

# JOURNAL OF THE HOUSE.

Wednesday, June 2, 2004.

Met according to adjournment, at eleven o'clock A.M., with Mr. DiMasi of Boston in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Prayer.

Gracious God, we are grateful for the material and spiritual gifts and blessings which You offer to us on a daily basis. We pray and hope that our hearts and minds will be open to You at all times and that we will recognize, accept and implement Your gifts in responding to the needs of people. Your assistance enables us to select the most reasonable, honorable and ethical legislative options which are open to us. In meeting the demands of the moment and the varied expectations of the electorate, help us to be clearly focused on both the current and future needs of the people and our communities. Guide our efforts, in our diverse society, to recognize and respect the civil, human and religious rights of all and to seek common goals which benefit and promote the common good.

Grant Your blessings to the Speaker, the members and employees of this House and their families. Amen.

Pledge of allegiance.

At the request of the Chair (Mr. DiMasi), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

### Statement Concerning Representative Bosley of North Adams.

A statement of Mr. DiMasi of Boston concerning Mr. Bosley of North Adams was spread upon the records of the House, as follows:

Statement concerning Representative Bosley of North Adams.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Bosley of North Adams, will not be present in the House Chamber for today's sitting due his recovering from a recent surgery. Any roll calls that he may miss today is due entirely to the reason stated.

### Statement Concerning Representative Khan of Newton.

A statement of Mr. DiMasi of Boston concerning Ms. Khan of Newton was spread upon the records of the House, as follows:

Statement concerning Representative Khan of Newton.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Khan of Newton, will not be present in the House Chamber for today's sitting due to being out of state on family business. Any roll calls that she may have missed today is due entirely to the reason stated.

### Statement Concerning Representative Walsh of Boston.

A statement of Mr. DiMasi of Boston concerning Mr. Walsh of Boston was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Walsh of Boston, will not be present in the House Chamber for today's sitting due to a previously scheduled trip. Any roll calls that he may miss today is due entirely to the reason stated.

Statement concerning Representative Walsh of Boston.

### Orders.

The following order (filed by Mr. Straus of Mattapoisett) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

*Ordered*, That, notwithstanding the provisions of Joint Rule 10, the committee on Election Laws be granted until Tuesday, June 15, 2004 the time within which to report on House documents numbered 2588 and 3854.

Election Laws committee, extension of time for reporting.

Mr. Scaccia of Boston, for the committees on Rules, then reported that the order ought to be adopted. Under suspension of the rules, on motion of Mr. Donato of Medford, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

The following order (filed by Mr. Toomey of Cambridge) was referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently:

*Ordered*, That, notwithstanding the provisions of Joint Rule 10, the committee on Public Safety be granted until Wednesday, June 23, 2004 the time within which to report on current House documents numbered 2660 and 2661.

Public Safety committee, extension of time for reporting.

Mr. Scaccia of Boston, for the committees on Rules, then reported that the order ought to be adopted. Under suspension of the rules, on motion of Mr. Toomey, the order was considered forthwith; and it was adopted. Sent to the Senate for concurrence.

### Papers from the Senate.

A Bill further regulating certain weapons (Senate, No. 2367) (on Senate bill No. 2282), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Weapons, regulate.

### Bills

Authorizing the town of Harvard to employ Peter E. Warren as fire chief for two years after his sixty-fifth birthday (Senate, No. 1930) (on a petition) [Local Approval Received];

Harvard, Peter E. Warren.

Relative to voting precincts in the town of Amherst (Senate, No. 2040) (on a petition) [Local Approval Received];

Amherst, precinct.

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

### Reports of Committees.

By Ms. St. Fleur of Boston, for the committee on Education, Arts and Humanities, on Senate, Nos. 225, 226, 291 and 339 and House, Nos. 1074, 1816, 1817, 1818, 1819, 1821, 1822, 1823, 1845, 1848,

Charter schools, study.

1852, 2216, 2217, 2218, 2219, 2220, 2221, 2582, 2763 and 2940, an Order relative to authorizing the committee on Education, Arts and Humanities to make an investigation and study of certain Senate and House documents concerning charter schools (House, No. 4767).

School building assistance, study.

By the same member, for the same committee, on Senate, Nos. 221, 241, 247, 249, 266, 285, 310 and 2112 and House, Nos. 33, 35, 506, 873, 1066, 1251, 1446, 1642, 1646, 1850, 2212, 2222, 2764, 2771, 2775, 2776, 3134, 3135, 3316, 3492, 3493, 4336 and 4437, an Order relative to authorizing the committee on Education, Arts and Humanities to make an investigation and study of certain Senate and House documents concerning school building assistance (House, No. 4768).

Severally referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Subsequently Mr. Scaccia of Boston, for said committees, reported, in each instance, asking to be discharged from further consideration of the orders; and recommending that the same severally be referred to the House committee on Rules.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

By Mr. Keenan of Southwick, for the committee on Medicaid, that the Bill relative to the uniform probate code (House, No. 787) ought to pass with an amendment.

Uniform probate code.

By the same member, for the committee, that the Bill to restore health care benefits (House, No. 3784) ought to pass with an amendment.

Health care benefits.

By Mr. Dempsey of Haverhill, for the committee on Science and Technology, that the Bill to ban the use of methyl tertiary butyl ether (House, No. 2561) ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4769).

Methyl tertiary butyl ether.

Severally referred, under Rule 33, to the committee on Ways and Means with the amendments pending.

By Mr. Keenan of Southwick, for the committee on Medicaid, that the following bills and resolves ought to pass:

Shattuck Hospital.

Bill to begin the process to establish a life care center at Lemuel Shattuck Hospital (House, No. 561);

Children, health care.

Bill relative to the health insurance of children of divorced parents (House, No. 1135);

Patient notice.

Bill relative to patient notice of approved health services (House, No. 2083); and

Insurance partnership.

Bill improving the insurance partnership program (House, No. 3766); and

Veterans services.

Resolve to establish a special commission to evaluate the status of Massachusetts' veterans long term care services (House, No. 1869); and

Elderly blind, needs.

Resolve providing for an investigation and study by a special commission to study the needs of the elderly blind and visually impaired citizens of the commonwealth (House, No. 2814);

Severally referred, under Rule 33, to the committee on Ways and Means.

By Mr. Scaccia of Boston, for the committee on Rules, that the Bill to require the use of safety helmets for persons under the age of sixteen while operating bicycles, in-line skates, scooters, and skateboards (House, No. 1920) ought to pass with an amendment. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment pending.

Skateboards, helmets.

By Mr. Scaccia of Boston, for the committee on Rules, that the Bill relative to mufflers (House, No. 1722) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mufflers.

By Mr. Rodrigues of Westport, for the committee on Commerce and Labor, on Senate, No. 2204 and House, No. 4524, a Bill relative to administrative fees on gift certificates (House, No. 4770).

Gift certificates, fees.

By Mrs. Owens-Hicks of Boston, for the committee on Local Affairs and Regional Government, on a petition, a Bill relative to planning boards' approvals of subdivision plans (House, No. 191).

Planning boards, subdivision plans.

By the same member, for the same committee, on a petition, a Bill relative to dogs (House, No. 306).

Restrained dogs.

By the same member, for the same committee, on a petition, a Bill relative to zoning (House, No. 961).

Zoning.

By the same member, for the same committee, on a petition, a Bill providing for the destruction of certain dogs (House, No. 1056).

Dangerous dogs.

By the same member, for the same committee, on a petition, a Bill relative to dangerous dogs (House, No. 1436).

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By the same member, for the same committee, on a petition, a Bill to protect the public from condemned, vicious dogs (House, No. 1439).

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By the same member, for the same committee, on a petition, a Bill relative to ordinances and by-laws relating to dogs (House, No. 1713).

Dog laws, violations.

By the same member, for the same committee, on a petition, a Bill increasing the number of days to appeal the decisions of a zoning variance permitting body in a municipality from twenty (20) to thirty (30) (House, No. 1902).

Zoning variance appeals.

By the same member, for the same committee, on a petition, a Bill relative to homeless facilities (House, No. 4020).

Homeless facilities.

By the same member, for the same committee, on a petition, a Bill relative to dogs (House, No. 4033).

Dangerous dogs.

By the same member, for the same committee, on a petition, a Bill relative to sustainable land use relative subdivisions (House, No. 4039).

Subdivisions, land use.

By the same member, for the same committee, on a petition, a Bill relative to vicious dogs (House, No. 4223).

Vicious dogs.

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Engrossed Bills.

Engrossed bills

Directing the retirement board of the city of Quincy to grant creditable service to James J. Dentremont (see Senate, No. 1933);

Bills enacted.

Relative to the Cherry Valley sewer district 2000-2001 project (see Senate, No. 2102);

(Which severally originated in the Senate); and

Protecting the wages and tips of certain employees (see House, No. 4431, amended) (which originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

*Orders of the Day.*

Senate bills

Authorizing certain utility rights-of-way in the town of Tewksbury (Senate, No. 2070); and

Merging the South Sagamore water district with the Bourne water district (Senate, No. 2226, amended);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed, in concurrence.

