to execute and comply with said project labor agreement for the project if it is awarded a contract .....

500,000,000

- 1100-XXXX For the Fitchburg Commuter Rail Improvement as defined in section 2; provided, that amounts expended from this item shall be for the planning, financing, development, construction and related costs of this project in accordance with the provisions of section 14; and (b) all construction employees employed in the construction of said project shall be paid no less than the wage rate established for such work pursuant to a project labor agreement with the appropriate labor organization or labor organizations, which includes (1) a uniform grievance and arbitration procedure for the resolution of work-related disputes on job sites; (2) mutually agreeable uniform work rules and schedules for the project; and (3) an obligation for any such labor organization and its constituent members not to strike with respect to work on such project, provided that it shall not be a precondition to the award of a contract that a bidder have previously entered into a collective bargaining agreement with a labor organization, but only that the bidder be willing to execute and comply with said project labor agreement for the project if it is awarded a contract ..... 75,000,000
- 1100-XXXX For the Wareham/Hyannis Commuter Rail Extension as defined in section 2; provided, that amounts expended from this item shall be for the planning, financing, development, construction and related costs of this project in accordance with the provisions of section 14; and (b) all construction employees employed in the construction of said project shall be paid no less than the wage rate established for such work pursuant to a project labor agreement with the appropriate labor organization or labor organizations, which includes (1) a uniform grievance and arbitration procedure for the resolution of work-related disputes on job sites; (2) mutually agreeable uniform work rules and schedules for the project; and (3) an obligation for any such labor organization and its constituent members not to strike with respect to work on such project, provided that it shall not be a precondition to the award of a contract that a bidder have previously entered into a collective bargaining agreement with a labor organization, but only that the bidder be willing to execute and comply with said project labor agreement for the project if it is awarded a contract ..... 113,000,000
- 1100-XXXX For the Lynn Blue Line Extension as defined in section 2; provided, that amounts expended from this item shall be for the planning, financing, development, construction and related costs of this project in accordance with the provisions of section 14; and (b) all construction employees employed in the construction of said project shall be paid no less than the wage rate established for such work pursuant to a project labor agreement with the appropriate labor organization or labor organizations, which includes (1) a uniform grievance and arbitration procedure for the resolution of work-related disputes on job sites; (2) mutually agreeable uniform work rules and schedules for the project; and (3) an obligation for any such labor organiza-

tion and its constituent members not to strike with respect to work on such project, provided that it shall not be a precondition to the award of a contract that a bidder have previously entered into a collective bargaining agreement with a labor organization, but only that the bidder be willing to execute and comply with said project labor agreement for the project if it is awarded a contract.....	357,000,000
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1 SECTION 2. As used in this act, the following words shall have  
 2 the following meanings:

3 “Commuter Rail Parking Expansions”, the planning, design,  
 4 acquisition, development, construction, furnishing, equipping and  
 5 finishing, or any combination of the foregoing, of and land acqui-  
 6 sition for the expansion of parking capacity at those of the commuter  
 7 rail stations operating as of January 1, 2008 selected for expansion  
 8 or improvement by the Massachusetts Bay Transportation  
 9 Authority, as described in and generally consistent with the plans to  
 10 be prepared by the MBTA pursuant to section 3, together with all  
 11 necessary and related furnishings, machinery, equipment, facilities,  
 12 stations, approaches, driveways, walkways, parking facilities, road-  
 13 ways, public transportation, statuary, fountains, planting and land-  
 14 scaping, and including without limitation the acquisition of lands or  
 15 other property, or rights, easements, and interests acquired for or in  
 16 respect of any such lands or property necessary for such project, the  
 17 demolition or removal of any buildings or structures on lands so  
 18 acquired or in or with respect to which interests are so acquired,  
 19 relocation payments and other assistance therefor, and site prepara-  
 20 tion and environmental remediation. Whenever appropriate, the  
 21 term shall also mean such lands, buildings or structures and such  
 22 appurtenances.

23 “Cost”, as applied to a project and the site thereof, all costs,  
 24 whenever incurred, of acquiring such site and of acquiring, devel-  
 25 oping, constructing, improving, furnishing, equipping, finishing and  
 26 carrying out a project and placing the same in operation, including  
 27 without limiting the generality of the foregoing, the cost of all lands,  
 28 property, rights, easements and interests acquired pursuant to this act  
 29 and all labor, materials, machinery and equipment necessary to carry  
 30 out a project and place the same in operation, financing charges,  
 31 interest prior to and during construction and for a period not  
 32 exceeding two years after completion of construction, the cost of  
 33 environmental investigation, analyses and remediation, the cost of

34 demolition and removal of any buildings or structures on lands  
35 acquired and removal or relocation of any public utilities and other  
36 facilities, relocation payments as defined in, and any other costs of  
37 relocation assistance required under chapter 79A of the General  
38 Laws and this act, the costs of architectural, engineering and legal  
39 services, plans, specifications, surveys, estimates of cost and of rev-  
40 enues, other expenses necessary or incident to determining the feasi-  
41 bility or practicability of the project, administrative, marketing and  
42 promotion expenses, reserves for debt service, and other capital and  
43 current expenses and such other expense as may be necessary or  
44 incident to the construction or acquisition of a project and the site  
45 thereof, the financing thereof and the issuance of bonds or notes by  
46 the commonwealth under the provisions of this act and placing a  
47 project in operation.

48 “Fitchburg Commuter Rail Improvement”, the planning, design,  
49 acquisition, development, construction, furnishing, equipping and  
50 finishing, or any combination of the foregoing, of and land acquisi-  
51 tion necessary to increase the frequency and capacity of commuter  
52 rail service on the Fitchburg Commuter Rail Line, as described in  
53 and generally consistent with the plans to be prepared by the MBTA  
54 pursuant to section 3, together with all necessary and related furnish-  
55 ings, machinery, equipment, facilities, stations, approaches, drive-  
56 ways, walkways, parking facilities, roadways, public transportation,  
57 statuary, fountains, planting and landscaping, and including without  
58 limitation the acquisition of lands or other property, or rights, ease-  
59 ments, and interests acquired for or in respect of any such lands or  
60 property necessary for such project, the demolition or removal of  
61 any buildings or structures on lands so acquired or in or with respect  
62 to which interests are so acquired, relocation payments and other  
63 assistance therefor, and site preparation and environmental remedia-  
64 tion. Whenever appropriate, the term shall also mean such lands,  
65 buildings or structures and such appurtenances.

66 “Fitchburg Commuter Rail Improvement Fund”, the fund estab-  
67 lished by section 7.

68 “Lynn Blue Line Extension”, the planning, design, acquisition,  
69 development, construction, furnishing, equipping and finishing, or  
70 any combination of the foregoing, of and land acquisition necessary  
71 to extend blue line subway service from Revere to Lynn, as  
72 described in and generally consistent with the plans to be prepared

73 by the MBTA pursuant to section 3, together with all necessary and  
74 related furnishings, machinery, equipment, facilities, stations,  
75 approaches, driveways, walkways, parking facilities, roadways,  
76 public transportation, statuary, fountains, planting and landscaping,  
77 and including without limitation the acquisition of lands or other  
78 property, or rights, easements, and interests acquired for or in  
79 respect of any such lands or property necessary for such project, the  
80 demolition or removal of any buildings or structures on lands so  
81 acquired or in or with respect to which interests are so acquired,  
82 relocation payments and other assistance therefor, and site prepara-  
83 tion and environmental remediation. Whenever appropriate, the  
84 term shall also mean such lands, buildings or structures and such  
85 appurtenances.

86 “Lynn Blue Line Extension Fund”, the fund established by  
87 section 7.

88 “New Bedford/Fall River Commuter Rail Extension”, the plan-  
89 ning, design, acquisition, development, construction, furnishing,  
90 equipping and finishing, or any combination of the foregoing, of and  
91 land acquisition necessary to extend commuter rail service from  
92 Stoughton to New Bedford and from Stoughton to Fall River, as  
93 described in and generally consistent with the plans to be prepared  
94 by the MBTA, together with all necessary and related furnishings,  
95 machinery, equipment, facilities, stations, approaches, driveways,  
96 walkways, parking facilities, roadways, public transportation, stat-  
97 uary, fountains, planting and landscaping, and including without lim-  
98 itation the acquisition of lands or other property, or rights,  
99 easements, and interests acquired for or in respect of any such lands  
100 or property necessary for such project, the demolition or removal of  
101 any buildings or structures on lands so acquired or in or with respect  
102 to which interests are so acquired, relocation payments and other  
103 assistance therefor, and site preparation and environmental remedia-  
104 tion. Whenever appropriate, the term shall also mean such lands,  
105 buildings or structures and such appurtenances.

106 “New Bedford/Fall River Commuter Rail Extension Fund”, the  
107 fund established by Section 7.

