

Wednesday, June 20, 2012.

Met at sixteen minutes after at twelve o'clock noon, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

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

Distinguished Guest.

During the session, the Chair (Mr. Donato of Medford), declared a brief recess and introduced Governor Dennis Dougaard of South Dakota. The Governor and his entourage were the guests of Mr. Jones of North Reading and the Speaker. Governor Dennis Dougaard.

Guests of the House.

During the session, the Chair (Mr. Donato), declared a brief recess and introduced Bob Reetz, Karen O.Toole and their children, Amanda and John. They were the guests of Mr. Timilty of Milton. Bob Reetz and family.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Mr. Cusack of Braintree) celebrating the fiftieth anniversary of the dedication of the Disabled Veterans of America Memorial Highway in the town of Braintree; and Braintree,— Veterans Highway.

Resolutions (filed by Representatives Linsky of Natick and Peisch of Wellesley) on the occasion of the dedication of the Dennis M. Higgins Square in the town of Natick; Natick,— Higgins Square.

Mr. Binienda of Worcester, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Mr. Mariano of Quincy, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Orders.

The following order (filed by Mr. Michlewitz of Boston) 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 Monday, July 9, 2012, within which to make its final report on current Senate document numbered 304 and House document numbered 1985. Election Laws,— extension of time for reporting.

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

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

Election
Laws,—
extension
of time for
reporting.

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Election Laws be granted until Thursday, May 31, 2012, within which to make its final report on current House document numbered 4049.

Mr. Binienda of Worcester, for the committees on Rules, reported that the order ought to be adopted. Under suspension of the rules, on motion of Mr. Michlewitz, the order was considered forthwith.

Pending the question on adoption of the order, the same member moved to amend it by striking out the date “Thursday, May 31” and inserting in place thereof the date “Friday, June 29”; and the amendment was adopted.

The order, as amended, then also was adopted. Sent to the Senate for concurrence.

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

Public Safety
and
Homeland
Security,—
extension
of time for
reporting.

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Public Safety and Homeland Security be granted until Wednesday, June 20, 2012, within which to make its final report on current House documents numbered 1554, 1566, 1567, 1568, 2391 and 3369.

Mr. Binienda of Worcester, for the committees on Rules, reported that the order ought to be adopted. Under suspension of the rules, on motion of Mr. Naughton, the order was considered forthwith.

Pending the question on adoption of the order, the same member moved to amend it by striking out the date “Wednesday, June 20” and inserting in place thereof the date “Friday, June 29”; and the amendment was adopted.

The order, as amended, then also was adopted. Sent to the Senate for concurrence.

Petitions.

Petitions severally were presented and referred as follows:

Needham,—
alcoholic
beverages.

By Representative Garlick of Needham and Senator Rush, a joint petition (accompanied by bill, House, No. 4187) of Denise C. Garlick (by vote of the town) for legislation to authorize the town of Needham to grant an additional license for the sale of all alcoholic beverages not to be drunk on the premise. To the committee on Consumer Protection and Professional Licensure.

Marion,—
open space
commission.

By Mr. Straus of Mattapoisett, a petition (accompanied by bill, House, No. 4188) of William M. Straus (by vote of the town) relative to the Open Space Acquisition Commission in the town of Marion. To the committee on Municipalities and Regional Government.

Agawam,—
civil
service.

By Representative Boldyga of Southwick and Senator Welch, a joint petition (accompanied by bill, House, No. 4189) of Nicholas A. Boldyga (with the approval of the mayor and city council) relative to the civil service status of building maintenance association members in the city of Agawam. To the committee on Public Service.

Severally sent to the Senate for concurrence.

Papers from the Senate.

The House Bill preventing unlawful and unnecessary foreclosures (House, No. 4096, amended), came from the Senate passed to be engrossed, in concurrence, with amendments striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2298; and inserting before the enacting clause an emergency preamble. Foreclosures.

Under suspension of the rules, on motion of Mr. Costello of Newburyport, the amendments were considered forthwith. The House then non-concurred with the Senate in its amendments; and, on further motion of the same member, asked for a committee of conference on the disagreeing votes of the two branches. Representatives Costello, Basile of Boston and Peterson of Grafton were appointed the committee on the part of the House. Sent to the Senate to be joined. Conference committee.

The House Bill establishing a sick leave bank for Mary M. Stanton, an employee of the Executive Office of Health and Human Services (House, No. 3972), came from the Senate passed to be engrossed, in concurrence, with amendments striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2196; striking out the emergency preamble and inserting in place thereof the following emergency preamble: Mary M. Stanton,—sick leave bank.

“Whereas, The deferred operation of this act would tend to defeat its purpose, which is to establish forthwith a sick leave bank for a certain employee of the department of developmental services, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.”; and striking out the title and inserting in place thereof the following title: “An Act establishing a sick leave bank for Mary M. Stanton, an employee of the Department of Developmental Services.”

Under suspension of Rule 35, on motion of Mrs. Nyman of Hanover, the amendments (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted, in concurrence.

A petition (accompanied by bill, Senate, No. 2307) of Richard T. Moore and Kevin J. Kuros (by vote of the town) for legislation to authorize the town of Webster to convert an existing license for the sale of wine and malt beverages to a license for the sale of all alcoholic beverages to be drunk on the premises, was referred, in concurrence, to the committee on Consumer Protection and Professional Licensure. Webster,—liquor license.

Reports of Committees.

Mr. Wagner of Chicopee, for the committee on Economic Development and Emerging Technologies, on a recommitted petition, reported, a Bill to establish a sales tax holiday August 2012 (Senate, No. 157). Under suspension of Joint Rule 5, on motion of the same member, the report was considered. The bill then was read; and referred, under Rule 33, to the committee on Ways and Means. Sales tax holiday.

By Mr. Straus of Mattapoisett, for the committee on Transportation, on a petition, a Bill concerning tunnel safety (House, No. 930). Tunnel safety.