House bills

Relative to the Wampanoag Tribe of Gay Head (Aquinnah) (House, No. 1586);

Authorizing the Commissioner of Capital Asset Management and Maintenance to place a conservation restriction on and transfer a certain parcel of land to the Kuzeja Real Estate Trust (House, No. 3985) (its title having been changed by the committee on Bills in the Third Reading);

Relative to the use of certain funds by municipalities (House, No. 4184, changed and amended);

Designating a certain bridge along Route 3 in the town of Bedford (House, No. 4394) (its title having been changed by the committee on Bills in the Third Reading); and

Authorizing the town of Greenfield to issue an additional license for the sale of all alcoholic beverages not to be drunk on the premises (House, No. 4743);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Senate bills

Regarding eye exams for children (Senate, No. 687, amended);

Clarifying the powers and duties of the Charlton Water and Sewer Commission (Senate, No. 2222);

Authorizing the city of Revere to reduce water and sewer fee liability in exchange for volunteer services by persons over age 60 (Senate, No. 2223);

Relative to certain conservation land in the town of Amherst (Senate, No. 2261); and

Designating a portion of the Lowell Heritage State Park as the Mary Bacigalupo Victorian Garden (Senate, No. 2318, amended); and

House bills

Relative to dangerous buildings (House, No. 972);

Relative to a pension for a surviving spouse in the city of Springfield (House, No. 4157);

Amending Chapter 201 of the Acts and Resolves of 1945 (House, No. 4175);

Providing for a retirement incentive for W. Philip Barrett and Claire Salois as employees of the city of Methuen (House, No. 4452);

Authorizing the town of Lancaster to lease certain land (House, No. 4628);

Establishing a sick leave bank for David Ponte an employee of the Trial Court (House, No. 4632);

Providing for filling vacancies in the office of mayor, city councillor-at-large, ward councillor and school committee member of the city of Revere (House, No. 4681); and

Relative to the Belchertown Economic Development and Industrial Corporation (House, No. 4692);

Severally were read a second time; and they were ordered to a third reading.

At twenty-three minutes after eleven o'clock A.M., on motion of Mr. Donato of Medford (Mr. DiMasi of Boston being in the Chair), the House recessed until one o'clock P.M.; and at twelve minutes after one o'clock the House was called to order with the Speaker in the Chair.

Recess.

The House Bill modernizing the Commonwealth's transportation system (House, No. 4766) was read a second time; and it was ordered to a third reading.

Transportation system, modernize.

Subsequently, under suspension of the rules, on motion of Mr. Wagner of Chicopee, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time, its title having been changed by said committee to read: "An Act modernizing the transportation system of the Commonwealth."

Pending the question on passing the bill to be engrossed, Mr. O'Flaherty of Chelsea moved that it be amended in section 2A, in item 6033-0147, by adding at the end thereof the following: "; provided further, that the Massachusetts Highway Department shall allocate the necessary funding to complete an environmental impact review for the reconfiguration of Rutherford Avenue and Sullivan Square in the Charlestown section of the city of Boston". The amendment was adopted.

Mr. Atsalis of Barnstable then moved that the bill be amended in section 2A, in item 6033-0147, by adding at the end thereof the following: "; provided further that no less than \$150,000 shall be expended for an environmental and traffic impact study on the proposed Exit 6B exit/entrance ramp between Exits 6 and 7 of Route 6 in the town of Barnstable". The amendment was adopted.

Mr. Turkington of Falmouth then moved that the bill be amended in section 2A, in item 6033-0147, by adding at the end thereof the following: "; provided further, that not less than \$650,000 shall be expended for the restoration of Main and South Water streets located in the town of Nantucket". The amendment was adopted.

The same member then moved that the bill be amended in section 2A, in item 6033-0147, by adding at the end thereof the follow-

Third reading bills.

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Second reading bills.

Transportation  
system,  
modernize.

ing: “; provided further, that not less than \$1 million shall be expended for the design and construction of the Old South Road Bicycle Path and Connector located in the town of Nantucket”. The amendment was adopted.

Representatives Donovan of Woburn and Kaufman of Lexington then moved that the bill be amended in section 2A, in item 6033-0147, by adding at the end thereof the following: “; provided further, that \$3,400,000 shall be expended for widening of Montvale Avenue in the city of Woburn”. The amendment was adopted.

Mrs. Paulsen of Belmont then moved that the bill be amended in section 2A, in item 6033-0147, by adding at the end thereof the following: “; provided that no less than \$2 million will be expended for the completion of the Rt. 60/Peasant St. project in Belmont”. The amendment was adopted.

Mr. Leary of Worcester then moved that the bill be amended in section 2A, in item 6033-0147, by adding at the end thereof the following: “; provided further, that \$200,000 shall be expended to repaint and de-lead the bridge formerly known as ST 12 over the Providence & Worcester and Boston & Maine Railroad tracks” and in said item by striking out the figures “267,623,000” and inserting in place thereof the figures “267,823,000”. The amendments were adopted.

The same member then moved that the bill be amended in section 2A, in item 6033-0147, by adding at the end thereof the following: “; provided further, that \$100,000 shall be expended for traffic signalization on Route 12 in the city of Worcester, in the vicinity of the Greendale Fire Station” and in said item by striking out the figures “267,823,000” (inserted by amendment) and inserting in place thereof the figures “267,723,000”. The amendments were adopted.

Mr. Leary then moved that the bill be amended in section 2A, in item 6033-0147, by adding at the end thereof the following: “; provided further, that \$200,000 shall be expended for a study regarding the installation of sound barriers along Route 290 in the city of Worcester, adjacent to Melrose Street and Millbrook Street” and in said item by striking out the figures “267,723,000” (inserted by amendment) and inserting in place thereof the figures “267,823,000”. The amendments were adopted.

Representatives Connolly of Everett and Reinstein of Revere then moved that the bill be amended in section 2J, in item 6001-2050, by adding at the end thereof the following: “; provided further, that the age for senior citizens passes on the MBTA shall be reduced from age 65 to 62 years of age”. The amendment was rejected.

Messrs. O’Brien of Kingston and Webster of Hanson then moved that the bill be amended in section 2A, in item 6033-0417, by adding at the end thereof the following: “; and provided further, that not less than \$325,000 shall be expended for the construction of safety improvements to the Winter Street/Route 53 intersection the Town of Duxbury; provided further, that not less than \$400,000 shall be expended for the design and construction of safety improvements to the Route 3A/Tobey Garden Street Intersection in the Town of Duxbury”. The amendments were adopted.

Representatives Donovan of Woburn and Miceli of Wilmington then moved that the bill be amended in section 2A, in item 6033-0147, by adding at the end thereof the following: “; provided further, that \$3,600,000 shall be expended for reconstruction of the New Boston Street Bridge in the city of Woburn connecting the town of Wilmington”. The amendment was adopted.

Mr. Miceli then moved that the bill be amended in section 2A, in item 6033-0147, by adding at the end thereof the following: “; provided further that \$249,000 shall be expended for the design and construction of traffic lights at the intersection of Salem Street and South Street in the Town of Tewksbury”. The amendment was adopted.

Mr. Casey of Winchester then moved that the bill be amended in section 2A, in item 6033-0147, in line 00, by inserting after the following: “Route 9” the following: “; provided further, that \$500,000 shall be expended for the repair and maintenance of South Main Street in the town of Stoneham”. The amendment was adopted.

Ms. Polito of Shrewsbury then moved that the bill be amended in section 2A, in item 6033-0147, by adding at the end thereof the following: “; provided further, that not less than \$150,000 shall be expended for improvements in the form of signage, planting and lighting along the Boston Turnpike Business Corridor located in Shrewsbury”. The amendment was adopted.

The same member then moved that the bill be amended in section 2A, in item 6033-0147, by adding at the end thereof the following: “; provided further, that sufficient funding shall be expended for the construction of sound barriers in Shrewsbury”. The amendment was rejected.

Representatives Linsky of Natick and Peisch of Wellesley then moved that the bill be amended in section 2A, in item 6033-0147, by adding at the end thereof the following: “; provided further, that not less than \$300,000 be expended for repairs to the Pleasant Street Bridge over the Charles River in South Natick”. The amendment was adopted.

Mr. Greene of Billerica then moved that the bill be amended in section 2A, in item 6033-0147, by adding at the end thereof the following: “; provided further that an \$3,200,000 be expended on the Cook Street/Alexander Road project in the town of Billerica”. The amendment was adopted.

Ms. Khan of Newton then moved that the bill be amended by adding at the end thereof the following two sections:

“SECTION 55. Chapter 10 of the General Laws is hereby amended by inserting after Section 63 the following section:—

Section 63A. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Metropolitan Highway System Toll Mitigation Fund for the purpose of maintaining the Massachusetts Turnpike Authority toll discount program as established by the authority’s board of directors on June 28, 2002.

Notwithstanding any general or special law or contract to the contrary, a portion of any sums owed to the commonwealth and recovered pursuant to section 83 of chapter 4 of the Acts of 2003 shall be deposited in the fund. The portion to be credited to the fund pursuant to this section shall be the amount required to fully fund

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the toll discount program until such time as tolls shall be no longer collected.

SECTION 56. Section 83 of Chapter 4 of the acts of 2003 is hereby amended by striking out subsection (c)."

The amendment was rejected.

The same member then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 55. The Massachusetts Turnpike Authority is authorized and directed to study the cost-effectiveness of sound barriers at locations in the City of Newton studied for said Authority's Barrier Priority Results."

The amendment was adopted.

Ms. Khan and Mrs. Paulsen of Belmont then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 56. The Massachusetts Turnpike Authority is authorized and directed to expend not less than \$2,000,000 for the purpose of erecting sound barriers along Interstate 90 in the City of Newton at the Curve/Crescent Street location and the Austin Street location identified on said Authority's Barrier Priority Results."

The amendment was rejected.

The same members then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 56. The Massachusetts Turnpike Authority is authorized and directed to study the feasibility of utilizing sound-reducing surface material on Interstate 90 in the City of Newton."

The amendment was adopted.

Mrs. Gomes of Harwich then moved that the bill be amended in section 2A, in item 6033-0147, by adding at the end thereof the following: "; provided further, that \$305,000 be expended for the resurfacing of Old County Road in Truro from Truro Center to the Wellfleet line". The amendment was adopted.