108 “Rail Project”, the planning, design, acquisition, development,  
109 construction, expansion, rehabilitation, improvement, furnishing,  
110 equipping and finishing or any combination of the foregoing, of any  
111 one of the following: New Bedford/Fall River Commuter Rail

112 Extension, Worcester Commuter Rail Improvement, Springfield  
113 Commuter Rail Extension, Fitchburg Commuter Rail Improvement,  
114 Wareham/Hyannis Commuter Rail Extension and the Lynn Blue  
115 Line Extension as defined herein, together with all necessary and  
116 related furnishings, machinery, equipment, facilities, approaches,  
117 driveways, walkways, parking facilities, roadways, public trans-  
118 portation, statuary, fountains, planting and landscaping, and  
119 including without limitation the acquisition of lands or other prop-  
120 erty, or rights, easements, and interests acquired for or in respect of  
121 any such lands or property for a project, the demolition or removal  
122 of any buildings or structures on lands so acquired or in or with  
123 respect to which interests are so acquired, relocation payments and  
124 other assistance therefor, and site preparation and environmental  
125 remediation. Whenever appropriate, the term shall also mean such  
126 lands, buildings or structures and such appurtenances.

127 “Projects”, all projects defined in this section 2.

128 “Project Plans”, collectively, the plans required by Section 3 for  
129 each of the rail projects.

130 “Springfield Commuter Rail Extension”, the planning, design,  
131 acquisition, development, construction, furnishing, equipping and  
132 finishing, or any combination of the foregoing, of and land acquisi-  
133 tion necessary to extend commuter rail service from Worcester to  
134 Springfield and from Springfield to Connecticut, as described in and  
135 generally consistent with the plans to be prepared by the MBTA pur-  
136 suant to section 3, together with all necessary and related furnish-  
137 ings, machinery, equipment, facilities, stations, approaches,  
138 driveways, walkways, parking facilities, roadways, public trans-  
139 portation, statuary, fountains, planting and landscaping, and  
140 including without limitation the acquisition of lands or other prop-  
141 erty, or rights, easements, and interests acquired for or in respect of  
142 any such lands or property necessary for such project, the demolition  
143 or removal of any buildings or structures on lands so acquired or in  
144 or with respect to which interests are so acquired, relocation pay-  
145 ments and other assistance therefor, and site preparation and envi-  
146 ronmental remediation. Whenever appropriate, the term shall also  
147 mean such lands, buildings or structures and such appurtenances.

148 “Springfield Commuter Rail Extension Fund”, the fund estab-  
149 lished by section 7.

150 “Wareham/Hyannis Commuter Rail Extension”, the planning,  
151 design, acquisition, development, construction, furnishing, equip-  
152 ping and finishing, or any combination of the foregoing, of and land  
153 acquisition necessary to extend commuter rail service from Lakeville  
154 to Hyannis via Wareham, as described in and generally consistent  
155 with the plans to be prepared by the MBTA pursuant to section 3,  
156 together with all necessary and related furnishings, machinery,  
157 equipment, facilities, stations, approaches, driveways, walkways,  
158 parking facilities, roadways, public transportation, statuary, foun-  
159 tains, planting and landscaping, and including without limitation the  
160 acquisition of lands or other property, or rights, easements, and inter-  
161 ests acquired for or in respect of any such lands or property neces-  
162 sary for such project, the demolition or removal of any buildings or  
163 structures on lands so acquired or in or with respect to which inter-  
164 ests are so acquired, relocation payments and other assistance  
165 therefor, and site preparation and environmental remediation. When-  
166 ever appropriate, the term shall also mean such lands, buildings or  
167 structures and such appurtenances.

168 “Wareham Commuter Rail Extension Fund”, the fund established  
169 by section 7.

170 “Worcester Commuter Rail Improvement”, the planning, design,  
171 acquisition, development, construction, furnishing, equipping and  
172 finishing, or any combination of the foregoing, of and land acquisi-  
173 tion necessary to expand the frequency and capacity of commuter  
174 rail service from Boston to Worcester, as described in and generally  
175 consistent with the plans to be prepared by the MBTA pursuant to  
176 section 3, together with all necessary and related furnishings,  
177 machinery, equipment, facilities, stations, approaches, driveways,  
178 walkways, parking facilities, roadways, public transportation, stat-  
179 uary, fountains, planting and landscaping, and including without lim-  
180 itation the acquisition of lands or other property, or rights,  
181 easements, and interests acquired for or in respect of any such lands  
182 or property necessary for such project, the demolition or removal of  
183 any buildings or structures on lands so acquired or in or with respect  
184 to which interests are so acquired, relocation payments and other  
185 assistance therefor, and site preparation and environmental remedia-  
186 tion. Whenever appropriate, the term shall also mean such lands,  
187 buildings or structures and such appurtenances.

188 “Worcester Commuter Rail Extension Fund”, the fund established  
189 by section 7.

1 SECTION 3. The MBTA is hereby authorized and directed to  
2 complete or update all legally required studies and reports necessary  
3 to begin the construction of the Fitchburg Commuter Rail Improve-  
4 ment, Lynn Blue Line Extension, New Bedford/Fall River Com-  
5 muter Rail Extension, Wareham/Hyannis Commuter Rail Extension  
6 and Worcester Commuter Rail Improvement prior to June 30, 2008  
7 and to complete or update all legally required studies and reports  
8 necessary to begin the construction of the Springfield Commuter  
9 Rail Extension prior to June 30, 2010. Each Project Plan shall (1) be  
10 sufficiently complete to indicate the project boundaries, such land  
11 acquisition, demolition and removal of structures, and such redevel-  
12 opment and general public improvements, as may be proposed to be  
13 carried out and proposed land uses including preliminary project  
14 designs and a description of the project programs; (2) indicate or be  
15 accompanied by materials indicating the proposed method for relo-  
16 cation of persons and organizations to be displaced by the project;  
17 (3) indicate cost estimates of the project, including acquisition, and  
18 identification of parcels to be acquired and the estimated cost  
19 thereof; (4) include proposals for community participation; and  
20 (5) consider and describe measures to mitigate environmental  
21 and neighborhood impacts of the project and such other plan-  
22 ning and urban design issues as the MBTA shall determine are pre-  
23 sented by the project.

24 (b) In connection with the preparation of the Project Plans and  
25 plans necessary to undertake the Commuter Rail Parking Expansion  
26 and the exercise by the MBTA of its powers under this act, the  
27 MBTA and its authorized agents and contractors are hereby autho-  
28 rized, whenever the MBTA deems it necessary or convenient, to  
29 enter onto any properties and the improvements thereon and to  
30 undertake appraisals, surveys, environmental analyses and investiga-  
31 tions, including subsurface investigations, permitting analyses and  
32 investigations, and other investigations and analyses, for the purpose  
33 of determining the value and condition of such properties. The  
34 MBTA shall provide 20 days written notice by certified mail to the  
35 owners of properties, as such owners are recorded in the office of the  
36 city assessor, prior to any such entry. Such entry, appraisals, surveys,  
37 analyses and investigations shall not be deemed a trespass, a taking  
38 by eminent domain or an entry under any eminent domain or con-  
39 demnation proceedings. The MBTA shall make reimbursement for  
40 any actual injury or actual damage resulting to such properties and

41 any improvements thereon from the entry, appraisals, surveys,  
42 analyses and investigations authorized hereunder, and the MBTA  
43 shall, as far as possible, restore such properties and the improve-  
44 ments thereon to their condition prior to such entry, appraisals, sur-  
45 veys, analyses and investigations. Without derogating from the  
46 foregoing, the MBTA is hereby authorized to exercise the power of  
47 eminent domain as provided in clause (d) of section 11 of chap-  
48 ter 121B of the General Laws in order to temporarily obtain access  
49 to properties and the improvements thereon for the MBTA and its  
50 agents and contractors for the purpose of conducting the appraisals,  
51 surveys, analyses and investigations authorized by this act. If the  
52 MBTA restores the properties and improvements as required here-  
53 under, the damages for the temporary taking hereby authorized shall  
54 be nominal in the absence of extraordinary circumstances unique to  
55 particular properties.

1 SECTION 4. (a) Subject to section 16, the MBTA is hereby  
2 authorized and directed to acquire all lands, properties, rights, air  
3 rights, sub-surface rights, easements and other interests necessary to  
4 complete the projects. To carry out and effectuate the foregoing pur-  
5 poses, the MBTA may take by eminent domain under chapter 79 or  
6 chapter 80A of the General Laws, or acquire by purchase, lease, gift,  
7 bequest, grant or otherwise from any party, public or private, and  
8 hold, clear, repair, operate and, after having taken or acquired the  
9 same, convey as provided in this act, any lands and other property,  
10 real or personal, improved or unimproved, tangible or intangible,  
11 and any interest therein, including, to the extent not inconsistent  
12 with federal law, railroad properties, necessary to complete the pro-  
13 jects, as stipulated in the reports to be produced pursuant to section  
14 3, after a public hearing of which the land owners of record have  
15 been notified by certified mail and of which at least 20 days' notice  
16 has been given by publication in a newspaper having general circula-  
17 tion in the city; provided, however, that no such taking or acquisition  
18 shall be effected until 30 days after the MBTA has notified the land  
19 owner of record by certified mail and has caused a notice of such  
20 determination to be published in a newspaper having general circula-  
21 tion in the city in which the land is located. The value of any lands  
22 or real property acquired by the MBTA by eminent domain shall be  
23 reduced by the costs necessary to remediate the environment of said

24 site. To the extent not inconsistent with federal law, the taking or  
25 other acquisition by the MBTA of railroad rights of way or related  
26 facilities from any department, authority, agency or political subdivi-  
27 sion of the commonwealth, from any railroad company, or from any  
28 other party, shall be exempt from the procedures, findings and  
29 requirements of section 7 of chapter 161C of the General Laws.