Northborough,—
noise study. By the same member, for the same committee, on a petition, a Bill addressing the issue of noise pollution along Route 290 in the town of Northborough (House, No. 931).

Towed
campers. By the same member, for the same committee, on a petition, a Bill exempting towed campers from commercial license plates (House, No. 949).

Truck
inspections. By the same member, for the same committee, on a petition, a Bill relative to truck inspections (House, No. 3095).

Class 2
licenses. By the same member, for the same committee, on a petition, a Bill regarding education requirements for class 2 motor vehicle licensees (House, No. 3245).

Students,—
transportation. By the same member, for the same committee, on House, No. 2633, a Bill promote safety in the transportation of students (House, No. 4183).

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

Dedham
Westwood
water
district. By Mr. Scibak of South Hadley, for the committee on Public Service, on a petition, a Bill granting creditable service to employees of the Dedham Westwood water district (House, No. 4157) [Senator Brownsberger dissenting].

Gloria
Chisholm,—
sick leave. By the same member, for the same committee, on a joint petition, a Bill establishing a sick bank for Gloria Chisholm, an employee of the Massachusetts Department of Transportation (House, No. 4184).

Hardship
licenses,—
violations. By Mr. Straus of Mattapoisett, for the committee on Transportation, on a petition, a Bill to clarify penalties for violations occurring while driving with a hardship license (House, No. 1801).

Billerica,—
Greene
bridge. By the same member, for the same committee, on a petition, a Bill designating a certain bridge in the town of Billerica in honor of William G. Greene, Jr. (House, No. 1802).

Railroad
crossings. By the same member, for the same committee, on a petition, a Bill relative to railroad crossings (House, No. 3094).

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

Engrossed Bill.

Bill
enacted. The engrossed Bill relative to the sale of alcoholic beverages in the town of Wenham (see Senate, No. 2273, amended) (which originated in the Senate), having been certified by the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Engrossed Bill — Land Taking.

Topsfield,—
land. The engrossed Bill authorizing the town of Topsfield to convey certain conservation land (see House, No. 3719, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Bill enacted
(land taking),—
yea and nay
No. 284. On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitu-

tion); and on the roll call 150 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 284 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Orders of the Day.

The Senate Bill establishing a sick leave bank for Brian J. Waldron, an employee of the Trial Court (Senate, No. 2272), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence. Third reading bill.

House bills

Exempting the positions of plumbing inspector and gas fitting inspector in the city of Newburyport from civil service law and section 11 of chapter 142 of General Laws (House, No. 3848); and Third reading bills.

Relative to a town of Canton conservation restriction (House, No. 4103);

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.

House bills

Relative to the University of Massachusetts Police Department (House, No. 659); Second reading bills.

Relative to the possession of weapons (House, No. 667);

Relative to red and blue flashing, rotating or oscillating lights (House, No. 942);

[sic] Massachusetts Housing Authority (House, No. 2128);

Regarding the certification and training of fire service personnel (House, No. 2389);

Relative to the use of shotguns (House, No. 2398);

Relative to education funding for charter schools (House, No. 3597, changed);

Relative to vacancies in the office of selectmen in the town of town of North Andover (House, No. 3832);

Authorizing the appointment of Amy McCarthy as a police officer in the North Andover, notwithstanding the maximum age requirements (House, No. 3835);

Amending a conservation restriction in the town of Truro (House, No. 3919); and

Exempting the position of deputy police chief in the town of Duxbury from the civil service laws (House, No. 4026);

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

The House Bill relative to financing improvements to the Commonwealth's transportation system (House, No. 4179), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time. Transportation,—bond.

Pending the question on passing the bill to be engrossed, Mr. Diehl of Whitman moved to amend it by adding the following section:

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bond.

“SECTION 19. The MBTA train station at Whitman on the Kingston/Plymouth Line is hereby renamed the ‘Edward “Ned” P. Kirby Train Station, Whitman’. There shall be a one-time disbursement of funds to be used for the creation of the signs at the station itself, which will continue to be abbreviated as the ‘Whitman’, station on all DOT materials.”

The amendment was adopted.

Mr. Hunt of Sandwich then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; provided further, that not less than \$250,000 shall be expended for overpass restoration and improvements on Route 149 where it crosses over Route 6 in the town of Barnstable”. The amendment was adopted.

Mr. Petrolati of Ludlow then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; provided further, that not less than \$1,035,000 shall be expended for the design and reconstruction of the intersection of Sewall, Center, State and East Streets in the Town of Ludlow”; and the amendment was adopted.

Mr. Finn of West Springfield then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; provided further, that \$500,000 shall be expended for safety improvements and signalization at Elm street at Westfield street in the city of West Springfield”. The amendment was adopted.

Mrs. Ferguson of Holden then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; provided further that not less than \$300,000 be expended for design and construction of Rt. 140 between Mile Hill Road and Gatehouse Road in Westminster”; and the amendment was adopted.

Mrs. Canavan of Brockton then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; provided, that \$250,000 shall be expended for the construction of sidewalks in the South street bridge area and along the section of Manley street from West Center street to West street, all in the town of West Bridgewater”. The amendment was adopted.

Mr. DiNatale of Fitchburg and other members of the House then moved to amend the bill in section 2, in item 6121-1216, by adding the following: “; provided further that not less than \$450,000 shall be expended for the remaining design plan for the Summer St. Improvement Project located in the cities of Fitchburg, Leominster and Lunenburg”; and the amendment was adopted.

Mr. Curran of Springfield and other members of the House then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; provided further, that no less than \$250,000 shall be expended for private ways, curbing, and sidewalk improvements for the city of Springfield”. The amendment was adopted.

Mr. Markey of Dartmouth then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; provided further, that not less than \$500,000.00 shall be expended for the design and construction of the Padanaram Bridge Rehabilitation Project in Dartmouth”; and the amendment was adopted.

Mr. Straus of Mattapoisett then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; provided further the the Alden Road from the Bridge Street Intersection to Main

Street (to the Acushnet Town Line) be reconstructed with upgrades of ADA accessibility ramps/sidewalks". The amendment was adopted.

