

HOUSE No. 4637

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, April 1, 2008.

The committee on Ways and Means, to whom was referred the Bill financing improvements to the Commonwealth's transportation system (House, No. 4562), reports that the same ought to pass with an amendment previously recommended by the committee on Bonding, Capital Expenditures and State Assets that the bill be amended by substitution of a bill with the same title (House, No. 4609). The committee on ways and means further recommends that the proposed substitute bill recommended by the committee on Bonding, Capital Expenditures and State Assets be amended by substitution, in part, of a bill with the same title (House, No. 4637), [Bond Authorization: \$3,515,400,000.00].

For the committee,

ROBERT A. DELEO.

The Commonwealth of Massachusetts

In the Year Two Thousand and Eight.

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

1 *Whereas*, The deferred operation of this act would tend to
2 defeat its purpose, which is to immediately provide for an acceler-
3 ated transportation development and improvement program for the
4 commonwealth, therefore it is hereby declared to be an emergency
5 law, necessary for the immediate preservation of the public conve-
6 nience.

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

1 SECTION 1. To provide for a program of transportation devel-
2 opment and improvements, the sums set forth in sections 2 to 2D,
3 inclusive, for the several purposes and subject to the conditions
4 specified in this act, are hereby made available, subject to the pro-
5 visions of law regulating the disbursement of public funds and
6 approval thereof.

1 SECTION 2.

**EXECUTIVE OFFICE OF
TRANSPORTATION AND PUBLIC WORKS.**

Department of Highways.

6033-0815 For projects on the interstate federal aide federal highway
system; provided, that funds may be expended for the
costs of said projects including, but not limited to, the
nonparticipating portions of such projects and the costs of
engineering and other services essential to such projects,
rendered by department of highways' employees or by
consultants; provided further, that amounts expended for
department employees may include the salary and salary-
related expenses of such employees to the extent that they
work on or in support of such projects; provided further,
that, notwithstanding any general or special law to the
contrary, including any other provision of this act to the
contrary, the department shall not enter into any obliga-

tions for projects which are eligible to receive federal funds under this act unless state matching funds exist which have been specifically authorized and are sufficient to fully fund the corresponding state portion of the federal commitment to fund such obligation; and provided further, that the department shall only enter into obligations for projects pursuant to this act based upon a prior or anticipated future commitment of federal funds and the availability of corresponding state funding authorized and appropriated for such use by the general court for the class and category of project for which such obligation applies.. 200,000,000

6033-0816 For federal aid projects on the non-interstate federal highway system; provided, that funds may be expended for the costs of said projects including, but not limited to, the nonparticipating portions of such projects and the costs of engineering and other services essential to such projects rendered by department of highways employees or by consultants; provided further, that amounts expended for department employees may include the salary and salary-related expenses of such employees to the extent that they work on or in support of such projects; provided further, that, notwithstanding any general or special law to the contrary, including any other provision of this act to the contrary, the department shall not enter into any obligations for projects which are eligible to receive federal funds under this act unless state matching funds exist which have been specifically authorized and are sufficient to fully fund the corresponding state portion of the federal commitment to fund such obligation; and provided further, that the department shall only enter into obligations for projects under this act based upon a prior or anticipated future commitment of federal funds and the availability of corresponding state funding authorized and appropriated for such use by the general court for the class and category of project for which such obligation applies.. 2,200,000,000

1 SECTION 2A.

**EXECUTIVE OFFICE OF
TRANSPORTATION AND PUBLIC WORKS.**

Department of Highways.

6033-0817 For the design, construction and repair of or improvements to nonfederally-aided roadway and bridge projects and for the nonparticipating portion of federally aided projects; provided, that the costs of professional personnel directly and exclusively involved in the construction, planning, engineering and design of the projects funded herein may be charged to this item; provided further, that said costs shall not be classified as administrative costs; and provided further, that an amount not to exceed 2 per cent of the amount authorized herein may be expended for the administrative costs directly attributable to the programs funded herein..... 225,000,000

6033-0837	For the purposes of remediating environmental contamination at facilities and on lands under the care, custody and control of the department, including the costs for auditing and assessing the existence and extent of environmental contamination.....	1,400,000
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1 SECTION 2B.