The same member then moved that the bill be amended in section 2A, in item 6033-0147, by adding at the end thereof the following: "; provided further, that \$42,000 be expended for the resurfacing of South Highland Road in Truro from Route 6 to the junction of Highland Road". The amendment was adopted.

Mrs. Gomes then moved that the bill be amended in section 2A, in item 6033-0147, by adding at the end thereof the following: "; provided further that \$29,000 be expended for the resurfacing of Truro Center Road from Route 6 through Truro Center and back to Route 6". The amendment was adopted.

Mr. Rogers of Norwood then moved that the bill be amended in section 45 (as printed), in line 2, by inserting before the word "construction" the words "publicly funded"; and the amendment was adopted.

Mr. Ruane of Salem then moved that the bill be amended in section 2A, in item 6033-0417, by adding at the end thereof the following: "; provided further, that said department shall expend all funds necessary to resurface and reconstruct Old Bridge Street in Salem; provided further, that \$500,000 shall be expended for the synchronization of lights on Route 107 at Highland Avenue in the city of Salem; provided further, that not less than \$4,000,000 shall

be expended for the study, design, engineering and construction of Canal Street in the city of Salem; provided further, that not less than \$500,000 shall be expended to assure the Ferry Service from Salem to Boston shall continue to operate; provided further, that not less than \$1,500,000 shall be expended for the study of traffic and implementation of intersection improvements on Derby Street in the city of Salem; provided further, that said department shall expend all funds necessary to make renovations and upgrades to Boston Street in the city of Salem; provided further, that not less than \$1,000,000 shall be expended for engineering, design and construction of Appleton Street at North and Orne Street; provided further, that the department shall expend all funds necessary to design, construct and complete North Street Overpass in the city of Salem". The amendment was adopted.

Mr. Quinn of Dartmouth then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 57. Provided further, that the Department shall be required on an annual basis to re-calculate the amount of town owned roadway miles and shall re-distribute Chapter 90 funds based on actual town owned roadway miles."

The amendment was adopted.

The same member then moved that the bill be amended in section 2A, in item 6033-0417, in line 000, by striking out the following: "route 79" and inserting in place thereof the following: "route 177"; and the amendment was adopted.

Messrs. Bosley of North Adams and Larkin of Pittsfield then moved that the bill be amended by striking out section 30 (as printed) and inserting in place thereof the following section:

"SECTION 17. Chapter 16 of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by inserting after section 5 the following two sections:-

Section 5A. (a) The department of highways may provide functional replacement of real property in public ownership whenever the department has acquired such property in whole or in part under the provisions of this act or such property is significantly and adversely affected as a result of the acquisition of property for a highway or highway-related project and whenever the department determines such functional replacement is necessary and in the public interest. For purposes of this section, the words 'functional replacement' shall mean the replacement, pursuant to the provisions of chapter 7 of the General Laws including sections 40F and 40F, requiring authorization of the general court prior to disposition of real property, including either land or facilities thereon, or both, which will provide equivalent utility, and the words 'real property in public ownership' shall mean any and all present and future interest in land, including rights of use, now existing or hereafter arising, held by an agency, authority, board, bureau, commission, department, division or other unit, body, instrumentality or political subdivision of the commonwealth. This section shall not constitute authorization by the general court as required by said chapter 7.

(b) Whenever the department determines it is necessary that any utility or utility facility, as defined under federal law, be relocated

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because of construction of a project which is to be reimbursed federally in whole or in part, then such facility shall be relocated by the department or by the owner thereof in accordance with an order from the department; provided, however, that the commonwealth shall reimburse the owner of such utility or utility facility for the cost of relocation subject to the limitations in paragraph (f) and in accordance with the following formula: (1) for any utility facility, as defined under federal law, which is to be reimbursed federally in whole or in part, the department shall reimburse the utility to the extent that the cost of relocating the utility facility is reimbursed by the federal government; (2) for the relocation of any utility facility over \$50,000 that does not qualify for federal reimbursement, the department shall reimburse the utility in accordance with the utility's performance in meeting the following schedule: (i) if the utility completes the relocation in a manner consistent with the department's policies and on or before the target date established by the department for the project, the department shall reimburse the utility at least 50 per cent and not more than 80 per cent of the costs of relocating the utility facility;

(c) the department shall promulgate policies for the calculation of reimbursable expenditures, determination of target dates and requirements for notice to utilities, extent of consultation with utilities regarding design criteria for a relocation, calculation of completion times, and to implement the provisions of this section. The department shall consult with the utilities, construction industry representatives, labor representatives, consumer representatives and other relevant and appropriate parties in the development of such policies, and shall forward such policies to the chairs of the house and senate committees on ways and means, the joint committee on transportation and the joint committee on government regulations.

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

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

(f) The total cost to the commonwealth for reimbursements for utility relocations under this section that are not reimbursed federally in whole or in part, shall not exceed \$10 million annually, and shall not be credited toward meeting the requirements of a four hundred million dollar annual statewide road and bridge program as defined in chapter 87 of the acts of 2000.

Section 5B. (a) Notwithstanding the provisions of section 6 of chapter 33 of the acts of 1991 or any other general or special law to the contrary, the commonwealth, through the department of highways, may reimburse the owner of an underground utility or utility facility as defined under federal law whenever such underground utility or utility facility has been relocated because of construction of a project which is to be reimbursed federally in whole or in part.

The provisions of this section shall apply to an underground utility or utility location project eligible for federal reimbursement having commenced on or after January 1, 2004, and the reimbursement authorized herein shall be to the extent that the cost of relocating the facility is reimbursed by the federal government.

(b) Notwithstanding paragraph (a), the department of highways shall, in consultation with utility representatives, construction industry representatives, labor representatives, consumer representatives and other interested and appropriate parties, formulate recommendations for the general court on the feasibility of reimbursement for underground utility relocation projects that are not eligible for federal reimbursement on construction projects that are to be reimbursed federally in whole or in part. Such recommendations shall be forwarded to the chairs of the house and senate committees on ways and means, the joint committee on transportation and the joint committee on government regulations on or before December 31, 2004."

The amendment was adopted.

Mr. Timilty of Milton then moved that the bill be amended in section 2A, in item 6033-0417, in line 342, by striking out the word "Depot" and inserting in place thereof the word "Pond"; and the amendment was adopted.

The same member then moved that the bill be amended in section 2A, in item 6033-0417, by adding at the end thereof the following: "; provided further, that not less than \$1.75 million shall be expended from this item for placing utilities underground and infrastructure and related improvements to South Main Street from the intersection of Route 28 and Route 139 to 41 South Main Street in the town of Randolph". The amendment was rejected.

Mr. Rodrigues of Westport then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 58. Department of Highway is thereby authorized and directed to issue monthly reports to all legislators whose districts contain active construction projects costing \$500,000 or more."

The amendment was adopted.

Miss Garry of Dracut then moved that the bill be amended in section 2A, in item 6033-0417, by adding at the end thereof the following: "; provided further, that \$500,000 shall be expended for the reconstruction, realignment and improvements of Route 113, at the Arlington Street/Montaup Street intersection in the Town of Dracut and provide further that \$4,750,000 shall be expended for the reconstruction of Arlington Street from Broadway Road to Methuen Street in the Town of Dracut". The amendment was adopted.

Mr. Rodrigues of Westport then moved that the bill be amended in section 2A, in item 6033-0417, in line 365, by inserting after the words "Sanford Road" the words "in the town of Westport"; and the amendment was adopted.

Mr. Rush of Boston then moved that the bill be amended in section 2A, in item 6033-0417, by adding at the end thereof the following: "; provided further, that not less than \$500,000 shall be expended for the improvement of pedestrian safety along Route 9 in Brookline, specifically the area between Hammond Street and Hammond Pond Parkway". The amendment was adopted.

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Mr. Sullivan of Fall River then moved that the bill be amended in section 2A, in item 6033-0417, by adding at the end thereof the following: “; provided further, that \$200,000 shall be expended to install a full traffic signal at the intersection of South Main St. and Narrows Road in the village of Assonet located in the town of Free-town”. The amendment was adopted.

Mr. Petersen of Marblehead then moved that the bill be amended in section 2A, in item 6033-0417, by adding at the end thereof the following: “; provided further, that \$2,210,000 shall be expended for the resurfacing and repair of Essex Street in the Town of Swampscott from the Lynn line to the Salem line”. The amendment was adopted.

Messrs. Keenan of Southwick and Buonoconti of West Springfield then moved that the bill be amended in section 2A, in item 6033-0417, by adding at the end thereof the following: “; provided further, that not less than \$90,625 shall be expended for the Agawam portion of the Connecticut River Walk and Bike way”. The amendment was adopted.

The same members then moved that the bill be amended in section 2A, in item 6033-0417, by adding at the end thereof the following: “; provided further, that funds shall be expended for Phase II of the Route 57 construction project in the city known as the town of Agawam”. The amendment was adopted.

Mr. Golden of Lowell then moved that the bill be amended in section 2B, in item 6033-0499, in line 27, by inserting after the following “Route 27” the following: “; provided further, that not less than \$3 million be expended for traffic improvements, the reconstruction of the historic cobblestone infrastructure and additional reconstruction of the street, sidewalks, ramps and lighting in the downtown and Jackson/Appleton/Middlesex street corridor”. The amendment was adopted.

Mr. Rush of Boston then moved that the bill be amended in section 2A, in item 6033-0417, in lines 376 and 377, by striking out the words “not more than” and inserting in place thereof the words “not less than”; and the amendment was adopted.