Mr. Winslow of Norfolk then moved to amend the bill in section 2A, in item 6121-1217, in line 49, after the word "costs;" by striking out the word "and", and by adding at the end of said item the following: "; and provided further, that not less than \$3,000,000 shall be expended for the construction of a bridge over the MBTA railroad right of way on Main Street at the intersection of Boardman Street in Norfolk on the condition that the town of Norfolk agrees to pay to the general fund of the Commonwealth the sum of \$2,000,000, in equal payments each year for 20 years commencing in fiscal year 2018, to reimburse the cost of the bridge construction"; and the amendments were adopted.

Mr. Scibak of South Hadley then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: "; provided further that not less than \$300,000 shall be expended for the design and reconstruction of the intersection at Pomeroy Meadow Road, Loudville Road, Glendale Street and West Street in the City of Easthampton". The amendment was adopted.

The same member then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: "; provided further, that not less than \$400,000 shall be expended for the design, reconstruction and improvement of Route 47, Bay Road, Knightly Road, Bristol Lane, North Maple Street and Rocky Hill Road in the Town of Hadley"; and the amendment was adopted.

Mr. Scibak then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: "; provided further, that not less than \$600,000 shall be expended for the design and reconstruction and improvement of the Maple Street intersection and the Falls area in the Town of South Hadley". The amendment was adopted.

Mr. Aguiar of Fall River and other members of the House then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: "; provided further, that \$750,000 shall be expended for the planning, design and construction of the lower, double barrel culverts of the Quequechan River under the MBTA railroad right of way at Battleship Cove in the City of Fall River".

The amendment was adopted.

Mrs. Campbell of Methuen then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: "; provided further, that \$350,000 shall be expended for improved traffic signalization at the entrance to Caritas Holy Family Hospital on East Street in the City of Methuen"; and the amendment was adopted.

Mr. Atsalis of Barnstable then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: "; provided further, that not more than \$1,900,000 shall be expended for the repair and reconstruction of the Oyster Harbor Bridge that carries Bridge Street over the channel connecting West Bay and North Bay in the Village of Osterville in the Town of Barnstable". The amendment was adopted.

Ms. Balsler of Newton then moved to amend the bill in section 2D, in item 6622-1280, in line 94, by inserting after the word "commonwealth" the following: "; provided further that not less than \$50,000

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shall be expended for the City of Newton's conversion of the abandoned, MBTA-controlled rail line parallel to Needham Street in Newton to a linear park, with potential future conversion to a green-line extension"; and the amendment was adopted.

Mr. Barrows of Mansfield then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: "; provided further, that not less than \$200,000 shall be expended for a project to increase access to the Mansfield Train Station commuter parking lots in the town of Mansfield". The amendment was adopted.

Mr. Cantwell of Marshfield then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: "; provided further, that \$100,000 shall be expended for the purpose of completion of construction of the Sea street bridge between Marshfield and Scituate"; and the amendment was adopted.

Messrs. Brodeur of Melrose and Wong of Saugus then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: "; provided further, that not less than \$200,000 shall be expended for the design and reconstruction of the Vernon Street Roadway Improvements in Wakefield". The amendment was adopted.

Mr. Brodeur then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: "; provided further, that not less than \$300,000 shall be expended for the Highlands Infrastructure Improvements in Melrose"; and the amendment was adopted.

Mr. DeLeo of Winthrop then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: "; provided further, that \$4,575,000 shall be expended for the Winthrop street corridor project in the town of Winthrop". The amendment was adopted.

The same member then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: "; provided further, that \$475,000 shall be expended for the Walk Winthrop initiative in the town of Winthrop"; and the amendment was adopted.

Mr. D'Emilia of Bridgewater then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: "; provided, further, that not less than \$150,000 shall be expended for design, planning, and improvements of High street in the town of Bridgewater". The amendment was adopted.

The same member then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: "; provided further, that not less than \$150,000 shall be expended for the rehabilitation of the South street east bridge in the town of Raynham"; and the amendment was adopted.

Mr. Jones of North Reading move that the bill be amended in section 2, in item 6121-1215, in lines 13, 14 and 15, by striking out the words "that amounts expended for department employees may include the salary and salary-related expenses of these employees to the extent that they work on or in support of these projects" and inserting in place thereof the words "that no funds in this item shall be expended for the payment of the salary of any department employee", in line 29, by striking out the words "that amounts expended for department employees may include the salary and salary-related expenses of these employees to the extent that they work on or in support of these projects" and inserting in place thereof the words "that no funds in this

item shall be expended for the payment of the salary of any department employee”, in line 49, after the word “costs”, by inserting the words “; provided further, that no funds in this item shall be expended for the payment of the salary of any department employee”; and by adding the following section:

“SECTION 20. Notwithstanding any general or special law to the contrary, no funds originating from the bonds established in this act shall be used for the payment of salaries or salary-related expenses of any employee of the department of transportation.”.

The amendments were rejected.

Mr. Jones of North Reading move that the bill be amended striking out section 7 and inserting in place thereof the following seven sections:

“SECTION 7. (a) There shall be an MBTA finance control board, hereinafter referred to as the board, which shall consist of 5 members: 3 designees of the secretary of administration and finance all of who reside outside the MBTA service area, the chair of the MBTA Board of Directors, and the secretary of transportation. The board shall act by a majority vote of all its members. The secretary for administration and finance, in this act called the secretary, may fix stipends to be paid to members of the board other than the chair of the MBTA Board of Directors and secretary of transportation. The board shall initiate and assure the implementation of appropriate measures to secure the financial stability of the MBTA, and shall continue in existence until June 30, 2015, and thereafter for such period as the members may vote to continue its existence, provided however that the secretary of administration and finance may at any time abolish the board. The board shall be a state agency for the purpose of chapter 268A of the General Laws.

(b) Action by the board under the authority of this act shall in all respects constitute action by the MBTA for all purposes under the General Laws and under any special law.