30 It is hereby declared that, for purposes of any constitutional enti-  
31 tlement to damages in the event of a taking, all properties and inter-  
32 ests taken by the MBTA by eminent domain by any subdivision of  
33 the commonwealth are being held by the MBTA in a governmental  
34 and not a proprietary capacity and it is not the intent of this act to  
35 confer on the MBTA any rights to damages for such taking. Any  
36 such taking of property shall be effective notwithstanding any incon-  
37 sistent prior public use. The MBTA may make relocation payments  
38 to persons and businesses displaced as a result of carrying out a pro-  
39 ject and shall otherwise provide relocation assistance as provided in  
40 chapter 79A and chapter 121B of the General Laws.

41 To the extent not inconsistent with federal law, if there is a taking  
42 or other acquisition of railroad lines, rights of way, easements or  
43 related facilities from any party, the MBTA is hereby authorized and  
44 directed to relocate such railroad lines.

45 (b) The MBTA shall have all the powers necessary and conve-  
46 nient to carry out the purposes of this act. Without limiting the gen-  
47 erality of the foregoing, the MBTA may exercise with respect to the  
48 projects and any property acquired in accordance with this section  
49 all powers, and shall have all immunities, consistent with this act,  
50 granted to operating agencies, as defined in chapter 121B of the  
51 General Laws or otherwise granted to the MBTA under any general  
52 or special law.

53 (c) The MBTA is hereby authorized and directed to prepare or  
54 cause to be prepared a report in accordance with section 62B of  
55 chapter 30 of the General Laws for those of the projects for which  
56 such a report has not yet been prepared or is no longer valid at the  
57 time required by law. Notwithstanding the provisions of sections 62  
58 to 62H, inclusive, of said chapter 30, the MBTA may commence and  
59 undertake research, planning, design and other work necessary for  
60 the projects and may engage an owner's representative, architects  
61 and engineers and a construction manager therefor for each project  
62 individually, and the MBTA may take all actions necessary or appro-

63 priate or required for acquisition of lands, air rights, sub-surface  
64 rights or other property interests prior to the publication of a final  
65 environmental impact report pursuant to this section and section 62C  
66 of said chapter 30; provided, however, that the MBTA shall not  
67 record a notice of taking with respect to any lands or other property  
68 by eminent domain as provided in this section until the secretary of  
69 environmental affairs has issued a notice of availability of a report  
70 submitted to the secretary in accordance with said section 62C which  
71 demonstrates to the satisfaction of said secretary that a project may  
72 be carried out with appropriate mitigation measures as may be nec-  
73 essary to minimize and prevent damage to the environment.

74 (d) The MBTA shall be excluded from the definition of an owner  
75 or operator of a project with respect to releases of hazardous mate-  
76 rials that occur before the MBTA acquires ownership of any portion  
77 of a site pursuant to this act upon or from which such a release may  
78 occur as if the MBTA were a city or town that has purchased or  
79 taken such land for the nonpayment of taxes, in accordance with  
80 paragraph (d) of the definition of “Owner” or “Operator” of sec-  
81 tion 2 of chapter 21E of the General Laws; provided, however, that  
82 the MBTA complies with all of the requirements set forth in sub-  
83 paragraphs (2) and (3) of said paragraph (d), except that the MBTA  
84 shall have no obligation to comply with clause (F) of subparagraph  
85 (3) of said subsection (d).

1 SECTION 5. (a) No person shall be precluded by chapter 7 or  
2 chapter 268A of the General Laws from participating by contract or  
3 otherwise in the activities of the commonwealth or the MBTA with  
4 regard to the planning, acquisition, construction and operation of a  
5 project contained in this act solely by reason of a financial interest,  
6 direct or indirect, in any contract or extension thereof for services  
7 with respect to the project report or otherwise with respect to the  
8 development of the project executed by such person with the com-  
9 monwealth or the MBTA prior to the effective date of this act. For  
10 purposes of the foregoing, the MBTA shall have all of the powers  
11 granted to it by general or special law not inconsistent with this act.  
12 Each rail project shall be exempt from compliance with applicable  
13 zoning codes and any regulations promulgated thereunder.

14 (b) The MBTA shall prepare quarterly reports for each project  
15 contained in this act which shall include, but not be limited to: (i) the

16 total dollars expended on the project to date, (ii) the number of con-  
17 tracts entered into to date; (iii) the number of contracts entered into  
18 with minority businesses; (iv) the number of contracts entered into  
19 with women-owned businesses; (v) the dollar value of contracts  
20 entered into with minority businesses; (vi) the dollar value of con-  
21 tracts entered into with women-owned businesses; (vii) the total  
22 number of employees working on the project; and (viii) the total  
23 number of employees working on the project, broken down by race,  
24 ethnicity and gender. Said quarterly reports shall be submitted to the  
25 secretary of the executive office for administration and finance, the  
26 house ways and means committee, the senate ways and means com-  
27 mittee, the clerk of the house and the clerk of the senate.

1 SECTION 6. (a) In order to provide for a portion of the costs of  
2 each project and the payment of the principal of and interest on  
3 special obligation bonds of the commonwealth issued under the  
4 authority of section 15, there is hereby imposed, in addition to the  
5 excises levied under chapter 64G of the General Laws and sec-  
6 tion 22 of chapter 546 of the acts of 1969, a transportation financing  
7 fee upon the transfer or occupancy of any room or rooms in any  
8 hotel, motel or other lodging establishment subject to such excises in  
9 the following cities and towns by any operator at the rate of 2.75 per  
10 cent of the total amount of rent for each such occupancy: New Bed-  
11 ford, Fall River, Freetown, Taunton, Raynham, Easton, Lynn, Fitch-  
12 burg, Leominster, Worcester, Shrewsbury, Grafton, Milbury, Auburn,  
13 Hyannis and Wareham. The transportation financing fee shall take  
14 effect on the first day of the calendar quarter following 30 days after  
15 the effective date of this act. All receipts from the transportation  
16 financing fee shall be applied solely as provided in this act.

17 (b) All terms used in this section shall have the same meaning  
18 given such terms in chapter 64G of the General Laws and all provi-  
19 sions of said chapter 64G relative to the assessment, collection, pay-  
20 ment, abatement, verification and administration of the excises  
21 imposed therein, including penalties, shall, so far as pertinent, be  
22 applicable to the fees imposed by this section. The transportation  
23 financing fee imposed under the provisions of this section shall be  
24 paid by the operator at the same time and in the same manner as the  
25 excises due the commonwealth under said chapter 64G.

26 (c) For the purpose of adding and collecting the transportation  
27 financing fee imposed by this section and the excises imposed by  
28 said chapter 64G, the commissioner of the department of revenue  
29 shall issue a schedule showing the total of the excises due for each  
30 bracket of taxable charges or rent, as defined in said chapter 64G,  
31 plus the transportation financing fee imposed under this section.  
32 Such schedule shall be in such form, including the number and size  
33 of the brackets, as said commissioner may determine.

34 (d) There shall be a surcharge of 5 per cent of the purchase price  
35 imposed on the price of any ticket purchased for any water-based  
36 sightseeing, tourist venue or entertainment cruise or tour and for any  
37 land-based sightseeing, tourist venue or trolley tour, originating or  
38 located in the commonwealth and conducted partly or entirely within  
39 the cities or towns described in section 6(a); provided, however, that  
40 no such surcharge shall be imposed on children's tickets, so-called,  
41 if said ticket is \$6 or less; and provided, further, that no such sur-  
42 charge shall be imposed for such tours or cruises on tickets sold to  
43 an organized school or youth group and adults accompanying such  
44 group.

45 (e) There shall be a surcharge of 5 percent of the total cost of each  
46 vehicular rental transaction contract in the cities and towns described  
47 in section 6(a).

48 (f) There shall be a surcharge of \$1 per day imposed upon any  
49 vehicle which parks in any parking facility built in conjunction with  
50 or as part of the rail projects.

51 (g) There shall be a surcharge of \$5 imposed upon each commer-  
52 cial airline ticket for any flight landing in or taking off from the  
53 cities or towns described in section 6(a).

1 SECTION 7. (a) There shall be established and set up on the  
2 books of the commonwealth a separate fund, to be known as the  
3 New Bedford/Fall River Transit Fund, consisting of amounts cred-  
4 ited to the fund in accordance with section 9. The fund shall be  
5 administered in accordance with the provisions of this act by the  
6 state treasurer and shall be held in trust exclusively for the purposes  
7 and the beneficiaries described herein. The state treasurer shall be  
8 treasurer-custodian of the fund and shall have the custody of its  
9 monies and securities.

10 (b) There shall be established and set up on the books of the com-  
11 monwealth a separate fund, to be known as the Worcester Transit  
12 Fund, consisting of amounts credited to the fund in accordance with  
13 section 9. The fund shall be administered in accordance with the pro-  
14 visions of this act by the state treasurer and shall be held in trust  
15 exclusively for the purposes and the beneficiaries described herein.  
16 The state treasurer shall be treasurer-custodian of the fund and shall  
17 have the custody of its monies and securities.