Mrs. Paulsen of Belmont then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 59. Massachusetts Bicycle Touring Routes. The Bicycle Program Office in the Executive Office of Transportation and Construction, in collaboration with state agencies and cities and towns, shall designate and mark long-distance bicycle touring routes on public ways. These routes shall be marked by means of signs depicting a bicycle logo and indicating destination, direction, and distance. At least three routes running north to south and two routes running east to west across the commonwealth shall be created in this manner. The selection of the routes shall take into consideration the qualities desired by bicycle tourists and shall be approved by the Massachusetts Bicycle Advisory Board.”.

The amendment was adopted.

There being no objection,— Mr. Wagner of Chicopee offered the following order:

*Ordered,* That the filing of amendments be closed forthwith.

Amendment  
filing.

On the question on adoption of the order, the sense of the House was taken by yeas and nays, at the request of Mr. Jones of North Reading; and on the roll call 124 members voted in the affirmative and 27 in the negative.

**[See Yea and Nay No. 654 in Supplement.]**

Therefore the order was adopted.

Pending the question on passing the bill, as amended to be engrossed, Representatives Torrisi of North Andover and L’Italien of Andover moved that it be amended in section 2A, in item 6033-0417, in lines 129 to 133, inclusive, by striking out the following: “provided further that funds shall be expended from this item for the relocation of the Haverhill commuter rail line layover facility to a location behind the new Lucent technologies building in the city of Lawrence” and inserting in place thereof the following: “provided further, that funds shall be expended for the design, engineering and construction of a commuter rail stop at 1600 Osgood Street in the Town of North Andover on the Haverhill/Reading Commuter Rail Line”. The amendment was adopted.

Mr. Torrisi and other members of the House then moved that the bill be amended in section 2A, in item 6033-0417, by adding at the end thereof the following: “; provided further, that one million dollars shall be expended for the design, engineering and construction of an access road to Pemberton State Park on West Island, in Lawrence, connecting Broadway and the Casey Bridge”. The amendment was adopted.

Representatives Torrisi of North Andover and L’Italien of Andover then moved that the bill be amended in section 2A, in item 6033-0417, by adding at the end thereof the following: “; provided further, that sixty thousand dollars shall be expended for a feasibility study for the engineering, design and construction of an access road on the Clark Street, Charles Street, Sutton Street connector in North Andover”. The amendment was adopted.

The same members then moved that the bill be amended in section 2A, in item 6033-0417, by adding at the end thereof the following: “; provided further, that not less than one million six hundred thousand dollars shall be expended for the reconstruction of Sutton Street in the town of North Andover”. The amendment was adopted.

Mrs. Paulsen of Belmont and other members of the House then moved that the bill be amended in section 2A, in item 6033-0417, by adding at the end thereof the following: “; provided further, that up to \$100,000 must be expended by MassHighway to complete the collaborative effort among EOE, DCR, MassHighway and the Massachusetts Historic Commission to complete and publish the final document ‘Historic Parkways Preservation Treatment Guidelines’”. The amendment was adopted.

Mrs. Haddad of Somerset then moved that the bill be amended in section 2A, in item 6033-0417, by adding at the end thereof the following: “; provided further, that no less than \$500,000 be expended for a final environmental impact study and full design of a new bridge to replace the existing Dighton-Berkley Bridge”. The amendment was adopted.

Filing of  
amendments  
closed,  
yea and nay  
No. 654.

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Ms. Peisch of Wellesley then moved that the bill be amended in section 2A, in item 6033-0417, by adding at the end thereof the following: “; provided further, that no more than \$954,000 shall be expended for the replacement of the Rockland Street Bridge in the town of Wellesley”. The amendment was adopted.

Mr. LeDuc of Marlborough then moved that the bill be amended in section 2A, in item 6033-0416, by adding at the end thereof the following: “; provided further, that Mass. Highway shall be instructed to erect new signage for exit 24c on I-495 north and south; said new signage shall read ‘Exit 24C Simarano Dr. via the Joseph A. Ferrechia Connector Rd’”. The amendment was adopted.

The amendment was adopted.

Mr. Hillman of Sturbridge then moved that the bill be amended in section 2A, in item 6033-0417, by adding at the end thereof the following: “; provided further, that \$1,000,000 shall be expended for the design and reconstruction of state highway route 32 from Stimson street in Palmer to the Ware town line”. The amendment was adopted.

Mr. Cabral of New Bedford then moved that the bill be amended in section 2A, in item 6033-0417, by adding at the end thereof the following: “; provided further, that not more than \$250,000 be expended on the installation of traffic signalization and roadway improvements at the intersection of Rockdale Avenue and Bolton Street in the city of New Bedford”. The amendment was adopted.

The same member then moved that the bill be amended in section 2A, in item 6033-0417, by adding at the end thereof the following: “; provided further, that the Department shall be obligated to spend up to \$100,000 to construct traffic signals and roadway improvements at the intersection of Court Street and Rockdale Avenue in the city of New Bedford”. The amendment was adopted.

Mr. Straus of Mattapoisett then moved that the bill be amended in section 2A, in item 6033-0417, by adding at the end thereof the following: “; provided further, that an amount not to exceed \$2,300,000 for the design, construction and necessary land takings for the Mattapoisett portion of the bike-path on the existing Old Colony Railroad right of way”. The amendment was adopted.

Mr. DiMasi of Boston then moved that the bill be amended in section 2A, in item 6033-0417, by adding at the end thereof the following: “; provided further, that no less than \$500,000 shall be expended to improve and renovate the harbor walk on central wharf in the city of Boston”. The amendment was adopted.

The same member then moved that the bill be amended in section 2A, in item 6033-0417, by adding at the end thereof the following: “; provided further, that not less than \$500,000 be expended to cover the ramp located at Parcel 12 along the proposed Rose Kennedy Greenway”. The amendment was adopted.

Mr. Cabral of New Bedford then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 60. Chapter 236 in the Acts and Resolves of 2002, line 72, page 845, by striking the following ‘provided further, that not less than \$1,500,000 shall be expended for the purchase of open space in the city of New Bedford’ and inserting in place thereof:—

; provided further, that \$1,500,000 or fair market value, as determined by an independent appraisal or the price negotiated by the Secretary of the Executive Office of Environmental Affairs, whichever is the least, shall be provided for the acquisition for open space and general recreation purposes on certain property located in the City of New Bedford known as the Goodyear Tire Plant site; provided further that City of New Bedford may purchase or enter into a long term lease for a period of up to ninety-nine years, with provision for renewal periods of an additional twenty-year term or less, for the purpose of building, maintaining and continuing the existence of open space and related general recreational operations at such property.”

The amendment was adopted.

Mr. Hynes of Marshfield then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 58. Section 7A of said chapter 161A, as so appearing, is hereby amended in the last paragraph by striking the number ‘0.25’ and inserting in place thereof the number ‘0.5’; and inserting at the end thereof the following sentence:— provided that any increase in the assessment provided herein shall not violate provisions of the forward funding law, so-called.”. The amendment was adopted.

Mr. Kennedy of Brockton then moved that the bill be amended in section 2A, in item 6033-0417, by adding at the end thereof the following: “; provided further, that the department shall expend funds for the widening of Route 123 East/Belmont Street in the City of Brockton”. The amendment was adopted.

Mr. Mariano of Quincy then moved that the bill be amended in section 2A, in item 6033-0417, by adding at the end thereof the following: “; provided further, that not less than \$100,000 shall be expended for the design and construction of full signalization at the public safety complex at the intersection of King and South Franklin Streets in the town of Holbrook”. The amendment was adopted.

Mr. Hill of Ipswich then moved that the bill be amended in section 2A, in item 6033-0417, by adding at the end thereof the following: “; provided further, that not less than \$1,500,000 be expended for the design and construction of a storm water drainage system along interstate 95 in the town of Boxford”. The amendment was adopted.

Messrs. Galvin of Canton and Kafka of Stoughton then moved that the bill be amended in section 2A, in item 6033-0417, in lines 182 and 183, by striking out the following: “Route 138/Central Street reconstruction project” and inserting in place thereof the words “intersections of Pearl Street and Central Street; Island Street and Central Street; Canton Street and Central Street; Chemung Street and Central Street; School Street and Route 138; School Street and Canton Street”. The amendment was adopted.

Mr. DiMasi of Boston then moved that the bill be amended in section 2A, in item 6033-0417, by adding at the end thereof the following: “; provided further, that not less than \$3,000,000 be expended for the rehabilitation and reconstruction of the Northern Avenue Bridge in the city of Boston”. The amendment was adopted.

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Mr. Knuutila of Gardner then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 62. The town of Royalston shall not be required to provide matching funds for the School Street project undertaken in said town under the Small Town Road Assistance Program.”. The amendment was rejected.

Mr. Pedone of Worcester then moved that the bill be amended in section 2A, in item 6033-0417, in lines 92 and 256, by striking out the word “Worcester” and inserting in place thereof, in each instance, the word “Worcester”. The amendments were adopted.

Mr. Murphy of Weymouth then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 62. \$5,000,000 shall be expended for the planning, design and construction for improvements and beautification of the Route 3A corridor in Weymouth, including but not limited to road and sidewalk repair or replacement, planting of trees and landscape along roadway and the placement of utility lines below grade.”.

The amendment was adopted.

Mr. Ciampa of Somerville then moved that the bill be amended in section 2A, in item 6033-0417, by adding at the end thereof the following: “; provided further, that not less than \$2,400,000 shall be expended for the reconstruction and enhancement of that portion of the state road know as ‘Somerville Avenue’ in the City of Somerville”. The amendment was adopted.