(c) Until the board ceases to exist, no appropriation, borrowing authorization, transfer, or other spending authority shall take effect until approved by the board. The board shall approve all appropriations, borrowing authorizations, transfers, or any other spending authorizations, in whole or part.

(d) In addition to the authority and powers conferred elsewhere in this act, and notwithstanding any MBTA provision, or local ordinance to the contrary, the board shall have the following powers:

(1) to amend the annual or supplemental budgets of the MBTA including the establishment, increase or decrease of any appropriations and spending authority for all aspects of the MBTA;

(2) to implement and maintain uniform budget guidelines and procedures for all departments;

(3) to amend, formulate and execute capital budgets, including to amend any borrowing authorization, or finance or refinance any debt in accordance with law;

(4) to amortize operational deficits in an amount and for such term as the secretary approves on an annual basis;

(5) to develop and maintain a uniform system for all financial planning and operations in all departments, offices, boards, commissions, committees, agencies or other units of the MBTA;

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(6) to review and approve or disapprove all proposed contracts for goods or services;

(7) notwithstanding any general or special law to the contrary, to establish, increase, or decrease any fee, rate, or charge, for any service, license, permit or other activity, otherwise within the authority of the MBTA;

(8) notwithstanding any MBTA ordinance to the contrary, to appoint, remove, supervise and control all MBTA employees and have control over all personnel matters; the board shall hold all existing powers to hire and fire and set the terms and conditions of employment held by other employees or officers of the MBTA, whether or not elected; the board shall have the authority to exercise all powers otherwise available to the MBTA Board of Directors regarding contractual obligations during a fiscal emergency; and no MBTA employee or officer shall hire, fire, transfer or alter the compensation or benefits of any employee except with the written approval of the board. The board may delegate or otherwise assign these powers with the approval of the secretary;

(9) to alter the compensation of officials of the MBTA to reflect the fiscal emergency and changes in the responsibilities of the officials as provided by this act;

(10) to employ, retain, and supervise such managerial, professional and clerical staff as are necessary to carry out its responsibilities, with the approval of the secretary. The board, with the approval of the secretary, shall have authority to set the compensation, terms, and conditions of employment of its own staff. The compensation of personnel hired pursuant to this subsection shall be determined and fixed by the board. Staff hired under this subsection shall be deemed employees of the commonwealth, except such employees as the board formally designates independent contractors, but chapters 31 and 150E of the General Laws shall not apply to such employees.

(11) to reorganize, consolidate or abolish departments, commissions, boards, offices or functions of the MBTA, in whole or in part, and to establish such new departments, commissions, boards, offices or functions as it deems necessary, and to transfer the duties, powers, functions and appropriations of a department, commission, board or other unit to another;

(12) to appoint in consultation with the secretary persons to fill vacancies on any board, committee, department, or office acting in an advisory capacity to the board;

(13) to sell, lease, or otherwise transfer real property and other assets of the MBTA with the approval of the secretary;

(14) to purchase, lease, or otherwise acquire property or other assets on behalf of the MBTA with the approval of the secretary;

(15) to promulgate rules and regulations governing the operation and administration of the MBTA;

(16) to alter or rescind any action or decision of any, employee, board or commission within 14 days after receipt of notice of such action or decision;

(17) to suspend in consultation with the secretary such rules and regulations of the MBTA and to promulgate rules and regulations necessary to carry out this act;

(18) to exercise all powers under the General Laws and this or any other special act, any provision or ordinance that any official of the MBTA may exercise, acting separately or jointly. With respect to any such exercise of powers by the board, the officials of the MBTA shall not rescind or take any action contrary to such action by the board so long as the board continues to exist; and

(19) to develop a long range plan for MBTA financial and structural sustainability, included but not limited to an analysis of debt and contemplated expansion, specifically identifying expansion which is strictly necessary as a result of a legally binding agreements and other proposals that may not be financially viable.

SECTION 7A. Within 30 days after the appointment of the board, but no later than September 1, 2012, the board shall make a preliminary report to the secretary of administration and finance and to the chairpersons of the house and senate committees on ways and means. The report shall present a preliminary analysis of the fiscal crisis of the MBTA and the board's preliminary finance and management plans to address the MBTA's operating and structural deficits.

SECTION 7B. Within 30 days after the appointment of the board, but no later than September 1, 2012, the board shall establish a liaison to the Office of the Attorney General. Such liaison shall be responsible for, but not limited to, providing the Attorney General with any concern that, in the opinion of the board, warrants further investigation.

SECTION 7C. (a) If the board concludes that its powers are insufficient to restore fiscal stability to the MBTA, it shall so notify the secretary for administration and finance, and shall forward to him a statement of the reasons why it has been unable to restore fiscal stability to the MBTA. Upon receipt of such statement, the secretary for administration and finance may terminate the existence of the board and may appoint a receiver for the MBTA for a period as he may determine. The secretary may at any time and without cause remove the receiver and appoint a successor, or terminate the receivership. The secretary shall determine the salary of the receiver, which salary shall be payable by the MBTA.

(b) The receiver shall have the following powers:—

(1) all powers of the finance control board. Such powers shall continue in the receiver and shall remain through the period of any receivership;

(2) the power to exercise any function or power of any officer or employee, whether elected or otherwise, specifically including the following powers:

(A) to order the reduction of service within the MBTA;

(B) to regulate the construction of buildings;

(3) the power to file a petition in the name of the MBTA under Chapter 9 of Title 11 of the United States Code, and to act on the MBTA's behalf in any such proceeding.

(c) Upon the appointment of a receiver, the Board of Directors shall be abolished, and the receiver shall exercise all the powers of the Board of Directors under the General Laws, special laws, the MBTA charter and ordinances.

SECTION 7D. (a) The board shall submit a report to the house and senate committees on ways and means not later than 5 days before the

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award of any no-bid contract to any private person or entity. This report shall disclose: (1) the terms of the anticipated contract, including but not limited to all monetary compensation; (2) the identity of the contractor and any subcontractor or affiliate of such contractor that would benefit under the contract; (3) a specific finding by the board that not using a competitive bidding process under the circumstances is necessary to ensure the provision of essential services to the MBTA; and (4) a certification by the board that it engaged in arms-length negotiations with the contractor and that the terms of the contract represent the best possible arrangement for the MBTA under the circumstances.