**EXECUTIVE OFFICE OF
TRANSPORTATION AND PUBLIC WORKS.**

Department of Highways.

6033-0867	For the construction and reconstruction of town and county ways as described in paragraph (a) of clause (2) of section 34 of chapter 90 of the General Laws; provided that a city or town shall comply with the procedures established by the department of highways; provided further, that any such city or town may appropriate for such projects amounts not in excess of the amount provided to the city or town under this item, preliminary notice of which shall be provided by the department to the city or town not later than April 1 of each year; provided further, that said appropriation shall be considered as an available fund upon approval of the commissioner of revenue pursuant to section 23 of chapter 59 of the General Laws; and provided further, that the commonwealth shall reimburse a city or town under this item within 30 days after receipt by the department of a request for reimbursement from the city or town, which request shall include certification by the city or town that actual expenses have been incurred on projects eligible for reimbursement under this item, and that the work has been completed to the satisfaction of the city or town according to the specifications of the project and in compliance with applicable laws and procedures established by the departmen	150,000,000
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6033-0887	For the purpose of implementing section 32 of chapter 637 of the acts of 1983 which authorizes the commissioner of highways to establish a program to assist towns with populations of 7,000 or less undertaking projects to design, construct, reconstruct, widen, resurface, rehabilitate and otherwise improve roads and bridges	5,000,000
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1 SECTION 2C.

**EXECUTIVE OFFICE OF
TRANSPORTATION AND PUBLIC WORKS.**

Office of the Secretary.

6001-0801	For the purposes of chapter 161B of the General Laws, including the purchase and rehabilitation of rolling stock, and implementation of networking and intelligent transportation systems to provide for interoperability communications, and the construction, reconstruction and rehabilitation of regional transit authority facilities and related appurtenances	8,000,000
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6001-0802	For the purpose of implementing the mobility assistance program pursuant to section 13 of chapter 637 of the acts of 1983; provided, that any grant funds awarded under this item shall be for not more than 80 per cent, of the total purchase cost of the vehicles or equipment purchased under said program; and provided further, that the secretary of transportation and public works may waive the foregoing limitation on a determination that a recipient is in critical financial need	3,000,000
6001-0804	For the purpose of implementing rail improvements pursuant to chapter 161C of the General Laws; provided, that funds may be used for transportation planning, design, permitting and engineering for heavy rail, light rail and bus projects, which projects shall include the Urban Ring, Blue Line extension to Lynn, and South Coast initiatives; and provided further, that funds may be used for the acquisition of interests in land	10,000,000
6001-0805	For the purpose of improving and expanding marine transportation services, for the purpose of enhanced passenger water transportation capacity and intermodal access to the waterfront, or for other public transportation purposes including, but not limited to, service feasibility studies, demonstration projects, the acquisition of boats for passenger marine transportation services, the planning, design, construction or acquisition of docking, dredging and other landside facilities such as parking or shelter facilities, improved landside access to such facilities, the purchase of other equipment in connection with said operations and the disposal of same when their use has been substantially diminished including all equipment or boats purchased for marine transportation service before the effective date of this act; provided, that in carrying out this item, the secretary of transportation and public works may enter into contracts or agreements that are appropriate with other state and local public agencies, authorities, or political subdivisions of the commonwealth, including, but not limited to, the Massachusetts Port Authority, the Massachusetts Bay Transportation Authority, the executive office of housing and economic development, the executive office of energy and environmental affairs, or with other quasi-public agencies, which are hereby granted the power and authority to enter into contracts or agreements with said secretary; and provided further, that grants funded by this item shall be subject to a 25 per cent match from eligible applicants	5,000,000

1 SECTION 2D.

**EXECUTIVE OFFICE OF
TRANSPORTATION AND PUBLIC WORKS.**

Office of the Secretary.