18 (c) There shall be established and set up on the books of the com-  
19 monwealth a separate fund, to be known as the Springfield Transit  
20 Fund, consisting of amounts credited to the fund in accordance with  
21 section 9. The fund shall be administered in accordance with the pro-  
22 visions of this act by the state treasurer and shall be held in trust  
23 exclusively for the purposes and the beneficiaries described herein.  
24 The state treasurer shall be treasurer-custodian of the fund and shall  
25 have the custody of its monies and securities.

26 (d) There shall be established and set up on the books of the com-  
27 monwealth a separate fund, to be known as the Fitchburg Transit  
28 Fund, consisting of amounts credited to the fund in accordance with  
29 section 9. The fund shall be administered in accordance with the pro-  
30 visions of this act by the state treasurer and shall be held in trust  
31 exclusively for the purposes and the beneficiaries described herein.  
32 The state treasurer shall be treasurer-custodian of the fund and shall  
33 have the custody of its monies and securities.

34 (e) There shall be established and set up on the books of the com-  
35 monwealth a separate fund, to be known as the Lynn Transit Fund,  
36 consisting of amounts credited to the fund in accordance with  
37 section 9. The fund shall be administered in accordance with the pro-  
38 visions of this act by the state treasurer and shall be held in trust  
39 exclusively for the purposes and the beneficiaries described herein.  
40 The state treasurer shall be treasurer-custodian of the fund and shall  
41 have the custody of its monies and securities.

42 (f) There shall be established and set up on the books of the com-  
43 monwealth a separate fund, to be known as the Wareham/Hyannis  
44 Transit Fund, consisting of amounts credited to the fund in accor-  
45 dance with section 9. The fund shall be administered in accordance  
46 with the provisions of this act by the state treasurer and shall be held  
47 in trust exclusively for the purposes and the beneficiaries described

48 herein. The state treasurer shall be treasurer-custodian of the fund  
49 and shall have the custody of its monies and securities.

1 SECTION 8. (a) There are hereby established district improve-  
2 ment financing districts in the following cities and towns, which  
3 shall operate in accordance with the provisions of section 1  
4 of chapter 40Q and shall be exempt from the remaining sections of  
5 chapter 40Q: Raynham, Easton, Taunton, Freetown. Each district  
6 shall include all of those parcels all or part of which are within 3,000  
7 feet of a parcel containing a train station serving one of the rail pro-  
8 jects, other than those parcels which are part of districts established  
9 pursuant to chapter 40Q prior to January 1, 2008. There is hereby  
10 established a district improvement financing district in Fall River,  
11 which shall operate in accordance with the provisions of section 1 of  
12 chapter 40Q, and shall be exempt from the remaining sections  
13 of chapter 40Q, and shall include all of those parcels all or part of  
14 which are within 5,000 feet of a parcel containing a train station  
15 serving one of the rail projects, other than those parcels which are  
16 part of districts established pursuant to chapter 40Q prior to Janu-  
17 ary 1, 2008. There is hereby established a district improvement  
18 financing district in New Bedford, which shall operate in accordance  
19 with the provisions of M.G.L. c. 40Q, section 1 and shall include all  
20 parcels contained in Assessor Maps 21, 25, 25A, 31, 37, 42, 47, 52,  
21 53, 58, 59, 60, 65, 66, 71, 72, 77, 78, 79, 85, 86 and 93. All of the  
22 captured assessed value in said districts shall be retained as pre-  
23 scribed by section 9.

24 (b) There is hereby established a district improvement financing  
25 district in Worcester which shall operate in accordance with the pro-  
26 visions of section 1 of chapter 40Q and shall be exempt from the  
27 provisions of the remaining sections of chapter 40Q. Said district  
28 shall include all of those parcels all or part of which are within 5,000  
29 feet of a parcel containing a train station serving one of the rail pro-  
30 jects, other than those parcels which are part of districts established  
31 pursuant to chapter 40Q prior to January 1, 2008. All of the captured  
32 assessed value in said districts shall be retained as prescribed by  
33 section 9.

34 (c) There is hereby established a district improvement financing  
35 district in Springfield, which shall operate in accordance with the

36 provisions of section 1 of chapter 40Q and shall be exempt from the  
37 provisions of the remaining sections of chapter 40Q. Said district  
38 shall include all of those parcels all or part of which are within 5,000  
39 feet of a parcel containing a train station which provides rider access  
40 to one of the rail projects, other than those parcels which are part of  
41 districts established pursuant to chapter 40Q prior to January 1,  
42 2008. All of the captured assessed value in said districts shall be  
43 retained as prescribed by section 9.

44 (d) There is hereby established a district improvement financing  
45 district in Fitchburg, which shall operate in accordance with the pro-  
46 visions section 1 of chapter 40Q and shall be exempt from the provi-  
47 sions of the remaining sections of chapter 40Q. Said district shall  
48 include all of those parcels all or part of which are within 3,000 feet  
49 of a parcel containing a train station which provides rider access to  
50 one of the rail projects, other than those parcels which are part of  
51 districts established pursuant to chapter 40Q prior to January 1,  
52 2008. All of the captured assessed value in said districts shall be  
53 retained as prescribed by section 9.

54 (e) There is hereby established a district improvement financing  
55 district in Lynn, which shall operate in accordance with the provi-  
56 sions of section 1 of chapter 40Q and shall be exempt from the pro-  
57 visions of the remaining sections of chapter 40Q. Said district shall  
58 include all of those parcels all or part of which are within 5,000 feet  
59 of a parcel containing a train station which provides rider access to  
60 one of the rail projects, other than those parcels which are part of  
61 districts established pursuant to chapter 40Q prior to January 1,  
62 2008. All of the captured assessed value in said districts shall be  
63 retained as prescribed by section 9.

64 (f) There is hereby established district improvement financing dis-  
65 tricts in Wareham and Hyannis, which shall operate in accordance  
66 with the provisions of section 1 of chapter 40Q and shall be exempt  
67 from the provisions of the remaining sections of chapter 40Q. Said  
68 district shall include all of those parcels all or part of which are  
69 within 3,000 feet of a parcel containing a train station which pro-  
70 vides rider access to one of the rail projects, other than those parcels  
71 which are part of districts established pursuant to chapter 40Q prior  
72 to January 1, 2008. All of the captured assessed value in said dis-  
73 tricts shall be retained as prescribed by section 9.

1 SECTION 9. (a) Subject to section 17, commencing on the first  
2 day of the first full calendar month following 30 days after the effec-  
3 tive date of this act, the following receipts from the cities of New  
4 Bedford, Fall River, Freetown, Taunton, Raynham and Easton, here-  
5 inafter referred to, together with investment earnings thereon, as  
6 “New Bedford/Fall River special receipts”, shall be credited to, and  
7 deposited by the state treasurer in, the New Bedford/Fall River  
8 Transit Fund and used in accordance with this section: (i) all receipts  
9 from the transportation financing fee imposed by section 6; (ii) all  
10 receipts from the excise imposed by section 3 of said chapter 64G  
11 and section 22 of said chapter 546 upon the transfer of any room or  
12 rooms in any hotel, motel or other lodging establishment subject to  
13 such excise which is located in said cities, and was first opened for  
14 patronage on or after one year before the effective date of this act;  
15 (iii) all receipts from the excise imposed by said chapter 64H upon  
16 sales at retail by any vendor of meals, beverages and other tangible  
17 personal property or services within any hotel, motel or other  
18 lodging establishment described in clause (ii) of this paragraph; and  
19 (iv) all receipts collected pursuant to section 8(a); and (v) any funds  
20 received by the MBTA from the sale, lease or other disposition of  
21 land or rights therein adjacent to stations which shall be part of the  
22 project. Notwithstanding anything in section 35J of chapter 10 of the  
23 General Laws to the contrary, amounts described in this section shall  
24 not be included in the computation of the amount to be deposited in  
25 the Massachusetts Tourism Fund pursuant to said section 35J.

26 (b) Subject to section 16, commencing on the first day of the first  
27 full calendar month following 30 days after the effective date of this  
28 act, the following receipts from the cities of Worcester, Auburn,  
29 Milbury, Grafton and Shrewsbury hereinafter referred to, together  
30 with investment earnings thereon, as “Worcester special receipts”,  
31 shall be credited to, and deposited by the state treasurer in, the  
32 Worcester transit fund and used in accordance with this section:  
33 (i) all receipts from the transportation financing fee imposed by  
34 section 6; (ii) all receipts from the excise imposed by section 3 of  
35 said chapter 64G and section 22 of said chapter 546 upon the  
36 transfer of any room or rooms in any hotel, motel or other lodging  
37 establishment subject to such excise which is located in said cities,  
38 and was first opened for patronage on or after one year before the  
39 effective date of this act; and (iii) all receipts from the excise

40 imposed by said chapter 64H upon sales at retail by any vendor of  
41 meals, beverages and other tangible personal property or services  
42 within any hotel, motel or other lodging establishment described in  
43 clause (ii) of this paragraph; and (iv) all receipts collected pursuant  
44 to section 8(b); and (v) any funds received by the MBTA from the  
45 sale, lease or other disposition of land or rights therein adjacent to  
46 stations which shall be part of the project. Notwithstanding anything  
47 in section 35J of chapter 10 of the General Laws to the contrary,  
48 amounts described in this section shall not be included in the compu-  
49 tation of the amount to be deposited in the Massachusetts Tourism  
50 Fund pursuant to said section 35J.