(b) The finance control board shall submit a report to the house and senate committees on ways and means not later than 5 days before the award of any contract if, at any time within 3 years before the effective date of this act, any member of the finance control board or any employee or officer of the executive office of administration and finance served as an employee, member or general or limited partner of the contractor, its owners or affiliates. The report shall also disclose whether, at any time within 3 years before the effective date of this act, any member of the finance control board or any employee or officer of the executive office of administration and finance was required to file a statement pursuant to the Securities Exchange Act of 1934 as beneficial owner of more than 10 per cent of a class of the contractor's equity securities. This report shall disclose the terms of the anticipated contract, including but not limited to all monetary compensation, and the identity of the contractor and any subcontractor or affiliate of such contractor that would benefit under the contract.

SECTION 7E. This act shall be effective notwithstanding any enabling statute provision or ordinance to the contrary.

SECTION 7F. Chapter 161A of the General Laws is hereby amended by striking out section 7, as appearing in the 2010 Official Edition, and inserting in place thereof the following section:—

Section 7. The authority shall be governed and its corporate powers exercised by the board of directors of the MBTA finance control board. At such time as the MBTA finance control board dissolves, the authority shall be governed and its corporate powers exercised by the board of directors of the Massachusetts Department of Transportation established pursuant to chapter 6C.”.

The amendments were rejected.

Mr. DiNatale of Fitchburg then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; provided further, that not less than \$250,000 shall be expended for design of comprehensive improvements to the John Fitch highway in the city of Fitchburg, per study by the Urban Land Institute and ongoing Master Plan”. The amendment was adopted.

Mr. deMacedo of Plymouth then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; and provided further, that not less than \$5,100,000 shall be expended for the purposes of reconstruction of roads, sidewalks, drainage, and paving in the town of Plymouth”; and the amendments were adopted.

Mr. Cusack of Braintree then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; provided further, that not less than \$250,000 shall be expended for the erection of a

vehicular traffic-control signal on Route 37 in the town of Braintree". The amendment was adopted.

Ms. Hogan of Stow then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: "; provided further, that \$100,000 shall be expended for the study, design, planning and construction of intersection improvements at the intersection of route 27 and Concord street in the town of Maynard". The amendment was adopted.

The same member then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: "; provided , that not less than \$345,000 shall be expended for the design of the Cox Street bridge replacement over the Assabet River in the town of Hudson"; and the amendment was adopted.

Mr. Cusack of Braintree then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: "; provided further, that not less than \$150,000 shall be expended for traffic flow improvements on Washington Street in the town of Braintree". The amendment was adopted.

The same member then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: "; provided further, that not less than \$100,000 shall be expended for improvements to the Disabled American Veterans Memorial Highway in the town of Braintree"; and the amendment was adopted.

Mr. Cabral of New Bedford then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: "; provided further, that not less than \$3,000,000 shall be expended to improve the John F. Kennedy memorial highway south of Elm Street in New Bedford and intersecting streets, which shall include improvements to car and pedestrian access across the highway to the waterfront". The amendment was adopted.

The same member then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: "; provided further, that not less than \$2,500,000 shall be expended to improve access to the south terminal in New Bedford"; and the amendment was adopted.

Ms. Dykema of Holliston then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: "; provided further that \$150,000 shall be expended for planning, design and construction related to the Hopping Brook cross culvert beneath Route 16 in the Town of Holliston". The amendment was adopted.

The same member and other members of the House then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: "; provided further that not less than \$100,000 shall be expended for planning, design and construction to provide limited public access from Massachusetts Turnpike service plaza road in Hopkinton to the Massachusetts Turnpike via the Westborough Service Plaza"; and the amendment was adopted.

Representatives Conroy of Wayland and Peisch of Wellesley then moved to amend the bill in section 2D, in item 6622-1280, by adding the following: "; provided further, that not less than \$1,000,000 shall be expended for improvements to the Massachusetts Central Rail Trail along the corridor extending through the Towns of Wayland and Weston". The amendment was adopted.

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Mr. Nangle of Lowell then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; provided that not less than \$200,000 shall be expended for sidewalk repairs along Route 3A Northbound in East Chelmsford, near the Lowell line, including installation of a raised curb and sidewalk repaving”; and the amendment was adopted.

Mr. Sullivan of Fall River and other members of the House then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; provided further that no less than \$5,000 shall be expended for the Department of Transportation to erect three signs providing directions to the Iwo Jima World War II Memorial located at Bicentennial Park in Fall River”. The amendment was adopted.

Mr. Sullivan then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; provided further that no less than \$300,000 shall be expended for the Town of Berkley for permitting, engineering, total replacement; and for the prevention of future deterioration and total collapse due to chronic flooding of the Bayview road and culvert at Bayview Road and Shore Road, in the Town of Berkley”; and the amendment was adopted.

Mr. Murphy of Lowell then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “\$800,000 for Design, Construction, Right-of-Way Assembly, and related project costs for transportation improvements to support the Tanner Street Redevelopment Plan in the City of Lowell”. The amendment was adopted.

Mr. Frost of Auburn then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; provided further, that not less than \$600,000 shall be expended for replacement of culverts and the repair of Sword Street in Town of Auburn”; and the amendment was adopted.

Mr. Lewis of Winchester then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; provided further, that \$500,000 shall be expended for the upgrade of traffic signals at the intersection of route 28/Main street and North street in the town of Stoneham”. The amendment was adopted.

Messrs. Fallon of Malden and Donato of Medford then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; provided further, that \$1,750,000 shall be expended for the design and reconstruction of route 99 in the city of Malden”; and the amendment was adopted.

Mr. Lewis of Winchester then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; provided further, that \$150,000 shall be expended for the upgrade of traffic signals at the intersection of Main street, Skillings road and Lake street in the town of Winchester”. The amendment was adopted.