6001-0812	For the Fairmount Line project, the commuter transit facility parking project, the Red Line/Blue Line connector design project and the Green Line to Medford Hillside and Union Square spur project, all as further described in 310 CMR 7.36	700,000,000
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6001-0813	For design and construction of the Massachusetts Bay Transportation Authority Fitchburg Line Speed Improvement project	8,000,000.
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1 SECTION 3. The first paragraph of Section 32 of Chapter 637
 2 of the acts of 1983, as inserted by Section 31 of Chapter 205 of
 3 the acts of 1996, is hereby amended by striking out the words
 4 “three thousand five hundred” and inserting in place thereof the
 5 following number:— 7000

1 SECTION 4. The third paragraph of said Section 32 of said
 2 Chapter 637 of the acts of 1983, as amended by Section 33 of said
 3 Chapter 205 of the acts of 1996, is hereby further amended by
 4 striking out the words “three thousand five hundred” and inserting
 5 in place thereof the following number:- 7000

1 SECTION 5. To meet a portion of the expenditures necessary in
 2 carrying out Section 2, the state treasurer shall, upon request of
 3 the governor, issue and sell bonds of the commonwealth in an
 4 amount to be specified by the governor from time to time but not
 5 exceeding, in the aggregate, \$508,000,000 to be in addition to
 6 those bonds previously authorized for projects and programs
 7 which are eligible to receive federal funding and which authoriza-
 8 tions remain uncommitted or unobligated on the effective date of
 9 this act. All bonds issued by the commonwealth as aforesaid shall
 10 be designated on their face, Transportation Improvement Loan
 11 Act of 2008, and shall be issued for a maximum term of years, not
 12 exceeding 30 years, as the governor may recommend to the
 13 general court under section 3 of Article LXII of the Amendments
 14 to the Constitution; provided, however, that all such bonds shall
 15 be payable not later than June 30, 2043. All interest and payments
 16 on account of principal on such obligations shall be payable from
 17 the Highway Fund. Bonds and interest thereon issued under this
 18 section shall be general obligations of the Commonwealth; pro-
 19 vided, however, that any bonds issued by the state treasurer under
 20 this section shall, upon the request of the governor, be issued as
 21 special obligation bonds pursuant to section 20 of Chapter 29 of
 22 the General Laws; provided further, that in deciding whether to
 23 request the issuance of particular bonds as special obligations the
 24 governor shall take into account:— (i) generally prevailing finan-

25 cial market conditions; (ii) the impact of each approach on the
26 overall capital financing plans and needs of the Commonwealth;
27 (iii) any ratings assigned to outstanding bonds of the Common-
28 wealth and any ratings expected to be assigned by any nationally-
29 recognized credit rating agency to the bonds proposed to be
30 issued; and (iv) any applicable provisions chapter 29. All special
31 obligation revenue bonds issued pursuant to this section shall be
32 designated on their face, Special Obligation Revenue Transporta-
33 tion Improvement Loan Act of 2008 and shall be issued for a
34 maximum term of years, not exceeding 30 years, as the governor
35 may recommend to the general court under section 3 of Article
36 LXII of the Amendments to the Constitution; provided, however,
37 that all such bonds shall be payable not later than June 30, 2043.
38 All principal on such obligations shall be payable from the Infra-
39 structure Fund established in said Section 2O of said Chapter 29.
40 Special obligation bonds issued under this section shall be special
41 obligations of the Commonwealth payable solely in accordance
42 with said Section 2O of said Chapter 29.