51 (c) Subject to section 16, commencing on the first day of the first  
52 full calendar month following 30 days after the effective date of this  
53 act, the following receipts from the city of Springfield, hereinafter  
54 referred to, together with investment earnings thereon, as “Spring-  
55 field special receipts”, shall be credited to, and deposited by the state  
56 treasurer in, the Springfield transit fund and used in accordance with  
57 this section: (i) all receipts from the transportation financing fee  
58 imposed by section 6; (ii) all receipts from the excise imposed by  
59 section 3 of said chapter 64G and section 22 of said chapter 546  
60 upon the transfer of any room or rooms in any hotel, motel or other  
61 lodging establishment subject to such excise which is located in said  
62 cities, and was first opened for patronage on or after one year before  
63 the effective date of this act; and (iii) all receipts from the excise  
64 imposed by said chapter 64H upon sales at retail by any vendor of  
65 meals, beverages and other tangible personal property or services  
66 within any hotel, motel or other lodging establishment described in  
67 clause (ii) of this paragraph; and (iv) all receipts collected pursuant  
68 to section 8(c); and (v) any funds received by the MBTA from the  
69 sale, lease or other disposition of land or rights therein adjacent to  
70 stations which shall be part of the project. Notwithstanding anything  
71 in section 35J of chapter 10 of the General Laws to the contrary,  
72 amounts described in this section shall not be included in the compu-  
73 tation of the amount to be deposited in the Massachusetts Tourism  
74 Fund pursuant to said section 35J.

75 (d) Subject to section 16, commencing on the first day of the first  
76 full calendar month following 30 days after the effective date of this  
77 act, the following receipts from the cities of Leominster and Fitch-  
78 burg, hereinafter referred to, together with investment earnings

79 thereon, as “Fitchburg special receipts,” shall be credited to, and  
80 deposited by the state treasurer in, the Fitchburg transit fund and  
81 used in accordance with this section: (i) all receipts from the trans-  
82 portation financing fee imposed by section 6; (ii) all receipts from  
83 the excise imposed by section 3 of said chapter 64G and section 22  
84 of said chapter 546 upon the transfer of any room or rooms in any  
85 hotel, motel or other lodging establishment subject to such excise  
86 which is located in said cities, and was first opened for patronage on  
87 or after one year before the effective date of this act; and (iii) all  
88 receipts from the excise imposed by said chapter 64H upon sales at  
89 retail by any vendor of meals, beverages and other tangible personal  
90 property or services within any hotel, motel or other lodging estab-  
91 lishment described in clause (ii) of this paragraph; and (iv) all  
92 receipts collected pursuant to section 8(d); and (v) any funds  
93 received by the MBTA from the sale, lease or other disposition of  
94 land or rights therein adjacent to stations which shall be part of the  
95 project. Notwithstanding anything in section 35J of chapter 10 of the  
96 General Laws to the contrary, amounts described in this section shall  
97 not be included in the computation of the amount to be deposited in  
98 the Massachusetts Tourism Fund pursuant to said section 35J.

99 (e) Subject to section 16, commencing on the first day of the first  
100 full calendar month following 30 days after the effective date of this  
101 act, the following receipts from the city of Lynn, hereinafter referred  
102 to, together with investment earnings thereon, as “Lynn special  
103 receipts”, shall be credited to, and deposited by the state treasurer in,  
104 the Lynn transit fund and used in accordance with this section: (i) all  
105 receipts from the transportation financing fee imposed by section 6;  
106 (ii) all receipts from the excise imposed by section 3 of said chap-  
107 ter 64G and section 22 of said chapter 546 upon the transfer of any  
108 room or rooms in any hotel, motel or other lodging establishment  
109 subject to such excise which is located in said cities, and was first  
110 opened for patronage on or after one year before the effective date of  
111 this act; and (iii) all receipts from the excise imposed by said chap-  
112 ter 64H upon sales at retail by any vendor of meals, beverages and  
113 other tangible personal property or services within any hotel, motel  
114 or other lodging establishment described in clause (ii) of this para-  
115 graph; and (iv) all receipts collected pursuant to section 8(e); and (v)  
116 any funds received by the MBTA from the sale, lease or other dispo-  
117 sition of land or rights therein adjacent to stations which shall be

118 part of the project. Notwithstanding anything in section 35J of  
119 chapter 10 of the General Laws to the contrary, amounts described in  
120 this section shall not be included in the computation of the amount  
121 to be deposited in the Massachusetts Tourism Fund pursuant to said  
122 section 35J.

123 (f) Subject to section 16, commencing on the first day of the first  
124 full calendar month following 30 days after the effective date of this  
125 act, the following receipts from the cities of Wareham and Hyannis,  
126 hereinafter referred to, together with investment earnings thereon, as  
127 “Wareham/Hyannis special receipts”, shall be credited to, and  
128 deposited by the state treasurer in, the Wareham/Hyannis transit fund  
129 and used in accordance with this section: (i) all receipts from the  
130 transportation financing fee imposed by section 6; (ii) all receipts  
131 from the excise imposed by section 3 of said chapter 64G and  
132 section 22 of said chapter 546 upon the transfer of any room or  
133 rooms in any hotel, motel or other lodging establishment subject to  
134 such excise which is located in said cities, and was first opened for  
135 patronage on or after one year before the effective date of this act;  
136 and (iii) all receipts from the excise imposed by said chapter 64H  
137 upon sales at retail by any vendor of meals, beverages and other tan-  
138 gible personal property or services within any hotel, motel or other  
139 lodging establishment described in clause (ii) of this paragraph; and  
140 (iv) all receipts collected pursuant to section 8(f); and (v) any funds  
141 received by the MBTA from the sale, lease or other disposition of  
142 land or rights therein adjacent to stations which shall be part of the  
143 project. Notwithstanding anything in section 35J of chapter 10 of the  
144 General Laws to the contrary, amounts described in this section shall  
145 not be included in the computation of the amount to be deposited in  
146 the Massachusetts Tourism Fund pursuant to said section 35J.

1 SECTION 10. (a) There shall be established and set up on the  
2 books of the commonwealth a separate fund, to be known as the  
3 Massachusetts Transit Fund, consisting of amounts credited to the  
4 fund in accordance with section 11. The fund shall be administered  
5 in accordance with the provisions of this act by the state treasurer  
6 and shall be held in trust exclusively for the purposes and the benefi-  
7 ciaries described herein. The state treasurer shall be treasurer-custo-  
8 dian of the fund and shall have the custody of its monies and  
9 securities.

1 SECTION 11. Subject to section 17, commencing on the first day  
2 of the first full calendar month following 30 days after the effective  
3 date of this act, the following receipts, to be known as “Massachu-  
4 setts special receipts”, shall be credited to, and deposited by the state  
5 treasurer in, the Massachusetts Transit Fund and used in accordance  
6 with this section: (i) one cent of the commonwealth’s existing excise  
7 tax on motor fuels; (ii) all amounts transferred by the state treasurer  
8 as provided in section 63 of chapter 10 of the general laws and any  
9 other amounts transferred or appropriated to said fund and any  
10 interest earned thereon as well as all amounts which would have  
11 been transferred to said fund if not for requirements of this section,  
12 less \$15,000,000 for the first five full fiscal years following the  
13 effective date hereof; and (iv) the greenhouse gas reduction fee, cre-  
14 ated by section 12 hereof.

1 SECTION 12. Chapter 90 of the General Laws, as appearing in  
2 the 2004 Official Edition, is hereby amended by adding the  
3 following subsection:—

4 Section 35. Greenhouse Gas Reduction Fee.

5 (a) The registrar or his authorized agents shall collect the  
6 following greenhouse gas reduction fees each time a vehicle is regis-  
7 tered or the vehicle registration is renewed for any reason:

8 (1) For every automobile and hybrid trucks and hybrid sports  
9 utility vehicles whose greenhouse gas reduction fee is not otherwise  
10 provided for in any general or special law, the fee shall be \$30 for a  
11 new or transfer registration and two year renewals, \$15 for vehicles  
12 renewing annually.

13 (2) For hybrid automobiles and motorcycles the fee shall be \$15  
14 for a new or transfer registration and for two year renewals, \$7.50  
15 for vehicles renewing annually.

16 (3) For light trucks, vans, luxury vehicles as defined by the regis-  
17 trar and sports utility vehicles the fee shall be \$60 for a new or  
18 transfer registration and for two year renewals, \$30 for vehicles  
19 renewing annually.

20 (4) For heavy trucks, motor homes and buses the fee shall be \$85  
21 for a new or transfer registration and for two year renewals, \$42.50  
22 for vehicles renewing annually.

23 (5) For all other vehicles required to register pursuant to section 33  
24 of chapter 90 the fee shall be \$60 for a new or transfer registration  
25 and for two year renewals, \$30 for vehicles renewing annually.