Ms. Blumer of Framingham then moved that the bill be amended in section 2A, in item 6033-0417, in lines 38 to 42, inclusive, by striking out the following: “provided further, that the provided further, that the department shall expend fund on improvements to the hazardous conditions present at intersections along Edgell Street to improve access to Route 20, Route 9, and I-90” and inserting in place thereof the following: “; provided further, that \$500,000 shall be expended for roadway and signalization improvements at the intersections of Edgell Road, Water street, and Edmunds Road in the town of Framingham. The amendment was adopted.

Ms. Spiliotis of Peabody then moved that the bill be amended in section 2A, in item 6033-0417, by adding at the end thereof the following: “; provided further, that \$900,000 shall be expended for construction of sidewalks in the City of Peabody, along Route 114, to provide safe access for school children; provided further, that \$500,000 be expended for road repair of Route 114 in the City of Peabody, from Andover Street to Margin Street”. The amendment was adopted.

Representatives Spilka of Ashland and Parente of Milford then moved that the bill be amended in section 2A, in item 6033-0417, by adding at the end thereof the following: “; provided further, that no less than \$474,949 shall be expended for the fiscal year 2005 continuation of the LIFT bus service 5 and 6 which runs through South Framingham, Ashland, Holliston, Hopkinton and Milford”. The amendment was adopted.

Ms. Spilka then moved that the bill be amended in section 2A, in item 6033-0417, by adding at the end thereof the following: “; provided further, that no less than \$100,000 shall be expended for Marathon Park in Ashland”. The amendment was adopted.

The same member then moved that the bill be amended in section 2A, in item 6033-0417, by adding at the end thereof the following: “; provided further, that no less than \$600,000 shall be expended for the repair and reconstruction for the 126 corridor in the town of Ashland”. The amendment was adopted.

Messrs. Vallee of Franklin and Loscocco of Holliston then moved that the bill be amended in section 2A, in item 6033-0417, by adding at the end thereof the following: “; provided further, that an amount not to exceed \$1,500,000 shall be expended on an emergency basis for repairs, sidewalks, widening and reconstruction of Route 126 in the town of Medway. The amendment was adopted.

Mr. Mariano of Quincy then moved that the bill be amended by adding at the end thereof the following section:

SECTION 63. Notwithstanding any other general or special law, ordinance or regulation to the contrary, pursuant to subsection (d) of section 9 of chapter 372 of the acts of 1984, the Massachusetts Water Resources Authority may convey to the Massachusetts Bay Transportation Authority, for full and fair consideration, a parcel of land and water owned by the Massachusetts Water Resources Authority in he City of Quincy, consisting of approximately 7.5 acres of land and 3.8 acres of water. The parcel, generally located on Washington Street, is part of a larger parcel commonly known as the Fore River Shipyard, and is more precisely described in a plan entitled ‘Subdivision Plan of Land, Lot 7A and Parcel 15, Washington Street, in Quincy, Massachusetts, Fore River Shipyard, Quincy, MA’, dated May 24, 2004, prepared by BSC Group. The plan is on file at the Massachusetts Water Resources Authority and shall be recorded with the Norfolk registry of deeds together with the grant described herein.”.

The amendment was adopted.

Mr. Stanley of Waltham then moved that the bill be amended in section 2A, in item 6033-0417, by adding at the end thereof the following: “; provided further, that not less than \$99,000 shall be expended to the City of Waltham and the town of Lincoln for the purpose of resurfacing and other improvements to Old County road from Winter Street in Lincoln to Lincoln Woods rd in Waltham”. The amendment was adopted.

Mr. Bradley of Hingham then moved that the bill be amended in section 2A, in item 6033-0417, by adding at the end thereof the following: “; provided further, that no less than \$300,000 be expended for the repair of the Border Street Bridge in Cohasset”. The amendment was adopted.

The same member then moved that the bill be amended in section 2A, in item 6033-0417, by adding at the end thereof the following: “; provided further, that no less than \$1,000,000 be expended for improvements to the Hingham Downtown area to be used on roadway construction, sidewalk construction, lighting and other related costs”. The amendment was rejected.

The same member then moved that the bill be amended in section 2A, in item 6033-0417, by adding at the end thereof the following: “; provided further, that no less than \$300,000 be expended to fund Operation lifesaver railroad safety education program in the Greenbush rail line region”. The amendment was rejected.

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The same member then moved that the bill be amended in section 2A, in item 6033-0417, by adding at the end thereof the following: “; provided further, that no less than \$500,000 be expended to improvements to sidewalks on Beechwood Street, Forest Ave and King Street in Cohasset”. The amendment was rejected.

Mr. Bradley of Hingham then moved that the bill be amended in section 2A, in item 6033-0417, by adding at the end thereof the following: “; provided further, that no less than \$250,000 be expended to fund a grant program to provide up to three months mitigation to businesses affected by the construction of Greenbush Commuter Rail Line in the Downtown Hingham Business District”. The amendment was adopted.

The same member then moved that the bill be amended in section 2A, in item 6033-0417, by adding at the end thereof the following: “; provided further, that no less than \$1,000,000 be expended to repair and replace the West Corner Bridge and Culver located at the intersection of Hingham, Hull and Cohasset”. The amendment was adopted.

Mr. Kaufman of Lexington then moved that the bill be amended in section 42 (as printed), in lines 87 to 103, inclusive, by striking out the paragraph contained therein and inserting in place thereof the following paragraph:

“(f) Three members of the board of directors shall be appointed by the advisory board in accordance with section 2 of this chapter, and amended by section 2 of this Act; two of whom shall be a resident of one of the following communities: Braintree, Brookline, Cambridge, Chelsea, Cohasset, Everett, Hingham, Hull, Malden, Melrose, Medford, Milton, Nahant, Quincy, Revere, Somerville, Weymouth, or Winthrop; and one of whom shall be a resident of the communities of Bedford, Concord, Lexington or Lincoln. Members of the board of directors so appointed may also be members of said advisory board. Said advisory board shall appoint successor members, who shall replace that member of the board of directors appointed by the advisory board whose term has expired or otherwise terminated.”

The amendment was adopted.

Mr. Nyman of Hanover then moved that the bill be amended in section 2A, in item 6033-0417, by adding at the end thereof the following: “; provided further, that \$500,000 be expended for a traffic light at the exit 13 ramp of Route 3 northbound where it intersects with Route 53 in Hanover”. The amendment was adopted.

The same member then moved that the bill be amended in section 2A, in item 6033-0417, by adding at the end thereof the following: “; provided further, that \$1,500,000 be expended on the widening of the Route 53 bridge in Hanover”. The amendment was adopted.

Ms. Gobi of Spender then moved that the bill be amended in section 2A, in item 6033-0417, by adding at the end thereof the following: “; provided further, that not less than \$100,000 shall be expended for reconstruction of sidewalks, along Route 9 in the Town of Brookfield”. The amendment was adopted.

The same member then moved that the bill be amended in section 2A, in item 6033-0417, by adding at the end thereof the following: “; provided further, that not less than \$65,000 shall be expended for acquisition of land and construction of sidewalks on West Brookfield Road in the Town of New Braintree”. The amendment was adopted.

Mrs. Harkins of Needham then moved that the bill be amended in section 2A, in item 6033-0417, by adding at the end thereof the following: “; provided further, that \$375,000 shall be expended to reconfigure the intersection of Warren Street, School Street and Dedham Avenue in the town of Needham”. The amendment was adopted.

The same member then moved that the bill be amended in section 2A, in item 6033-0417, by adding at the end thereof the following: “; provided further, that \$300,000 shall be expended to install traffic signals and to resurface the intersection of Charles River Street and Central Avenue in Needham”. The amendment was adopted.

Mr. Larkin of Pittsfield and other members of the House then moved that the bill be amended in section 2A by inserting after item 6033-0417 the following item:

“6033-0418 For the development of a parking garage in the downtown area of the city of Pittsfield; provided, however, that notwithstanding the provisions of any general or special law to the contrary, no funds shall be expended from this item for the development of a parking garage in the city of Pittsfield until the community development board of the city of Pittsfield certifies to the Executive Office of Transportation and Construction that 150 additional hotel rooms will be made available in the downtown area of the city of Pittsfield ..... 7,000,000”.

The amendment was adopted.

Mr. Naughton of Clinton then moved that the bill be amended in section 2A, in item 6033-0417, by adding at the end thereof the following: “; provided further, that \$450,000 be allotted for rehabilitation and repair of Main Street/Routes 70 and 110 in the Town of Clinton”. The amendment was adopted.

The same member then moved that the bill be amended in section 2A, in item 6033-0417, by adding at the end thereof the following: “; provided further, that the Massachusetts Highway Department shall allocate the necessary funding to conduct a feasibility study regarding the addition of an exit ramp along Route 190 in the Flanagan Hill Road area of the town of Sterling”. The amendment was adopted.

Mr. Patrick of Falmouth then moved that the bill be amended in section 2A, in item 6033-0417, by adding at the end thereof the following: “; provided further, that no less than \$2,600,000 be expended for the upgrade of Route 28 from the Sandwich Road intersection in Falmouth to the Mashpee Town Line”; and in section 2J, in line 4, by striking out the word “Uplands” and inserting in place thereof the word “Upham”. The amendments were adopted.

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Mr. Tobin of Quincy being in the Chair,— Mrs. Harkins of Needham then moved that the bill be amended in section 2A, in item 6033-0417, by adding at the end thereof the following: “; provided further, that the Department shall expend funds to erect a barrier or fence along Route 135/Dedham Avenue under the MBTA bridge near the intersection of Glenn Terrace for pedestrian safety”. The amendment was adopted.