1 SECTION 6. To meet the expenditures necessary in carrying
2 out Section 2A, the state treasurer shall, upon request of the gov-
3 ernor, issue and sell bonds of the Commonwealth in an amount to
4 be specified by the governor from time to time but not exceeding,
5 in the aggregate, \$226,400,000 to be in addition to those bonds
6 previously authorized for projects and programs which are eligible
7 to receive federal funding and which authorizations remain
8 uncommitted or unobligated on the effective date of this act. All
9 bonds issued by the commonwealth as aforesaid shall be desig-
10 nated on their face, Transportation Improvement Loan Act of
11 2008, and shall be issued for a maximum term of years, not
12 exceeding 30 years, as the governor may recommend to the
13 general court under section 3 of Article LXII of the Amendments
14 to the Constitution; provided, however, that all such bonds shall
15 be payable not later than June 30, 2043. All interest and payments
16 on account of principal on such obligations shall be payable from
17 the Highway Fund. Bonds and interest thereon issued under this
18 section shall be general obligations of the Commonwealth; pro-
19 vided, however, that any bonds issued by the state treasurer under
20 this section shall, upon the request of the governor, be issued as

21 special obligation bonds pursuant to Section 20 of Chapter 29 of
22 the General Laws; provided, further, that in deciding whether to
23 request the issuance of particular bonds as special obligations the
24 governor shall take into account:— (i) generally prevailing finan-
25 cial market conditions; (ii) the impact of each approach on the
26 overall capital financing plans and needs of the Commonwealth;
27 (iii) any ratings assigned to outstanding bonds of the Common-
28 wealth and any ratings expected to be assigned by any nationally-
29 recognized credit rating agency to the bonds proposed to be
30 issued; and (iv) any applicable provisions of a trust agreement or
31 credit enhancement agreement entered into pursuant to said
32 Section 20 of said Chapter 29. All special obligation revenue
33 bonds issued under this section shall be designated on their face,
34 Special Obligation Revenue Transportation Improvement Loan
35 Act of 2008 and shall be issued for a maximum term of years, not
36 exceeding 30 years, as the governor may recommend to the
37 general court under section 3 of Article LXII of the Amendments
38 to the Constitution; provided, however, that all such bonds shall
39 be payable not later than June 30, 2043. All principal on such
40 obligations shall be payable from the Infrastructure Fund estab-
41 lished in said Section 20 of said Chapter 29. Special obligation
42 bonds issued under this section shall be special obligations of the
43 Commonwealth payable solely in accordance with said Section 20
44 of said Chapter 29.

1 SECTION 7. To meet the expenditures necessary in carrying
2 out section 2B the state treasurer shall, upon request of the gov-
3 ernor, issue and sell bonds of the Commonwealth in an amount to
4 be specified by the governor from time to time but not exceeding,
5 in the aggregate, \$155,000,000 to be in addition to those bonds
6 previously authorized for projects and programs which are eligible
7 to receive federal funding and which authorizations remain
8 uncommitted or unobligated on the effective date of this act. All
9 bonds issued by the Commonwealth as aforesaid shall be desig-
10 nated on their face, Transportation Improvement Loan Act of
11 2008, and shall be issued for a maximum term of years, not
12 exceeding 30 years, as the governor may recommend to the
13 general court under section 3 of Article LXII of the Amendments
14 to the Constitution; provided, however, that all such bonds shall