The same member then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; provided further, that \$100,000 shall be expended for the upgrade of traffic signals at the intersection of Marble street and Park street, in the town of Stoneham”; and the amendment was adopted.

Mr. Fernandes of Milford then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; provided further, that \$100,000 shall be expended for the planning and installation

of a traffic signal at the intersection of state highway route 16 and Hartford Avenue in the town of Mendon". The amendment was adopted.

The same member then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: "; provided further, that no more than \$300,000 shall be expended to reconstruct North Avenue in Mendon and provide signalization at the intersection of North Avenue and Hastings"; and the amendment was adopted.

Mr. Fernandes then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: "; provided further, that no more than \$100,000 shall be expended for the design, permitting, construction and right-of-way acquisition for Phase I of the Veterans Memorial Drive/Alternate Route project in Milford". The amendment was adopted.

Ms. Peisch of Wellesley then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: "; provided further, that not less than \$2,100,000 shall be expended for the planning, design, construction, and any other associated costs for transportation improvements at the intersection of Route 30 (South Avenue) and Wellesley Street in the Town of Weston"; and the amendment was adopted.

The same member then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: "; provided further, that not less than \$2,500,000 shall be expended for the planning, design, construction, and any other associated costs for drainage improvements along Route 9 adjacent to Boulder Brook and Morses Pond in the Town of Wellesley". The amendment was adopted.

Mr. Galvin of Canton then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: "; provided further, that the Department of Transportation shall expend not more than \$250,000 on a Street Scape Project to re-work and energize Goeres Square (Rt. 28) in the town of Avon"; and the amendment was adopted.

The same member then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: "; provided further, that the Department of Transportation shall expend not more than \$500,000 for road improvements to the Avon Industrial Park in the town of Avon". The amendment was adopted.

Mr. Galvin then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: "; provided further, that not less than \$500,000 be expended for signalization improvements at the intersection of Ethyl Way, Erin Road, and Central Street in the Town of Stoughton, including, but not limited to, installation of a traffic light and improvements to the roadway and sidewalks"; and the amendment was adopted.

Mr. Galvin of Canton then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: "; provided further, that not less than \$500,000 be expended for signalization improvements at East Spring Street, East Main Street (Route 28), and West Spring Street in Avon. These lights shall be coordinated with the lights at the intersection of Harrison Boulevard and East Main Street (Route 28) in Avon". The amendment was adopted.

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Mr. Ross of Attleboro then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; provided further, that not less than \$250,000 shall be expended for the reconstruction of the Tiffany Street intersection in the city of Attleboro”; and the amendment was adopted.

Mrs. Haddad of Somerset and other members of the House then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; provided further, that \$ 1,000,000 shall be expended to remove the center bascules of the Brightman Street Bridge spanning the Taunton River between the Town of Somerset and the City of Fall River”. The amendment was adopted.

Mrs. Haddad and other members of the House then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; provided further, that \$3,000,000 may be expended to raze the Brightman Street Bridge spanning the Taunton River between the town of Somerset and the city of Fall River”; and the amendment was adopted.

Mrs. Haddad of Somerset then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; provided that not less than \$800,000 shall be expended for construction for a bicycle path with lighting and related streetscape amenities for the Slade’s Ferry Landing Redevelopment Project located within the town of Somerset”. The amendment was adopted.

Mr. Mariano of Quincy being in the Chair,—

Messrs. Donato of Medford and Fallon of Malden then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; provided further, that \$1,000,000 shall be expended for the Main street improvement project in the city of Malden”; and the amendment was adopted.

Mr. Donato and other members of the House then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; provided further, that not less than \$1,000,000 shall be expended for a parking control system in the downtown area of the city of Medford”. The amendment was adopted.

The same members then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; provided further, that \$1,000,000 shall be expended for the Medford square roadway project in the city of Medford”; and the amendment was adopted.

Messrs. Donato of Medford and Fallon of Malden then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; provided further, that \$30,000 shall be expended for countdown pedestrian signals at various intersections in the city of Malden”. The amendment was adopted.

Messrs. Linsky of Natick and Winslow of Norfolk then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; provided further, that not less than \$930,000 shall be expended for design and reconstruction of the intersection of Exchange street, Curve street and Plain street in the town of Millis”; and the amendment was adopted.

Mr. Howitt of Seekonk and other members of the House then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; provided further, that not less than \$200,000 shall be expended for the reconstruction, renovation and improvement of the

tourist information center and sanitary facility at the Swansea Visitor's Center on Interstate 195 in the town of Swansea including but not limited to, new building construction, light and safety projects, installation of water lines, landscaping, fencing, and sign installation; provided further, that when the department upgrades sanitary facilities, it does so in such a way to enhance the environment by utilizing zero pollution discharge technologies including recycling greywater systems". The amendment was adopted.

Mr. Howitt then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: "; provided further, that not less than \$50,000 shall be expended for design of opticon traffic lights at the Seekonk Public Safety Complex on Route 44 and opticon traffic lights at the intersection of Route 44 and Arcade Avenue in the town of Seekonk"; and the amendment was adopted.

Mr. Garballey of Arlington then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: "; provided further, that \$100,000 shall be expended for design and improvements along Gray street in the town of Arlington". The amendment was adopted.

Mr. Linsky of Natick then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: "; provided further, that not less than \$160,000 shall be expended to make safety improvements for a walk to school crossing on South Main street in the town of Natick"; and the amendment was adopted.

The same member then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: "; provided further, that not less than \$1,000,000 shall be expended for the construction of the Pine Hill access road in the town of Sherborn". The amendment was adopted.

Representatives Mark of Peru and Farley-Bouvier of Pittsfield then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: "; provided that not less than \$500,000 shall be made available for the extension of the Ashuwillticook Rail Trail extension project from the town of Lanesborough to Crane Avenue in Pittsfield"; and the amendment was adopted.