Mr. Verga of Gloucester then moved that the bill be amended in section 2E, in item 6001-0405, by adding at the end thereof the following: “; provided further, that not less than \$900,000 shall be made available to the Cape Ann Regional Transit Authority for reimbursement for expenses associated with the purchase, construction and rehabilitation of the Cape Ann maintenance facility”. The amendment was adopted.

Mrs. Teahan of Whitman then moved that the bill be amended in section 40, by adding at the end thereof the following sentence: “The department of highways shall make recommendations by December 30, 2004, on the feasibility of the vehicles with plates displaying the ‘International Symbol of Access’ being permitted to travel in High Occupancy Vehicle lanes on Massachusetts highways, regardless of the number of occupants.”; and the amendment was adopted.

Representatives L’Italien of Andover and Finegold of Andover then moved that the bill be amended in section 2A, in item 6033-0417 by adding at the end thereof the following: “; provided further, that funds be expended for the installation of a traffic signal at the intersection of Rt. 125 and Salem St. in the town of Andover”. The amendment was adopted.

Mr. Wagner of Chicopee then moved that the bill be amended by inserting after section 28 (as printed) the following section:

“SECTION 15A. The department of highways is hereby authorized and directed to expend the sums authorized in sections 2 to 2D, inclusive for the following purposes:

Projects for the laying out, construction, reconstruction, resurfacing, relocation or necessary or beneficial improvement of highways, bridges, bicycle paths or facilities, on and off-street bicycle projects, sidewalks, telecommunications, parking facilities, auto-restricted zones, scenic easements, grade crossing eliminations and alterations of other crossings, traffic safety devices on state highways and on roads constructed under the provisions of section 34 of chapter 90 of the General Laws, highway or mass transportation studies, including but not limited to traffic, environmental or parking studies, the establishment of school zones in accordance with section 2 of chapter 85 of the General Laws, improvements on routes not designated as state highways without assumption of maintenance responsibilities and, notwithstanding the provisions of any general or special law to the contrary, projects to alleviate contamination of public and private water supplies cause by the department’s storage and use of snow removal chemicals which are necessary for the purposes of highway safety and for the relocation of persons or business or replacement of dwellings or structures including, but not limited to, the provisions of last resort housing

under federal law and such functional replacement of structures in public ownership as may be necessary for the foregoing purposes and for relocation benefits to the extent necessary to satisfy the requirements of the Uniform Relocation Assistance and Real Property Acquisition Act, 42 USC 4601 et seq., PL 90-6464, and to sell any structure the title to which has been acquired for highway purposes. When dwellings or other structures are removed, in furtherance of any of the foregoing projects, the excavations or cellar holes remaining shall be filled in and brought to grade within one month after such removal. In planning projects funded by sections 2 to 2D, inclusive, consideration shall be made, to the extent feasible, to accommodate and incorporate provisions to facilitate the use of bicycles and walking as a means of transportation; provided, however, that nothing herein shall be construed to give rise to enforceable legal rights in any party or a cause of action or an enforceable entitlement as to the projects provided herein.

Funds authorized by sections 2 to 2D, inclusive, shall, except as otherwise specifically provided in this act, shall be subject to the provisions of the first paragraph of section 6 and section 7 and 9 of chapter 718 of the acts of 1956 and, notwithstanding the provisions of any general or special law to the contrary, may be used for the purposes stated in this act in conjunction with funds of cities, towns and any political subdivision of the commonwealth.

Notwithstanding the provisions of section 28C, 40A and 40B of chapter 7 of the General Laws, the department shall have jurisdiction over the selection of designers performing design services in connection with the ventilation of buildings, utility facilities and toll booths to be constructed as part of the central artery/tunnel project and shall construct, control, supervise or contract such structures; provided, however, that no such construction or contractual agreement for construction shall begin prior to the review and approval of the inspector general. The inspector general shall file with the house and senate committee on ways and means and the joint committee on transportation all notices of approval for projects undertaken pursuant to the provisions of this paragraph.

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

In carrying out the provisions of this section, the department may enter into contracts or agreements with cities to mitigate the effects of projects undertaken pursuant to this act and to undertake additional transportation measures within the city and may enter into such contracts or agreements with other state, local or regional

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

The amendment was adopted.

Mr. Lantigua of Lawrence then moved that the bill be amended in section 2A, in item 6033-0417 by adding at the end thereof the following: “; provided further, that no less than \$ 1,800,000. be expended to conduct road repairs and a road study to alleviate traffic flow on Rt. 110 (East Haverhill Street), Hampshire Street, Lawrence Street, Prospect Street and Essex Street in the city of Lawrence”. The amendment was adopted.

Mr. Wagner of Chicopee then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 64. Notwithstanding the provisions of any general or special law to the contrary, the provisions of section 61 and sections 62A to 62H, inclusive, of chapter 30, chapter 91, and section 40 of chapter 131 of the General Laws shall not apply to bridge projects of the department authorized under this act for the repair, reconstruction, replacement or demolition of existing state highway bridges and other bridges, including the immediate roadway approaches necessary to connect the bridges to the existing adjacent highway system, in which the design is substantially the functional equivalent of, and in similar alignment to, the structure to be reconstructed or replaced; provided, that in the case of any state highway or other bridge crossing over a railroad right-of-way or railroad tracks, the department shall seek the opinion of a railroad company, railway company or its assigns operating on the track of a necessary clearance between the track and the state highway bridge; provided, further, that the department, its agents or contractors may enter upon any right-of-way, land or premises of a railroad company or railway company or its assigns for such purposes as the department may deem necessary or convenient to carry out the provisions of this act; and provided further, that if a flagman is needed to carry out the provisions of this act, the railroad company, railway company or its assigns shall provide such flagman. For the purposes of this section, the word “bridge” shall include any structure spanning and providing passage over water, railroad right-of-way, public or private way, other vehicular facility, or other area.”

The amendment was adopted.

Mr. Quinn of Dartmouth then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 65. Notwithstanding any provision of general or special law to the contrary, the Executive Office of Environmental Affairs are authorized and directed to establish a pilot wetlands mitigation bank in the Taunton River watershed for the purposes of off-site mitigation of projects funded through this bond, other public works projects and projects requiring wetlands variances and/or orders of conditions within the Taunton River watershed[A].

For the purpose of this section a ‘pilot wetlands mitigation bank’ shall mean the development of a single wetlands bank through a public/private partnership in a single designated watershed for the purpose of assessing the effectiveness of wetlands banking as a regulatory tool to mitigate environmental impacts associated with construction activities.

Credits from said bank for off-site mitigation shall only be available for project mitigation after all regulatory requirements for avoiding, minimizing and mitigating impacts on site to the greatest extent practicable have been met.

Within 30 days of the effective date of this act, the Executive Office of Transportation and Construction and the Executive Office of Environmental Affairs shall issue a RFP for the selection of a contractor with experience in wetlands banking in New England to assist in the identification of a wetlands banking site and to undertake the design, approval, creation, ownership and management of a wetlands restoration bank within the Taunton River watershed.

Bank financing and sale of bank credits shall be subject to an agreement developed between the EOE, EOTC and the select contractor subject to the review and approval of the Inspector General. A portion of the credits from said bank shall be available for banking and trading purposes upon an approval of a restoration plan by appropriate regulatory agencies.

Within 30 days of the effective date of this act the Executive Office of Environmental Affairs shall convene a Wetlands Mitigation Banking Review Team for the purpose of reviewing and approving a pilot mitigation bank with the Taunton River Watershed.

Within 30 days of the effective date of this act EOTC shall inventory anticipated wetland impacts in the Taunton River watershed associated with future transportation, construction, repair and maintenance projects funded under this bond and other public works projects.

The EOTC and EOE shall file a report assessing the effectiveness of the wetlands bank with the Joint Committees on Transportation and Natural Resources and Agriculture within one year of the creation of a pilots wetlands bank.”

Pending the question on adoption of the amendment, Mr. Straus of Mattapoisett moved that it be amended by inserting [at “A”] the words “, but the mitigation bank may only be used for projects which are publicly financed”. The further amendment was adopted.

The amendment, as amended, then also was adopted.

Mr. Broadhurst of Methuen then moved that the bill be amended in section 2A, in item 6033-0417, by adding at the end thereof the following: “; provided further, that \$900,000 shall be expended to

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widen Pelham Street and construct a travel lane leading on Interstate 93 in Methuen; provided further, that \$3,000,000 shall be expended on the reconstruction and widening of Howe Street bridge in Methuen; provided further, that \$5,000,000 shall be expended on improvements to Route 113 to Route 110 in the city of Methuen; provided further, that \$1,800,000 shall be expended on the construction of a ramp on Route 213 to transfer station in the city of Methuen". The amendment was adopted.

Mr. Broadhurst of Methuen then moved that the bill be amended in section 2A, in item 6033-0499, by adding at the end thereof the following: "; provided further, that the secretary shall expend the funds necessary for the improvements to Danton Drive in Methuen". The amendment was adopted.

Mr. Fennell of Lynn then moved that the bill be amended in section 2A, in item 6033-0417, by adding at the end thereof the following: "; provided further, that not less than \$3,000,000 be expended for the reconstruction and resurfacing of Essex Street in the city of Lynn". The amendment was adopted.

Mr. Ruane of Salem then moved that the bill be amended in section 2A, in item 6033-0417 by adding at the end thereof the following: "; provided further, that not less than \$300,000 shall be expended on the improvement to department signage in and around the city of Salem". The amendment was adopted.

Messrs. Walsh of Boston and Wallace of Boston then moved that the bill be amended in section 2A, in item 6033-0417, in line 370, by striking out the words "Savin Hill Road" and inserting in place thereof the words "Savin Hill Avenue"; and the amendment was adopted.