26 (6) Zero emission vehicles, as defined by the United States  
27 Department of Environmental Protection, and those vehicles without  
28 a motor shall be exempt from the greenhouse gas reduction fee.

29 (7) Any vehicle owned by any subdivision of the commonwealth  
30 and used solely for official business and any vehicle identified in  
31 sections 29, 30 and 33 of chapter 90 shall be exempt from the green-  
32 house gas reduction fee.

1 SECTION 13. (a) Expenditures from each of the funds estab-  
2 lished by section 7 shall, subject to appropriation, be made for the  
3 following purposes: (i) for the payment of the principal, including  
4 sinking fund payments and premium, if any, and interest on special  
5 obligation bonds of the commonwealth described in section 15 and  
6 on notes issued in anticipation of such bonds pursuant to section 16  
7 for the relevant project; (ii) for the maintenance of, or provision for,  
8 any reserves for debt service and other capital and current expenses,  
9 including without limitation the capital reserve funds described in  
10 said section 15, and for any additional security, insurance or other  
11 form of credit enhancement required or provided for in any trust or  
12 other security agreement entered into pursuant to this act to secure  
13 such bonds; and (iii) for direct expenditure for any cost of the project  
14 and for the operation, promotion and marketing thereof incurred by  
15 the MBTA.

16 (b) Except as otherwise provided in section 17, any of the funds  
17 described in section 7 shall be dissolved and the obligation of the  
18 state treasurer to deposit the amounts provided in section 9 in said  
19 fund shall expire, on December 31, 2010, if no special obligation  
20 bonds of the commonwealth described in section 15, or notes issued  
21 in anticipation thereof as provided herein, shall then be outstanding,  
22 or otherwise when all such bonds and notes, including any bonds or  
23 notes issued to refund any such bonds or notes, shall be paid or, if  
24 earlier, shall be deemed to have been paid within the meaning of any  
25 trust or other security agreement securing the same and the MBTA  
26 certifies to the state treasurer in writing that each of the rail projects  
27 have operated without a deficit for three consecutive full fiscal  
28 years. Any balance remaining in any said fund on the date of such  
29 termination shall be deposited in the general fund of the common-  
30 wealth.

1 SECTION 14. (a) Expenditures from the Massachusetts transit  
2 fund shall, subject to appropriation, be made for the following pur-  
3 poses only if and when the amounts available in each project's seg-  
4 regated fund, created by section 7, are inadequate to the meet the  
5 obligations described in section 15: (i) for the payment of the prin-  
6 cipal, including sinking fund payments and premium, if any, and  
7 interest on special obligation bonds of the commonwealth described  
8 in section 15 and on notes issued in anticipation of such bonds pur-  
9 suant to section 16 for the relevant project; (ii) for the maintenance  
10 of, or provision for, any reserves for debt service and other capital  
11 and current expenses, including without limitation the capital reserve  
12 fund described in said section 15, and for any additional security,  
13 insurance or other form of credit enhancement required or provided  
14 for in any trust or other security agreement entered into pursuant to  
15 this act to secure such bonds; and (iii) for direct expenditure for  
16 any cost of the project and for the operation, promotion and mar-  
17 keting thereof incurred by the MBTA, including those described in  
18 section 27.

19 (b) Except as otherwise provided in section 17, the Massachusetts  
20 transit fund described in section 10 shall be dissolved and the obliga-  
21 tion of the state treasurer to deposit the excises and other amounts  
22 provided by section 11 in said fund shall expire, on December 31,  
23 2010, if no special obligation bonds of the commonwealth described  
24 in section 15, or notes issued in anticipation thereof as provided  
25 herein, shall then be outstanding, or otherwise when all such bonds  
26 and notes, including any bonds or notes issued to refund any such  
27 bonds or notes, shall be paid or, if earlier, shall be deemed to have  
28 been paid within the meaning of any trust or other security agree-  
29 ment securing the same. Any balance remaining in any said fund on  
30 the date of such termination shall be deposited in the General Fund  
31 of the commonwealth.

1 SECTION 15. (a) To meet the expenditures necessary to carry out  
2 the provisions of section 1A, the state treasurer may issue and sell  
3 bonds of the commonwealth in an amount, from time to time, not  
4 exceeding, in the aggregate, the sum of \$2,100,000,000. Any such  
5 bonds shall be special obligations of the commonwealth payable first  
6 from the special receipts described in sections 9 and 11 to the extent  
7 available.

8 (b) Bonds of the commonwealth may be issued under authority of  
9 this section in such manner and on such terms and conditions as the  
10 state treasurer, with the concurrence of the secretary of administra-  
11 tion and finance, may determine in accordance with the provisions  
12 of this subsection and, to the extent not inconsistent with the provi-  
13 sions hereof, provisions of General Law for the issuance of bonds of  
14 the commonwealth. Bonds may be secured by a trust agreement or  
15 other security agreement entered into by the state treasurer, with the  
16 concurrence of the secretary of administration and finance, on behalf  
17 of the commonwealth, which trust agreement or other security agree-  
18 ment may pledge or assign all or any part of the special receipts  
19 credited to the funds created by sections 7 and 10, and any other  
20 pledged funds as hereinafter provided, and rights to receive the  
21 same, whether existing or coming into existence and whether held or  
22 thereafter acquired, and the proceeds thereof. The state treasurer is  
23 also authorized, with the concurrence of the secretary of administra-  
24 tion and finance, to enter into additional security, insurance or other  
25 forms of credit enhancement which may be secured on a parity or  
26 subordinate basis with the bonds. A pledge in any such trust or other  
27 security agreement or credit enhancement agreement shall be valid  
28 and binding from the time such pledge shall be made without any  
29 physical delivery or further act, and the lien of such pledge shall be  
30 valid and binding as against all parties having claims of any kind in  
31 tort, contract or otherwise, irrespective of whether such parties have  
32 notice thereof. Any such pledge shall be perfected by filing of the  
33 trust or other security agreement or credit enhancement agreement in  
34 the records of the state treasurer, and no filing need be made under  
35 chapter 106 of the General Laws. Any such trust agreement, security  
36 agreement or credit enhancement agreement may establish provi-  
37 sions defining defaults and establishing remedies and other matters  
38 relating to the rights and security of the holders of the bonds or other  
39 secured parties as determined by the state treasurer, including provi-  
40 sions relating to the establishment of reserves, the issuance of addi-  
41 tional or refunding bonds, whether or not secured on a parity basis,  
42 the application of the special receipts and other moneys and funds  
43 pledged pursuant to such agreement, in this act referred to as  
44 pledged funds, and other matters deemed necessary or desirable by  
45 the state treasurer for the security of such bonds, and may also regu-  
46 late the custody, investment and application of moneys.

47 (c) As additional security for bonds of the commonwealth issued  
48 under authority of this section, the state treasurer, with the concur-  
49 rence of the secretary of administration and finance, shall create and  
50 establish special funds for each of the projects, herein referred to as  
51 the Capital Reserve Funds, within the Massachusetts transit fund  
52 established under section 10 or otherwise under a trust or other secu-  
53 rity agreement securing such bonds, and shall pay into the capital  
54 reserve funds any special receipts available for such purpose as pro-  
55 vided in sections 9 and 11 and any other moneys appropriated and  
56 made available for the purposes of such fund, any proceeds of such  
57 bonds to the extent determined by the state treasurer, with the con-  
58 currence of the secretary of administration and finance, or as may be  
59 provided in any such trust or other security agreement, and any other  
60 moneys available for purposes of such fund as provided in this  
61 section, all of which shall be pledged funds for purposes of this act.

62 (d) All moneys held in the Capital Reserve Funds, except as here-  
63 inafter provided, shall be used solely for the payment of the principal  
64 of bonds of the commonwealth issued under authority of this section  
65 as the same mature, the purchase of such bonds, the payment of  
66 interest on such bonds or the payment of any redemption premium  
67 required to be paid when such bonds are redeemed prior to maturity;  
68 provided, however, that, moneys in the capital reserve funds shall  
69 not be withdrawn therefrom at any time in such amount as would  
70 reduce the amount of any such fund to less than the maximum  
71 amount of principal and interest maturing and becoming due in any  
72 succeeding fiscal year on all such bonds outstanding or such lesser  
73 amount as shall be established by the state treasurer, with the con-  
74 currence of the secretary of administration and finance, as necessary  
75 or appropriate to secure such bonds, in this act referred to as the cap-  
76 ital reserve fund requirements, except for the purpose of paying the  
77 principal of and interest on such bonds maturing and becoming due  
78 and for the payment of which other special receipts held in the funds  
79 are not available.

80 (e) Notwithstanding any provision of this act to the contrary, the  
81 state treasurer shall not issue bonds of the commonwealth under  
82 authority of this section at any time if following such issuance the  
83 balance on deposit in the Capital Reserve Funds would be less than  
84 the capital reserve fund requirements with respect to all such bonds  
85 then outstanding.