Mr. Mark then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: "; provided that not less than \$70,000 shall be made available for a Preliminary Structure Report for the Schell Bridge in Northfield". The amendment was adopted.

Mr. Jones of North Reading then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: "; provided further, that not less than \$250,000 shall be expended for a road construction project on Central Street, from the intersections of North Street to Spruce Street, in the town of North Reading"; and the amendment was adopted.

The same member then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: "; provided further, that not less than \$350,000 shall be expended for a road construction project on Tower Hill Road in the town of North Reading". The amendment was adopted.

Messrs. Jones and Dwyer of Woburn then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: "; provided further, that not less than \$100,000 shall be expended for a pedestrian

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actuated signal at the intersection of Salem Street and Bay State road in the town of Reading". The amendment was adopted.

The same members then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; provided further, that not less than \$4,000,000 shall be expended for the full depth reconstruction of West Street from the Woburn City line to the intersection of Longwood Road and West Street, including roadway work along the various side streets within that expanse, and for the installation of new granite curbing, ADA accessible sidewalks, improvements to the drainage system, installation of new pavement markings and signs, and fully actuated traffic signals along this stretch in the town of Reading”; and the amendment was adopted.

Mr. Lombardo of Billerica then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; provided, that \$150,000 be expended for the construction of the Yankee Doodle Bike Path from Billerica Memorial High School to the town line of the town of Bedford, all in the town of Billerica”. The amendment was adopted.

Mr. Donato being in the Chair,— Mr. Kafka of Stoughton then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; provided further, that not less than \$2,500,000 be expended for the South Sharon Infrastructure Project at the intersection of Old Post Road at South Main Street and Interstate Highway 95”. The amendment was adopted.

The same member then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; provided further, that not less than \$1,000,000 be expended for signalization improvements at the intersection of North Main Street and Hixson Farm Road in the Town of Sharon, including, but not limited to, installation of a traffic light and improvements to the roadway and sidewalks”; and the amendment was adopted.

Messrs. Kafka and Galvin of Canton then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; provided further, that not less than \$100,000 shall be expended for a study of possible traffic improvements in the Town of Stoughton, focusing on Routes 138 and 27 and the intersection of said roads in the downtown area”. The amendment was adopted.

Mr. O’Flaherty of Chelsea then moved to amend the bill by adding the following section:

“SECTION 20. The Massachusetts Department of Transportation shall commission a study to determine the status of the redesign and reconfiguration projects in the Sullivan square and Rutherford avenue area in the Charlestown neighborhood of the city of Boston. Said Department shall report on the findings of said study, including remaining obstacles to completion, to the chairs of the house and senate committees on ways and means and the joint committee on transportation no later than December 31, 2012.”.

The amendment was adopted.

The same member then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; provided further, that \$1,000,000 shall be expended for infrastructure improvements to the Maurice J. Tobin Memorial bridge in the city of Chelsea and the

Charlestown section of the city of Boston, including but not limited to guardrail and lighting repairs”; and the amendment was adopted.

Mr. O’Flaherty then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; provided further that \$10,000,000 shall be expended for the redesign and reconfiguration of Rutherford Avenue and Sullivan Square in the Charlestown section of the City of Boston”. The amendment was adopted.

Mr. O’Flaherty of Chelsea then moved to amend the bill by adding the following section:

“SECTION 21. The Department of Transportation shall establish a telephone hotline for citizens to have the ability to report trash, graffiti and signage obstructions along the Commonwealth’s roadways.”.

The amendment was adopted.

Mr. Kaufman of Lexington and other members of the House then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; provided further that the department, while authorized to expend up to \$300,000, shall retain an independent, third-party, nationally recognized consultant in hazmat transportation routing risk analysis to conduct a regional hazardous materials routing analysis which: (a) addresses the safe and efficient transportation of hazardous materials through and around the greater metropolitan Boston area; (b) addresses the public safety capabilities, environmental considerations and infrastructure capacity of impacted communities; and (c) makes recommendations for improving the transportation of hazardous materials while safeguarding impacted communities”; and the amendment was adopted.

Messrs. Moran of Boston and Honan of Boston then moved to amend the bill in section 2D, in item 6622-1280, by adding the following: “; provided further that \$6,000,000 shall be expended for planning, design, relocation, construction and enhancement of the inbound and outbound station platforms of the Massachusetts Bay Transportation Authority Green Line B branch stations at the intersection of Wallingford road and Commonwealth avenue and the Washington street platform at the intersection of Washington street and Commonwealth avenue in the city of Boston, and planning, design, relocation, construction and enhancement of a center, side platform station of the Green Line B branch station located the intersection of Lake street and Commonwealth avenue”. The amendment was adopted.

Mr. Walsh of Framingham and other members of the House then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; provided further that not less than \$500,000 will be used for the planning, engineering, design, or construction of intersection and signalization improvements and the integration of pedestrian and bicycle safety upgrades conforming to the ‘complete streets’ concepts following the newly completed reconstruction of underground utilities to Route 126 in the Town of Framingham”; and the amendment was adopted.

Messrs. Kafka of Stoughton and Galvin of Canton moved to amend the bill in Section 2C, in line item 6622-1205, by adding the following: “; provided further, that not less than \$175,000 shall be expended on a matching grant to the town of Stoughton or the Stoughton Redevelopment Authority for the purpose of purchasing and/or refurbishing the

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Stoughton Railroad Station at 45 Wyman Street in the town of Stoughton”. The amendment was adopted.

Mr. Sannicandro of Ashland and other members of the House then moved to amend the bill in section 2D, in item 6622-1280, by adding the following: “; provided further that not less than \$1,500,000 will be used for the planning, engineering, design, or construction of a facility for the operations, maintenance and demand respond dispatch of the MetroWest Regional Transit Authority”; and the amendment was adopted.

The same member then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; provided further, that not less than \$500,000 shall be expended for the planning, engineering, design, or construction of projects to mitigate the impact of the at-grade rail crossing on the delivery of emergency municipal services, including police and fire services, in the town of Ashland”. The amendment was adopted.