Mr. Carron of Southbridge then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 66. The Massachusetts Turnpike Authority is authorized and directed to study the cost-effectiveness of sound barriers at locations in the Town of Charlton studied for said Authority's Barrier Priority Results."

The amendment was adopted.

Mr. Fennell of Lynn then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 67. Notwithstanding any general or special law to the contrary the Secretary of Transportation in consultation with the general manager of the Massachusetts Bay Transportation Authority, shall include the city of Lynn in any plans for the expansion, creation or adaption when considering regional intermodal modal transportation centers."

The amendment was adopted.

Mrs. Reinstein of Revere then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 68. Notwithstanding any special or general law to the contrary residents north of Boston shall be exempt from paying tolls on the Tobin Memorial Bridge, the Callahan Tunnel and the Ted Williams Tunnel during the time period beginning on May 1st, 2004 through February 28th, 2005 inclusively."

The amendment was rejected.

Miss Reinstein then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 68. Notwithstanding any special or general law to the contrary residents north of Boston shall be eligible to participate in the resident discount program offered on the Ted Williams tunnel and the Sumner/Callahan tunnel through the Massachusetts Turnpike Authority and provided further that the residents north of Boston be eligible to participate in the Tobin Bridge Resident Permit Discount Program under the Massachusetts Port Authority."

The amendment was rejected.

Miss Reinstein then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 68. Notwithstanding any special or general law to the contrary residents north of Boston shall be exempt from paying tolls on the Tobin Memorial Bridge, the Callahan Tunnel and the Ted Williams Tunnel during the time period beginning on Sunday July 18th, 2004 through Saturday July 31st, 2004 inclusively."

The amendment was rejected.

Mr. Straus of Mattapoisett then moved that the bill be amended in section 2A, in item 6033-0417, by adding at the end thereof the following: "; provided further, that \$650,000 be used for total reconstruction on Main Street from route 6 to Center Street". The amendment was adopted.

Mr. O'Brien of Kingston then moved that the bill be amended in section 2A, in item 6033-0417, by adding at the end thereof the following: "; provided further, that not less than \$1,087,000 shall be expended for the design, engineering, and construction costs associated with public works economic development in the Town of Plympton; and provided further that not less than \$18,000 shall be expended for improvement, upgrading and repair of the traffic signals at the intersection of state route 16 and Hopedale Street in Hopedale". The amendment was adopted.

Mr. Linsky of Natick then moved that the bill be amended in section 2A, in item 6033-0417, by adding at the end thereof the following: "; provided further, that not less than \$4,500,000 be expended for design, reconstruction and improvements at the Middlesex Avenue Parking Garage in Natick to provide parking for the Massachusetts Bay Transportation Authority Commuter Rail Line". The amendment was rejected.

Mr. Greene of Billerica then moved that the bill be amended in section 2A, in item 6033-0417, by adding at the end thereof the following: "; provided further, that an additional \$2,000,000 be expended on the Concord Road Phase II project in the town of Billerica". The amendment was adopted.

Representatives Khan of Newton and Paulsen of Belmont then moved that the bill be amended in section 2J, in item 6001-2044, by adding at the end thereof the following: "; provided further, that said authority shall expend such funds as are necessary to provide full accessibility and expand parking at the Auburndale, West Newton and Newtonville stations". The amendment was rejected.

Representatives Khan of Newton and Paulsen of Belmont then moved that the bill be amended by adding at the end thereof the following section:

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“SECTION 68. The Massachusetts Bay Transportation Authority, the Department of Highways, the Massachusetts Turnpike Authority and the Department of Conservation and Recreation, acting jointly, are hereby authorized and directed to undertake a study relative to the Woodland and Riverside T stations and the area surrounding said stations. Said study shall include, but not be limited to, proposed development of said area and its impact on the quality of life of residents of the area, transportation and traffic, and the feasibility of an intermodal transportation terminal. Said agencies shall in the conduct of said study hold at least one public hearing in a place accessible to the residents of said area.

The results of said study shall be filed with the Joint Committee on Transportation within six months of the effective date of this act.”.

The amendment was adopted.

Ms. Gomes of Harwich then moved that the bill be amended in section 2G, in item 6001-0456, by adding at the end thereof the following: “; provided further, that \$500,000 be expended for the planning and construction of a mini intermodal center on the Outer Cape”. The amendment was rejected.

Mr. Quinn of Dartmouth then moved that the bill be amended in section 2A, in item 6033-0417, by adding at the end thereof the following: “; provided further, that up to \$200,000 shall be expended for additional sidewalks from Vaughn Street to Commercial Drive in the town of Lakeville as part of the resurfacing project of Route 105”. The amendment was adopted.

Mr. Ruane of Salem then moved that the bill be amended in section 2A, by striking out item 6001-2049 and inserting in place thereof the following item:

“6001-2049	For matching funds to the Massachusetts Bay Transportation Authority for costs associated with the extension, design, acquisition, renovation, construction, reconstruction and other improvements to the commuter rail station in Salem at the intersection of Bridge and North Streets; provided further, that said improvements shall include, but not be limited to, the construction of a station house for customers and a parking garage; provided, that the amounts authorized herein shall be used as a 50 percent match from the commonwealth to said authority for the costs associated with said design, acquisition, renovation, construction, reconstruction and other improvements to said projects .....	19,500,000”.
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The amendment was adopted.

Ms. Balseer of Newton and other members of the House then moved that the bill be amended in section 2A, in item 6033-0417, by adding at the end thereof the following: “; provided further, that \$250,000 shall be expended to restore and replace the ironwork railings on the pathway on Echo Bridge in Newton and Needham, a structure listed on the National Register of Historic Places and part of the Sudbury Aqueduct transporting water from the Sudbury Reservoir to the Chestnut Hill Reservoir and currently used as a

pedestrian pathway from Needham to Newton crossing Hemlock Gorge where the deteriorated rails represents a threat to the public safety as well as a threatened loss to our parks and historic properties”. The amendment was adopted.

Mrs. Walrath of Stow then moved that the bill be amended in section 2A, in item 6033-0417, by adding at the end thereof the following: “; provided further, that not more than \$150,000 be expended by the Massachusetts Highway Department for a traffic noise survey to be conducted in the area of Interstate 495 between exits 26 and 28”. The amendment was adopted.

Mrs. Haddad of Somerset then moved that the bill be amended in section 2A, in item 6033-0417, by adding at the end thereof the following: “; provided further, that monies shall be expended to conduct a study to determine the cost-effectiveness of camera surveillance at problem signalized intersections throughout the Commonwealth for the potential of issuing traffic citations for red light violations”. The amendment was adopted.

Mr. Naughton of Clinton then moved that the bill be amended in section 2A, in item 6033-0417, by adding at the end thereof the following: “; provided further, that not more than \$10,000 be allotted to conduct a noise study along Route 290 in the town of Northborough”. The amendment was adopted.

Mr. Ayers of Quincy and other members of the House then moved that the bill be amended in section 2A, in item 6033-0417, by adding at the end thereof the following: “; provided further, that not less than \$300,000 shall be expended to conduct a feasibility and engineering study for the design and construction of improvements to the Massachusetts bay transportation authority Wollaston station, so-called, to ensure that said station is accessible, functional, and safe for use by persons with disabilities”. The amendment was adopted.

Mr. Fresolo of Worcester then moved that the bill be amended in section 2A, in item 6033-0417, by adding at the end thereof the following: “; provided further, that said department shall expend funds to construct a parking structure near I-290 at the Union Station in Worcester; provided further, that said department shall expend such funds necessary to make the safety and structural improvements necessary at the Route 146 intersection of Quinsigamond Village Gateway in Worcester”. The amendment was adopted.

Mr. Bradley of Hingham then moved that the bill be amended in section 2A, in item 6033-0417, by adding at the end thereof the following: “; provided further, that not less than \$1,000,000 be expended for improvements to roadway facilities in the Hingham Shipyard”. The amendment was adopted.

Mr. Pedone of Worcester then moved that the bill be amended in section 2A, in item 6033-0417, by adding at the end thereof the following: “; provided further, that funds may be expended for the Worcester Department of Public Works and Transportation relocation”. The amendment was adopted.

Mrs. Teahan of Whitman then moved that the bill be amended in section 2A, in item 6033-0417, by adding at the end thereof the following: “; provided further, that the department shall expend not less than \$150,000 for the East Bridgewater segment of the Bay Cir-

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cuit Trail, a linked trail system that extends from Newburyport to Duxbury". The amendment was adopted.

Mrs. Paulsen of Belmont then moved that the bill be amended in section 2A, in item 6033-0417, by adding at the end thereof the following: "; provided further, that no less than \$500,000 will be expended for the completion of bike path from Belmont to Alewife and Davis Square in Somerville". The amendment was adopted.

Mr. Loscocco of Holliston then moved that the bill be amended in section 2A, in item 6033-0417, by adding at the end thereof the following: "; provided further, that the amount of \$1,250,000 shall be used towards the funding of the acquisition of property for a so-called rail trail or trails in the Town of Holliston". The amendment was adopted.

Mr. Binienda of Worcester then moved that the bill be amended in section 2A, in item 6033-0417, by adding at the end thereof the following: "; provided further, that the not less than \$200,000 shall be expended for the Webster Square Fire Station Traffic Signal in the city of Worcester; provided further not less than \$400,000 shall be expended for the Worcester Airport Industrial Park Expansion Road; and provided further not less than \$4 million shall be expended for Goddard Memorial Drive reconstruction in the city of Worcester". The amendment was adopted.