86 (f) If on the last day of any fiscal year during which any bonds of  
87 the commonwealth issued under authority of this section are out-  
88 standing, the balance on deposit in the Capital Reserve Funds shall  
89 be less than the capital reserve fund requirements as then calculated,  
90 after deposit therein of all amounts available therefor in the funds or  
91 otherwise under the trust or other security agreement securing such  
92 bonds, the motor fuel excise tax shall be increased and all newly cre-  
93 ated revenue directed into the Massachusetts transit fund until the  
94 balance of said capital reserve fund shall again equal the capital  
95 reserve fund requirement as so certified by the secretary of adminis-  
96 tration and finance but in no event shall the total amount of the  
97 excise imposed pursuant to sections 3 and 3A of chapter 64G of the  
98 General Laws and section 22 of chapter 546 of the acts of 1969  
99 exceed 14 per cent.

100 (g) In order to increase the marketability of any bonds issued by  
101 the commonwealth under authority of this section, and in considera-  
102 tion of the acceptance of payment for any such bonds, the common-  
103 wealth covenants with the purchasers and all subsequent holders and  
104 transferees of any such bonds that until all such bonds, including all  
105 bonds issued to refund such bonds, and the interest thereon, shall be  
106 paid or, if earlier, shall be deemed paid within the meaning of any  
107 trust or other security agreement or credit enhancement agreement  
108 securing the same, (i) special receipts shall not be diverted from the  
109 purposes identified in this act; (ii) no pledged funds shall be diverted  
110 from the funds established by section 7 or 10 or the capital reserve  
111 funds except as provided in this act; (iii) in any fiscal year of the  
112 commonwealth, unless and until an appropriation has been made  
113 which is sufficient to pay the principal, including sinking fund pay-  
114 ments, of and interest on all such bonds and to provide for or main-  
115 tain any reserves, additional security, insurance or other form of  
116 credit enhancement required or provided for in any trust or other  
117 security agreement or credit enhancement agreement securing any  
118 such bonds or notes, no pledged funds shall be applied to any other  
119 use; and (iv) so long as such revenues are necessary, as determined  
120 by the state treasurer in accordance with any applicable trust or other  
121 security agreement or credit enhancement agreement, for the pur-  
122 poses for which they have been pledged, the rate of the Massachu-  
123 setts transit fee imposed by section 6, the rate of the district  
124 improvement financing districts created by Section 8 and the rates of

125 the excises described in sections 9 and 11 or which may constitute  
126 pledged funds under this section shall not be reduced below the  
127 amount in effect at the time of issuance of any such bond.

128 (h) Any bonds issued under authority of this section, and any  
129 notes of the commonwealth issued in anticipation thereof as here-  
130 inafter provided, shall be deemed to be investment securities under  
131 chapter 106 of the General Laws, shall be securities in which any  
132 public officer, fiduciary, insurance company, financial institution or  
133 investment company may properly invest funds and shall be securi-  
134 ties which may be deposited with any public custodian for any pur-  
135 pose for which the deposit of bonds is authorized by law. Any such  
136 bonds and notes, their transfer and the income therefrom, including  
137 profit on the sale thereof, shall at all times be exempt from taxation  
138 by and within the commonwealth.

1 SECTION 16. The state treasurer may borrow, from time to time,  
2 on the credit of the commonwealth such sums of money as may be  
3 necessary for the purposes of meeting payments as authorized by  
4 section 4 in anticipation of the receipt of proceeds of special obliga-  
5 tion bonds of the commonwealth issued under authority of sec-  
6 tion 15, and may issue and renew, from time to time, notes of the  
7 commonwealth therefor, bearing interest payable at such time and at  
8 such rate as shall be fixed by the state treasurer. Such notes shall be  
9 issued and may be renewed one or more times for such maximum  
10 term of years, not exceeding seven years, as the governor may rec-  
11 ommend to the general court in accordance with Section 3 of Article  
12 LXII of the Amendments to the Constitution; provided, however,  
13 that all such notes shall be payable no later than June 30, 2018.  
14 Notes and the interest thereon issued under the authority of this  
15 section, notwithstanding any other provisions of this act, shall be  
16 general obligations of the commonwealth.

1 SECTION 17. (a) Notwithstanding any provision of this act to the  
2 contrary, the MBTA shall have no authority or obligation to acquire  
3 any land or obligation to construct or operate any project, and the  
4 commonwealth shall not be empowered to pay or finance any costs  
5 of the project, except as provided in this section or otherwise by law,  
6 unless (1) on or prior to January 1, 2009, (i) the aggregate amount of  
7 special receipts which are projected to be received and deposited in

8 the Massachusetts transit fund as provided in section 11 in the first  
9 full fiscal year following the commencement of operations of any of  
10 the projects expected to be then operating is projected to be not less  
11 than 105 per cent of the debt service payable in such year on all  
12 special obligation bonds of the commonwealth which are expected  
13 to be issued under authority of section 15 to pay costs of said pro-  
14 jects, on the assumption that all such bonds will be issued prior to  
15 such fiscal year; and (ii) the balance in any capital reserve fund or  
16 funds established pursuant to section 15 on the first day of the first  
17 full fiscal year following the commencement of operations of any of  
18 the then completed projects will be not less than the capital reserve  
19 fund requirements therefore, on the assumption that all special oblig-  
20 ation bonds of the commonwealth to be secured thereby will be  
21 issued on or before such date; and (2) on or prior to December 31,  
22 2008, the MBTA shall have submitted to the secretary of administra-  
23 tion and finance a report setting forth a projected operating budget  
24 for the first project to be undertaken and demonstrating to the rea-  
25 sonable satisfaction of such officers that the MBTA's net loss from  
26 operations of the project and such facilities for such year will not be  
27 more than \$10,000,000 before consideration of any amounts distrib-  
28 uted to the MBTA under section 35J of chapter 10 of the General  
29 Laws. Satisfaction of the foregoing requirements shall be conclu-  
30 sively evidenced by a certificate of the secretary of administration  
31 and finance to such effect filed with the governor, the clerks of the  
32 House of Representatives and the senate, the house and senate com-  
33 mittees on ways and means and the house committee on bonding,  
34 capital expenditures and state assets.

35 (b) If the conditions provided in subsection (a) shall not be satis-  
36 fied on or before December 31, 2011, (i) fees described in sections 6,  
37 8 and 9 and the imposition thereof shall terminate and cease; and (ii)  
38 Massachusetts special receipts to be credited to the Massachusetts  
39 transit fund pursuant to section 11 shall revert as provided in  
40 M.G.L.c. 62A, section 13; and (iii) after payment or reimbursement  
41 of any costs of the project incurred by the MBTA hereunder, the  
42 funds shall be dissolved and any balance remaining therein shall be  
43 deposited in the general fund of the commonwealth.

1 SECTION 18. The MBTA shall issue requests for proposals  
2 for design-build-operate contracts for the New Bedford/Fall River

3 Commuter Rail Extension, the Worcester Commuter Rail Improve-  
4 ment, the Fitchburg Commuter Rail Improvement and the Lynn Blue  
5 Line Extension no later than January 1, 2009, which shall contain a  
6 response due date no later than July 1, 2009. The MBTA shall issue  
7 requests for proposals for design-build-operate contracts for the  
8 Springfield Commuter Rail Extension and the Wareham/Hyannis  
9 Commuter Rail Extension no later than January 1, 2011, which shall  
10 contain a response due date no later than July 1, 2011. Notwith-  
11 standing any provision of this act to the contrary, the MBTA shall  
12 have no authority or obligation to acquire any land for or to con-  
13 struct or operate the New Bedford/Fall River Commuter Rail Exten-  
14 sion, the Worcester Commuter Rail Improvement, the Fitchburg  
15 Commuter Rail Improvement or the Lynn Blue Line Extension, nor  
16 shall the commonwealth be empowered to pay or finance any costs  
17 of any of these projects, if (1) on or prior to September 1, 2009, the  
18 MBTA shall certify to the secretary of administration and finance  
19 that it has received one or more qualified responses to design, build  
20 and operate any of said projects in a manner which would not  
21 require the expenditure of public funds for said project's completion  
22 and the operation thereof for a period of twenty years from the date  
23 of said project's completion. Notwithstanding any provision of this  
24 act to the contrary, the MBTA shall have no authority or obligation  
25 to acquire any land for or to construct or operate either the Spring-  
26 field Commuter Rail Extension of the Wareham/Hyannis Commuter  
27 Rail Extension, nor shall the commonwealth be empowered to pay  
28 or finance any costs of either project, if (1) on or prior to Septem-  
29 ber 1, 2011, the MBTA shall certify to the secretary of administra-  
30 tion and finance that it has received one or more qualified responses  
31 to design, build and operate either project in a manner which would  
32 not require the expenditure of public funds for said project's comple-  
33 tion and the operation thereof for a period of twenty years from the  
34 date of said project's completion.