15 be payable not later than June 30, 2043. All interest and payments
16 on account of principal on such obligations shall be payable from
17 the Highway Fund. Bonds and interest thereon issued under this
18 section shall be general obligations of the Commonwealth; pro-
19 vided, however, that any bonds issued by the state treasurer under
20 this section shall, upon the request of the governor, be issued as
21 special obligation bonds pursuant to Section 2O of Chapter 29 of
22 the General Laws; provided further, that in deciding whether to
23 request the issuance of particular bonds as special obligations the
24 governor shall take into account:— (i) generally prevailing finan-
25 cial market conditions; (ii) the impact of each approach on the
26 overall capital financing plans and needs of the Commonwealth;
27 (iii) any ratings assigned to outstanding bonds of the Common-
28 wealth and any ratings expected to be assigned by any nationally-
29 recognized credit rating agency to the bonds proposed to be
30 issued; and (iv) any applicable provisions of a trust agreement or
31 credit enhancement agreement entered into pursuant to said
32 Section 2O of said Chapter 29. All special obligation revenue
33 bonds issued under this section shall be designated on their face,
34 Special Obligation Revenue Transportation Improvement Loan
35 Act of 2008 and shall be issued for a maximum term of years, not
36 exceeding 30 years, as the governor may recommend to the
37 general court under section 3 of Article LXII of the Amendments
38 to the Constitution; provided, however, that all such bonds shall
39 be payable not later than June 30, 2043. All principal on such
40 obligations shall be payable from the Infrastructure Fund estab-
41 lished in said Section 2O of said Chapter 29. Special obligation
42 bonds issued under this section shall be special obligations of the
43 Commonwealth payable solely in accordance with said Section 2O
44 of said Chapter 29.

1 SECTION 8. To meet the expenditures necessary in carrying
2 out section 2C the state treasurer shall, upon request of the gov-
3 ernor, issue and sell bonds of the Commonwealth in an amount to
4 be specified by the governor from time to time but not exceeding,
5 in the aggregate, \$26,000,000 to be in addition to those bonds pre-
6 viously authorized for projects and programs which are eligible to
7 receive federal funding and which authorizations remain uncom-
8 mitted or unobligated on the effective date of this act. All bonds

9 issued by the Commonwealth as aforesaid shall be designated on
10 their face, Transportation Improvement Loan Act of 2008, and
11 shall be issued for a maximum term of years, not exceeding 30
12 years, as the governor may recommend to the general court under
13 section 3 of Article LXII of the Amendments to the Constitution;
14 provided, however, that all such bonds shall be payable not later
15 than June 30, 2043. All interest and payments on account of prin-
16 cipal on such obligations shall be payable from the Highway
17 Fund. Bonds and interest thereon issued under this section shall be
18 general obligations of the Commonwealth; provided, however,
19 that any bonds issued by the state treasurer under this section
20 shall, upon the request of the governor, be issued as special oblig-
21 ation bonds pursuant to Section 2O of Chapter 29 of the General
22 Laws; provided further that in deciding whether to request the
23 issuance of particular bonds as special obligations the governor
24 shall take into account:— (i) generally prevailing financial market
25 conditions; (ii) the impact of each approach on the overall capital
26 financing plans and needs of the Commonwealth; (iii) any ratings
27 assigned to outstanding bonds of the Commonwealth and any rat-
28 ings expected to be assigned by any nationally-recognized credit
29 rating agency to the bonds proposed to be issued; and (iv) any
30 applicable provisions of a trust agreement or credit enhancement
31 agreement entered into pursuant to said Section 2O of said
32 Chapter 29. All special obligation revenue bonds issued under this
33 section shall be designated on their face, Special Obligation Rev-
34 enue Transportation Improvement Loan Act of 2008 and shall be
35 issued for a maximum term of years, not exceeding 30 years, as
36 the governor may recommend to the general court under section 3
37 of Article LXII of the Amendments to the Constitution; provided,
38 however, that all such bonds shall be payable not later than
39 June 30, 2043. All principal on such obligations shall be payable
40 from the Infrastructure Fund established in said Section 2O of said
41 Chapter 29. Special obligation bonds issued under this section
42 shall be special obligations of the Commonwealth payable solely
43 in accordance with said Section 2O of said Chapter 29.