Mr. Wagner of Chicopee then moved that the bill be amended in section 39 (as printed) by adding at the end thereof the following sentence: "For the purposes of this section, efficient and cost effective road and bridge maintenance techniques shall be defined as any technology that will provide longer lasting application and cost savings to the Commonwealth, including, but not limited to, paver placed road maintenance techniques, heavily modified emulsion and hot mix asphalt techniques or rubberized asphalt road and bridge surface maintenance technology.". The amendment was adopted.

Mr. Pignatelli of Lenox then moved that the bill be amended in section 2A, in item 6033-0417, by adding at the end thereof the following: "; provided further, that not more than \$600,000 shall be spent for the village green transportation enhancement project, including underground utilities in the town of Sheffield; provided further, that not more than \$80,000 shall be spent for detailed marketing analysis, site appraisal and conceptual design for redevelopment of the former truck plaza site located on route 102 adjacent to the Massachusetts turnpike in the town of West Stockbridge; provided further, that not more than \$125,000 be spent for preliminary design for a multi-use pathway south extension of the Ashuwillticook Trail from Williams Street in Pittsfield through Lenox and into Lee center; provided further, that not more than \$1,200,000 be spent to reconstruct the road on West Street in Lenox serving Tanglewood; provided further, that not more than \$165,000 be spent to resurface a portion of West Street in the town of Mt. Washington leading to the Bash Bish Falls State Park; provided further, that not more than \$1,250,000 be spent to reconstruct Bash Bish Falls Road in the town of Mt. Washington; provided further, that not more than \$1,000,000 be spent to resurface route 20 at Main, West Center and West Park Streets in the town of Lee; provided further, that not more

than \$100,000 be spent to provide a detailed analysis of current conditions and development of engineering designs and cost estimates for upgrade to the utility and infrastructure elements along the route 102 corridor in Lee". The amendment was adopted.

Mr. Bradley of Hingham then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 69. The Massachusetts Highway Department shall grant a permanent easement to the Town of Cohasset Water Department within the Massachusetts Highway Department's maintenance site and access easement on or near Crocket Lane, Cohasset which will allow the Water Department to have vehicular access to the Scituate Hill Water Storage Tank at all times.".

The amendment was adopted.

Messrs. Loscocco of Holliston and LeDuc of Marlborough then moved that the bill be amended in section 2A, in item 6033-0417, by adding at the end thereof the following: "; provided further, that the amount of \$600,000 shall be used to fund the completion of improvements in the towns of Southborough and Hopkinton relating to the so-called MBTA train station located in the town of Southborough, including but not limited to the completion of all improvements and other outstanding items to have been completed by the MBTA in the Town of Southborough and the construction of sidewalks from said station to the Hopkinton State Park in the Town of Hopkinton". The amendment was adopted.

Mr. Walsh of Boston then moved that the bill be amended in section 2A, in item 6033-0417, by adding at the end thereof the following: "; provided further, that not less than \$3,000,000 shall be expended to the city of Lynn for the purpose of relocating the existing overhead electric power lines underground along the Lynnway at the South Harbor Site in the city of Lynn". The amendment was adopted.

Mr. Correia of Fall River then moved that the bill be amended by adding at the end thereof the following section:

"SECTION 70. Notwithstanding any general or special law to the contrary, the secretary of the executive office of transportation and construction shall establish a priority list for projects to be completed by the Massachusetts bay transportation authority which gives first priority to those projects which serve cities and towns not presently served by commuter rail or rapid transit.".

The amendment was adopted.

Ms. Atkins of Concord then moved that the bill be amended in section 2A, in item 6033-0417 by adding at the end thereof the following: "; provided further, that not more than \$800,000 shall be expended on the replacement and reconstruction of the Pine Street Bridge, a service bridge of Route 2 and Route 62, in the town of Concord; provided further, that not more than \$1,000,000 shall be expended on the reconstruction and improvements to Heath's Bridge on Sudbury Road in the town of Concord; provided further, that not more than \$1,200,000 be expended on the reconstruction and improvements of Flint's Bridge on Monument Street in the town of Concord; provided further that MassHighway shall design and install full signal lighting at the intersection of Interstate 195 and Route 6 and that no less than \$350,000 shall be expended on said project". The amendment was adopted.

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Mr. Casey of Winchester then moved that the bill be amended in section 41 (as printed), in line 9, by inserting after the word “annually” the following: “the first of which shall be the northbound side of interstate highway route 93 from the Marble Street overpass and extending south to the Melrose Highlands exit in the town of Stoneham”. The amendment was adopted.

Mr. Hall of Westford and other members of the House then moved that the bill be amended by adding at the end thereof the following section:

“SECTION 71. Notwithstanding any general or special law to the contrary, the secretary of the executive office of transportation and the Massachusetts Turnpike Authority shall develop a noise mitigation program to reduce the impact of traffic related noise on communities in the Commonwealth. Said program shall include, but not be limited to, specific recommendations for the construction of sound barriers in the towns of Billerica, Lexington, Chelmsford, Bedford, Lowell, Framingham, Natick, Ashland, Hopkinton, Southborough, Weston, Wayland, Shrewsbury, Danvers and Charlton. Said secretary and said authority shall develop said program no later than December 1, 2004 and shall submit recommendations to the joint committee on transportation and the house and senate committees on ways and means, no later than December 15, 2004.”

The amendment was adopted.

Mr. Petrucci of Boston and other members of the House then moved that the bill be amended in section 42 (as printed), in lines 3 to 38, inclusive, by striking out the paragraph contained therein and inserting in place thereof the following paragraph:

“Section 36.(a) There shall be an advisory board to the authority consisting of one voting representative from each of the following cities and towns: Braintree, Bedford, Brookline, Cambridge, Cohasset, Concord, Everett, Hingham, Lexington, Lincoln, Malden, Medford, Melrose, Milton, Nahant, Quincy, Somerville and Weymouth and two voting representatives from the cities and towns of Chelsea, Hull, Revere and Winthrop; provided further that the City of Boston shall have nine voting representatives, one of whom shall be a resident of the Beacon Hill or South End sections of the city of Boston, two of whom shall be residents of the East Boston section of the city of Boston, one of whom shall be a resident of the Dorchester or Roxbury sections of the city of Boston, one of whom shall be a resident of the Charlestown section of the city of Boston, two of whom shall be residents of the South Boston section of the city of Boston, one of whom shall be a resident of the Roslindale or Hyde Park sections of the city of Boston, and one of whom shall be a resident of the West Roxbury or Jamaica Plain sections of the city of Boston. The members of the advisory board shall consist of the chief executive officer thereof; provided however, that any chief executive officer, by writing filed with the authority, may appoint a permanent designee to serve in his stead as a member of said advisory board until the expiration of each term of office of the designating chief executive officer or the earlier vacancy of the office of the designating chief executive officer; provided further, that if the chief executive officer of the city of Boston opts to serve as the represen-

tative for the city of Boston on the advisory board, he shall be deemed to represent the forgoing sections of the city of Boston; provided further that a permanent designee shall be versed in at least one of the following three disciplines: environmental affairs, community/airport relations or public health. For the purpose of this section, the term ‘chief executive officer’ shall mean the person designated as the chief executive officer under the provisions of a local charter or laws having the force of a charter, and otherwise the mayor in every city and the chairman of the board of selectmen or president of the town council, as the case may be, in every town.”; in said section, in line 45, by striking out the word “seven” and inserting in place thereof the word “nine”; and in section 43 (as printed), in line 8, by inserting after the word “Boston” the words “; provided further, that one member appointed by the mayor of the city of Boston shall be a resident of the East Boston section of the city of Boston”.

The amendments were adopted.

Representatives Parente of Milford and Walrath of Stow then moved that the bill be amended in section 2A, in item 6033-0417, by adding at the end thereof the following: “; provided further, that the Massachusetts highway department shall expend no more than \$150,000 for a traffic noise survey to be conducted in the area between exits 26 and 28 on interstate route 495”. The amendment was adopted.

Ms. Gobi of Spencer then moved that the bill be amended in section 2A, in item 6033-0417, by adding at the end thereof the following: “; provided further, that not less than \$1,550,000 shall be expended to reconstruct Baldwinville Road from its intersection with Route 202 to its intersection with Routes 101/2A in the Town of Templeton”. The amendment was adopted.

The same member then moved that the bill be amended in section 2A, in item 6033-0417, by adding at the end thereof the following: “; provided further, that not less than \$100,000 shall be expended for the emergency repairs and reconstruction of the Covered Bridge in Hardwick”. The amendment was adopted.

Ms. Gobi then moved that the bill be amended in section 2A, in item 6033-0417, by adding at the end thereof the following: “; provided further, that not less than \$100,000 shall be expended for the study and plan design for improvement of the traffic usage of Route 9 in Spencer”. The amendment was adopted.

The bill (House, No. 4771, printed as amended) then was passed to be engrossed. Sent to the Senate for concurrence.

The Senate Bill authorizing payroll deductions for certain contributions to the State Police Museum Fund (Senate, No. 1417, amended); and

State Police  
Museum Fund.

House bills

Clarifying the removal statute (House, No. 2101); and

To ensure health and safety on public construction projects (House, No. 2367);

Children.  
Construction  
projects,  
safety.

Severally were read a second time; and they were ordered to a third reading.

*Order.*

On motion of Mr. Finneran of Boston,—

Next  
sitting.

*Ordered*, That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M.

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Accordingly, without further consideration of the remaining matters in the Orders of the Day, at twenty-seven minutes after five o'clock P.M., on motion of Mr. Linsky of Natick (Mr. Tobin of Quincy being in the Chair), the House adjourned, to meet tomorrow at eleven o'clock A.M., in an Informal Session.