35 (b) If all of the requirements contained in subsection (a) shall be  
36 satisfied for the New Bedford/Fall River Commuter Rail Extension,  
37 the Worcester Commuter Rail Improvement, the Fitchburg Com-  
38 muter Rail Improvement or the Lynn Blue Line Extension by  
39 December 31, 2009, (i) the fees described in sections 6, 8 and 9 and  
40 the imposition thereof as provided in section 9 for said project shall  
41 terminate and cease; and (ii) after payment or reimbursement of any

42 costs of said project incurred by the MBTA hereunder, the project's  
43 fund shall be dissolved and any balance remaining therein shall be  
44 deposited in the general fund of the commonwealth. If all of the  
45 requirements contained in subsection (a) shall be satisfied for the  
46 Springfield Commuter Rail Extension and the Wareham/Hyannis  
47 Commuter Rail Extension by December 31, 2011, (i) the fees  
48 described in sections 6, 8 and 9 and the imposition thereof as pro-  
49 vided in section 9 for said project shall terminate and cease; and  
50 (ii) after payment or reimbursement of any costs of said project  
51 incurred by the MBTA hereunder, the project's fund shall be dis-  
52 solved and any balance remaining therein shall be deposited in the  
53 general fund of the commonwealth.

1 SECTION 19. Notwithstanding the provisions of any general or  
2 special law to the contrary, all hackney licenses then or thereafter  
3 available for issue by the cities or towns described in section 6(a)  
4 under the authority of chapter 392 of the acts of 1930 shall be issued  
5 by public auction, public sale, sealed bid or other competitive  
6 process established by regulations promulgated by the issuer to per-  
7 sons, firms or corporations eligible under the provisions of said  
8 chapter 392. Said licenses shall be issued in such numbers, and at  
9 such times or prices, and under such conditions and limitations,  
10 including the power of said issuer to revoke, suspend, renew and  
11 assign such licenses, as said issuer determines in his sole discretion.  
12 Proceeds from the issuance of the first 20 licenses in each city or  
13 town so issued after the effective date of this act shall be paid to the  
14 state treasurer for deposit into the corresponding project fund. All  
15 other proceeds from the issuance of said licenses shall be paid to  
16 said treasurer-collector for deposit in the Massachusetts transit Fund.  
17 The provisions of this section shall not apply to a license issued  
18 and outstanding on the effective date of this act. A license issued  
19 under the provisions of this section shall be renewable annually at  
20 the same time and under the same conditions and limitations pro-  
21 vided in said chapter 392 for any other license granted and renewed  
22 there under.

1 SECTION 20. (a) The administration of the fees imposed under  
2 subsections (d), (e), (f), (g) and (h) of sections 6 and subsections  
3 a(iii), b(iii), c(iii), d(iii) and e(iii) of section 9 and sections 8, 11

4 and 19 is vested in the commissioner of revenue. The fees imposed  
5 under subsections (d), (e), (f), (g) and (h) of section 6 and subsec-  
6 tions a(iii), b(iii), c(iii), d(iii) and e(iii) of sections 9 shall be col-  
7 lected by the vendor or operator of the service or facility and  
8 remitted to the department of revenue on a quarterly basis. Amounts  
9 collected pursuant to section 19 shall be collected by the city or town  
10 and remitted to the department of revenue. All provisions of this act  
11 relative to assessment, collection, payment, abatement, verification  
12 and administration, including penalties and interest, shall, so far as  
13 pertinent, be applicable to the fees imposed by this act as though  
14 they were taxes enumerated in section 2 of chapter 62C.

1 SECTION 21. This section requires the Commonwealth of  
2 Massachusetts through its executive office of transportation and con-  
3 struction, in consultation with the Massachusetts turnpike authority  
4 and the MBTA, to study the costs and feasibility of adding a track  
5 where necessary to ensure that the existing commuter rail line from  
6 Brockton to Boston is entirely double tracked. The executive office  
7 of transportation and construction shall report back to the House and  
8 Senate Committees on Ways and Means and the Joint Transportation  
9 Committee no later than January 1, 2008.

1 SECTION 22. This section requires the Commonwealth of  
2 Massachusetts through its executive office of transportation and con-  
3 struction, in consultation with the Massachusetts turnpike authority  
4 and the MBTA, to study the costs and feasibility of adding capacity  
5 for additional train service at South Station in Boston. The executive  
6 office of transportation and construction shall report back to the  
7 House and Senate Committees on Ways and Means and the Joint  
8 Transportation Committee no later than January 1, 2008.

1 SECTION 23. Section 1 of chapter 161C of the General Laws is  
2 hereby amended by adding after the last sentence the following sen-  
3 tence:— Furthermore, to carry out the purposes of this section, the  
4 Commonwealth of Massachusetts shall preserve intact the right of  
5 way for the proposed North South Rail Link. This right of way is  
6 extremely vulnerable to the impact of development and redevelop-  
7 ment around the existing rail tracks and terminals. In addition, rail  
8 projects already in planning and construction phases will exceed the  
9 capacity of the South Station terminal. Preservation of the right of

10 way for the North South Rail Link will assure that rail transportation  
11 can be enhanced or expanded in our region.

1 SECTION 24. Chapter 161C of the General Laws is hereby  
2 amended by inserting after section 7 the following section:—

3 Section 8. This section requires the Commonwealth of Massachu-  
4 setts through its executive office of transportation and construction,  
5 in consultation with the Massachusetts turnpike authority and the  
6 Massachusetts Bay Transportation Authority to perform a study to  
7 specifically identify and map the necessary right of way to allow for  
8 the construction of the proposed North South Rail Link connecting  
9 North Station to South Station. This study must include particular  
10 reference to the Major Investment Study/Draft Environmental  
11 Impact Report (EOEA#10270), prepared under the aegis of the  
12 executive office of environmental affairs which was concluded on  
13 March 31, 2003. A plan to preserve said right of way, once identi-  
14 fied, shall be determined and implemented immediately.

1 SECTION 25. Chapter 10 of the General Laws, as appearing  
2 in the 2004 Official Edition, is hereby amended by adding the  
3 following subsection:—

4 Section 35CC. MBTA Commuter Rail Expansions Operating  
5 Fund. There shall be established and set up on the books of the com-  
6 monwealth a separate fund to be known as the MBTA Commuter  
7 Rail Expansions Operating Fund for the purpose of supplementing  
8 amounts available to the Massachusetts Bay Transportation  
9 Authority for the operation of commuter rail service. There shall be  
10 transferred to said fund from the Massachusetts Transit Fund on Jan-  
11 uary 1 of each year for so long as the Massachusetts Transit Fund or  
12 its successors remains in existence, an amount mutually determined  
13 by the MBTA and the state treasurer to be equal to the amount in the  
14 Massachusetts Transit Fund as of June 30 of the preceding year, if  
15 any, not necessary to meeting the Massachusetts Transit Fund's  
16 obligations.

1 SECTION 26. The MBTA is hereby authorized and directed to  
2 take whatever actions are necessary to pursue any federal funds for  
3 which the projects or any portions thereof are eligible and to seek or  
4 coordinate with partners where warranted.

1 SECTION 27. The Executive Office of Transportation shall  
2 choose a regional planning agency or agencies established pursuant  
3 to Chapter 40B to conduct corridor land use planning for the pro-  
4 jects. Each regional planning agency or agencies shall work with  
5 municipalities, state agencies and other stakeholders to complete the  
6 land use corridor plan prior to November 1, 2008. Each land use cor-  
7 ridor plan shall include the necessary actions to be taken by munic-  
8 ipal or state government, including zoning and other bylaw changes,  
9 in order to maximize the long term benefit of the expansion, pre-  
10 serve capacity added by the project, promote sustainable economic  
11 and residential development, protect critical open space and other  
12 natural resources, and mitigate environmental and neighborhood  
13 impacts, including sprawl and gentrification.

14 The MBTA shall not begin construction on new commuter rail  
15 stations outside of the existing urban centers of Springfield, Fall  
16 River, Taunton and New Bedford contained in the projects' plans to  
17 be completed pursuant to section 3 until the Secretary of Transporta-  
18 tion finds that the municipality in which the station would be located  
19 has taken substantial actions to implement the applicable provisions  
20 and requirements of the corridor land use plan and have taken  
21 actions to reasonably ensure ongoing implementation of the plan  
22 after construction is complete.

23 One tenth of one percent of the cost of each expansion project as  
24 listed in Section 2 shall be used for corridor land use planning pur-  
25 suant to this section, and shall be allocated from the Massachusetts  
26 Transit Fund to the regional planning agencies identified by the  
27 Executive Office of Transportation for the purposes of corridor land  
28 use planning pursuant to this section. Each regional planning agency  
29 receiving funds shall file a report with the Executive Office of  
30 Transportation and the House and Senate Committees on Ways and  
31 Means detailing their activities.

1 SECTION 28. The provisions of this act shall be deemed to pro-  
2 vide an exclusive, additional, alternative and complete method for  
3 the doing of the things authorized hereby and shall be deemed and  
4 construed to be supplemental and additional to, and not in deroga-  
5 tion of, powers conferred upon the MBTA; provided, however, that  
6 insofar as the provisions of this act are inconsistent with the provi-  
7 sions of any general or special law, administrative order or regula-

8 tion or any limitation imposed by a corporate or municipal charter,  
9 the provisions of this act shall be controlling.

1 SECTION 29. This act, being necessary for the welfare of the  
2 commonwealth and its inhabitants, shall be liberally construed to  
3 affect its purposes.

1 SECTION 30. This act shall be construed in all respects so as to  
2 meet all constitutional requirements. In carrying out the purposes  
3 and provisions of this act, all steps shall be taken which are neces-  
4 sary to meet constitutional requirements whether or not such steps  
5 are required by statute.