1 SECTION 9. To meet the expenditures necessary in carrying
2 out section 2D the state treasurer shall, upon request of the gov-
3 ernor, issue and sell bonds of the Commonwealth in an amount to

4 be specified by the governor from time to time but not exceeding,
5 in the aggregate, \$708,000,000; provided that any federal grants
6 received by the Commonwealth or the Massachusetts Bay Trans-
7 portation Authority for the Green Line to Medford Hillside and
8 Union Square spur project shall be applied to reduce the state
9 authorization by that amount. All bonds issued by the Common-
10 wealth as aforesaid shall be designated on their face, Transporta-
11 tion Improvement Loan Act of 2008, and shall be issued for a
12 maximum term of years, not exceeding 30 years, as the governor
13 may recommend to the general court under section 3 of Article
14 LXII of the Amendments to the Constitution; provided, however,
15 that all such bonds shall be payable not later than June 30, 2043.
16 All interest and payments on account of principal on such obliga-
17 tions shall be payable from the Highway Fund. Bonds and interest
18 thereon issued under this section shall be general obligations of
19 the Commonwealth; provided, however, that any bonds issued by
20 the state treasurer pursuant to this section shall, upon the request
21 of the governor, be issued as special obligation bonds pursuant to
22 Section 20 of Chapter 29 of the General Laws; provided further,
23 that in deciding whether to request the issuance of particular
24 bonds as special obligations the governor shall take into account:—
25 (i) generally prevailing financial market conditions; (ii) the impact
26 of each approach on the overall capital financing plans and needs
27 of the Commonwealth; (iii) any ratings assigned to outstanding
28 bonds of the Commonwealth and any ratings expected to be
29 assigned by any nationally-recognized credit rating agency to the
30 bonds proposed to be issued; and (iv) any applicable provisions of
31 a trust agreement or credit enhancement agreement entered into
32 pursuant to said Section 20 of said Chapter 29. All special obliga-
33 tion revenue bonds issued under this section shall be designated
34 on their face, Special Obligation Revenue Transportation
35 Improvement Loan Act of 2008 and shall be issued for a max-
36 imum term of years, not exceeding 30 years, as the governor may
37 recommend to the general court under section 3 of Article LXII of
38 the Amendments to the Constitution; provided, however, that all
39 such bonds shall be payable not later than June 30, 2043. All prin-
40 cipal on such obligations shall be payable from the Infrastructure
41 Fund established in said Section 20 of said Chapter 29. Special
42 obligation bonds issued under this section shall be special obliga-

43 tions of the Commonwealth payable solely in accordance with
44 said Section 20 of said Chapter 29.

1 SECTION 10. In carrying out Sections 2 to 2D, inclusive, all
2 agencies within the executive office of transportation and public
3 works may enter into such contracts or agreements as may be
4 appropriate with other state, local or regional public agencies or
5 authorities. Said agreements may relate to such matters as an
6 agency within said executive office shall determine including,
7 without limitation, the design, layout, construction, reconstruction
8 or management of construction of all or any portion of such pro-
9 jects. In relation to any such agreements between an agency
10 within said executive office and other state agencies or authorities,
11 said agency may advance monies to such agencies or authorities,
12 without prior expenditure by the agencies or authorities, and the
13 agencies and authorities may accept monies necessary to carry out
14 such agreements; provided, however, that said agency shall certify
15 to the comptroller the amounts so advanced; provided, that such
16 agreements shall contain provisions satisfactory to said agency for
17 the accounting of such monies as expended by any other such
18 agency or authority; and, provided further, that all monies not
19 expended under any such agreement shall be credited to the
20 account of the agency from which they were advanced. Agencies
21 within said executive office shall report to the house and senate
22 committees on ways and means any transfers completed pursuant
23 to this section.

1 SECTION 11. (a) The department of highways shall expend the
2 sums authorized in Sections 2 to 2B, inclusive, for the following
3 purposes:— projects for the laying out, construction, reconstruc-
4 tion, resurfacing, relocation or necessary or beneficial improve-
5 ment of highways, bridges, bicycle paths or facilities, on and
6 off-street bicycle projects, sidewalks, telecommunications,
7 parking facilities, auto-restricted zones, scenic easements, grade
8 crossing eliminations and alterations of other crossings, traffic
9 safety devices on state highways and on roads constructed under
10 Section 34 of Chapter 90 of the General Laws, highway or mass
11 transportation studies, including, but not limited to, traffic, envi-
12 ronmental or parking studies, the establishment of school zones in

13 accordance with Section 2 of Chapter 85 of the General Laws,
14 improvements on routes not designated as state highways without
15 assumption of maintenance responsibilities and, notwithstanding
16 any general or special law to the contrary, projects to alleviate
17 contamination of public and private water supplies caused by the
18 department's storage and use of snow removal chemicals which
19 are necessary for the purposes of highway safety and for the relo-
20 cation of persons or businesses or for the replacement of
21 dwellings or structures including, but not limited to, providing last
22 resort housing under federal law and for such functional replace-
23 ment of structures in public ownership as may be necessary for
24 the foregoing purposes and for relocation benefits to the extent
25 necessary to satisfy the requirements of the Uniform Relocation
26 Assistance and Real Property Acquisition Act, 42 USC 4601 et seq.,
27 PL 90-6464, and to sell any structure the title to which has been
28 acquired for highway purposes. When dwellings or other struc-
29 tures are removed, in furtherance of any of the foregoing projects,
30 the excavations or cellar holes remaining shall be filled in and
31 brought to grade within 1 month after such removal. In planning
32 projects funded by Sections 2 to 2B, inclusive, consideration shall
33 be made, to the extent feasible, to accommodate and incorporate
34 provisions to facilitate the use of bicycles and walking as a means
35 of transportation; provided, however, that nothing herein shall be
36 construed to give rise to enforceable legal rights in any party or a
37 cause of action or an enforceable entitlement as to the projects
38 provided herein.

39 (b) Funds authorized in Sections 2 to 2B, inclusive, shall, except
40 as otherwise specifically provided in this act, be subject to the
41 first paragraph of Section 6 and Sections 7 and 9 of Chapter 718
42 of the acts of 1956, where applicable, and, notwithstanding any
43 general or special law to the contrary, may be used for the pur-
44 poses stated in this act in conjunction with funds of cities, towns
45 and political subdivisions of the Commonwealth.

46 (c) Notwithstanding Sections 40A and 40B of Chapter 7 of the
47 General Laws, the department shall have jurisdiction over the
48 selection of designers performing design services in connection
49 with the ventilation of buildings, utility facilities and toll booths
50 to be constructed as part of the central artery/tunnel project and
51 shall construct, control, supervise or contract such structures; pro-

52 vided, however, that no such construction or contractual agree-
53 ment for construction shall begin before the review and approval
54 of the inspector general. The inspector general shall file with the
55 house and senate committees on ways and means and the joint
56 committee on transportation all notices of approval for projects
57 undertaken pursuant to this paragraph.

58 (d) In addition to the foregoing, the department may: expend
59 funds made available by this act to acquire from any person, land
60 or rights in land by lease, purchase or eminent domain under
61 Chapter 79 of the General Laws, or otherwise, for parking facili-
62 ties adjacent to any public way to be operated by the department
63 or under contract with an individual; expend funds made available
64 by this act for the acquisition of van-type vehicles used for multi-
65 passenger, commuter-driven carpools and high occupancy vehi-
66 cles including, but not limited to, water shuttles and water taxis;
67 and in accordance with all applicable state and federal laws and
68 regulations, exercise all powers and do all things necessary and
69 convenient to carry out the purposes of this act.

70 (e) In carrying out this section, the department may enter into
71 contracts or agreements with cities to mitigate the effects of pro-
72 jects undertaken pursuant to this act and to undertake additional
73 transportation measures within the city and may enter into such
74 contracts or agreements with other state, local or regional public
75 agencies, authorities, nonprofit organizations or political subdivi-
76 sions as may be necessary to implement such city agreements.
77 Cities and other state, local or regional public agencies, authori-
78 ties, nonprofit organizations or political subdivisions may enter
79 into such contracts or agreements with the department. In relation
80 to such agreements, the department may advance to such agencies,
81 organizations or authorities, without prior expenditure by such
82 agencies, organizations or authorities, monies necessary to carry
83 out such agreements; provided however, that the department shall
84 certify to the comptroller the amount so advanced; provided fur-
85 ther, that all monies not expended under such agreement shall be
86 credited to the account of the department from which they were
87 advanced. The department shall report to the house and senate
88 committees on ways and means on any transfers completed pur-
89 suant to this paragraph.

1 SECTION 12. Notwithstanding any general or special law to
2 the contrary, the executive office of transportation and public
3 works and the department of highways shall take all necessary
4 actions to secure federal highway or mass transportation assis-
5 tance which is or may become available to the executive office or
6 the department including, but not limited to, actions authorized
7 under or in compliance with 23 U.S.C. and section 145 of the
8 Surface Transportation and Uniform Relocation Assistance Act of
9 1982, PL 97-424, the Surface Transportation and Uniform Reloca-
10 tion Act of 1987, PL 100-17, the Intermodal Surface Transporta-
11 tion Efficiency Act of 1991, PL 102-240, the Transportation
12 Equity Act for the 21st Century, PL 105-178, the Safe, Account-
13 able, Flexible, Efficient Transportation Equity Act: A Legacy for
14 Users, PL 109-59, and any successor acts or reauthorizations of
15 those acts, and actions such as filing applications for federal assis-
16 tance, supervising the expenditure of funds under federal grants or
17 other assistance agreements and making any determinations and
18 certifications necessary or appropriate to the foregoing. If any fed-
19 eral law, administrative regulation or practice requires any action
20 relating to such federal assistance to be taken by a department,
21 agency or other instrumentality of the Commonwealth other than
22 the department of highways, such other department, agency or
23 instrumentality shall take such action. In furtherance of the fore-
24 going purposes, the department of highways, as appropriate, shall
25 apply for and may accept any federal funds available for projects
26 authorized in Section 2, and the federal funds when received shall
27 be credited to the Federal Highway Construction Program Fund.

1 SECTION 13. Notwithstanding any general or special law to
2 the contrary, Section 61 and Sections 62A to 62H, inclusive, of
3 Chapter 30, Chapter 91 and Section 40 of Chapter 131 shall not
4 apply to bridge projects of the department of highways and the
5 Massachusetts Bay Transportation Authority for the repair, recon-
6 struction, replacement or demolition of existing state highway
7 bridges and other bridges, including the immediate roadway
8 approaches necessary to connect the bridges to the existing adja-
9 cent highway system, in which the design is substantially the
10 functional equivalent of, and in similar alignment to, the structure
11 to be reconstructed or replaced, but said Section 61 and said Sec-

12 tions 62A to 62H, inclusive of said Chapter 30, said Chapter 91
13 and said Section 40 of said Chapter 131 shall apply to any por-
14 tions of the bridge and roadway approaches to the crossing of the
15 Charles river for the Central Artery/Tunnel Project. In the case of
16 any state highway or other bridge crossing over a railroad right-
17 of-way or railroad tracks, the department shall seek the opinion of
18 a railroad company, railway company or its assigns operating on
19 the track of a necessary clearance between the track and the state
20 highway bridge, but the department, its agents or contractors may
21 enter upon any right-of-way, land or premises of a railroad com-
22 pany or railway company or its assigns for purposes that the
23 department may consider necessary or convenient to carry out this
24 section. If a flagman is needed to carry out this section, the rail-
25 road company or its assigns shall provide the flagman. For the
26 purposes of this section, the word “bridge” shall include any
27 structure spanning and providing passage over water, railroad
28 right-of-way, public or private way, other vehicular facility, or
29 other area.