Mr. Naughton of Clinton then moved to amend the bill in section 2A, in item 6121-1217 by adding the following: “; provided further that no less than \$100,000 be allocated to the Town of Boylston for the purpose of economic and business development along Route 140”; and the amendment was adopted.

The same member then moved to amend the bill by adding the following section:

“SECTION 22. Section 38P of chapter 7 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after the word ‘location,’ in line 81, the following words:— economic impact and potential job growth in the region of the public works project.”

The amendment was adopted.

Mr. Naughton then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; provided that not less than \$200,000 shall be expended for repairs and re-pavement of the entirety of Green Street located in the Town of Boylston”; and the amendment was adopted.

Mr. Naughton of Clinton then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; provided that not less than \$500,000 be allocated for the reimbursement to municipalities for expenditures directly related to the design and planning of Transportation Improvement Projects (TIP)”. The amendment was adopted.

Mr. Kocot of Northampton then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; provided, further, that \$100,000 shall be expended for the replacement of guardrails on Main Street, Maple Street and Pantry Road in the town of Hatfield”; and the amendment was adopted.

The same member then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; provided, further, that \$300,000 shall be expended for the replacement of the Old Mill Bridge on Prospect Court in the town of Hatfield”. The amendment was adopted.

Mr. Kocot then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; provided, further, that \$300,000

shall be expended for the reconstruction of sidewalks along Main Street in the town of Hatfield"; and the amendment was adopted.

Mr. Kocot of Northampton then moved to amend the bill in section 2A, in item 6121-1217, by inserting at the end thereof the following: "; provided, further, that \$500,000 shall be expended for emergency repairs to the Powder Mill Brook Bridge on Main Road in the town of Montgomery". The amendment was adopted.

Messrs. Moran of Boston and Honan of Boston then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: "; provided that \$1,000,000 shall be expended for the design and construction of a pedestrian footbridge over the Massachusetts Turnpike with an entry and exit point for the north side of the footbridge on Lincoln Street between Antwerp Street and South Waverly Street in the City of Boston and an entry and exit point on the south side of the footbridge at the proposed New Brighton Landing commuter rail stop"; and the amendment was adopted.

Mr. Moran and other members of the House then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: "; provided that funds shall be expended for the design and construction of three pedestrian underpasses adjacent to the Boston-side of the Charles River at the River Street, Western Avenue, and Anderson bridges; provided further, that these underpasses shall be constructed by tunnel through the western wing walls of said bridges; provided further that the pathway leading to these underpasses shall not extend laterally toward the center of the Charles River further than the new underpass finished tunnel bores; provided further, that the pathway leading to these underpasses shall not extend over the watershed of the Charles River any further than the minimum distance required to achieve the required slope and grade specifications for the pathways to comply with the Americans with Disabilities Act; and provided further, that the pathway structures and tunnels shall not alter the existing arches of said River Street or Western Avenue bridges or hinder or impede any navigable waterway through the existing arches of said bridges". The amendment was adopted.

Messrs. Moran of Boston and Honan of Boston then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: "; provided that \$500,000 shall be expended for a study to design and construct a pedestrian footbridge with an entry and exit point between Brooks Street and Parsons Street in the City of Boston over the existing roadways to an entry and exit point on the Dr. Paul Dudley White Bike Path". The amendment was adopted.

Mr. Kocot of Northampton then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: "; provided, further, that \$200,000 shall be expended for pedestrian and vehicle safety improvements, at the intersection of Ryan and Florence Roads in the city of Northampton". The amendment was adopted.

The same member then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: "; provided, further, that \$50,000 shall be expended for a feasibility study for the construction of sidewalks on Glendale Road, West Farms Road and upper Ryan Road in the city of Northampton"; and the amendment was adopted.

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Mr. Kocot then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; provided, further, that \$300,000 shall be expended for the engineering costs for the emergency repair of the East Street Bridge in the town of Southampton”. The amendment was adopted.

Mr. Kocot of Northampton then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; provided, further, that \$500,000 shall be expended for the reconstruction of Fomer Road, from Route 10 to Crooked Ledge Road in the town of Southampton”; and the amendment was adopted.

Representatives Walz of Boston and Rushing of Boston then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; and provided further, that up to \$400,000 shall be expended for a planning study of current and proposed Massachusetts Turnpike entrance and exit ramps in the Back Bay and Fenway sections of Boston, which study shall include an evaluation of changes to or demolition of some or all of the Bowker Overpass”. The amendment was adopted.

Mr. Parisella of Beverly then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; provided that no less than \$500,000 shall be expended for the design, construction, repair and improvements of the so-called Brimbal Avenue Interchange Improvement Project located at or near Exit 19 in Beverly and identified as MassHighway Project file no. 604369”; and the amendment was adopted.

Mr. Wagner of Chicopee then moved to amend the bill by adding the following section:

“SECTION 23. Chapter 85 of the Massachusetts General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting the following new section at the end thereof:—

Section X. (a) Notwithstanding any other provision of law, any provision, clause, covenant or agreement contained in a motor carrier transportation contract that purports to indemnify, defend or hold harmless, or has the effect of indemnifying, defending or holding harmless, an indemnitee from or against any liability for loss or damage resulting from such indemnitee’s negligence or intentional acts or omissions shall be void and unenforceable. For the purposes of this section, ‘motor carrier transportation contract. means a contract, agreement or understanding entered into, renewed, modified or extended on or after July 1, 2012, concerning (1) the transportation of property for compensation or hire, (2) the entry on public or private property for the purpose of loading, unloading or transporting property for compensation or hire, or (3) a service incidental to the activities set forth in subdivisions (1) and (2) of this subsection.

‘Motor carrier transportation contract’ shall not include the Uniform Intermodal Interchange and Facilities Access Agreement administered by the Intermodal Association of North America or other agreements providing for the interchange, use or possession of intermodal chassis or containers or other intermodal equipment.”.

The amendment was adopted.

Mr. Michlewitz of Boston then moved to amend the bill by inserting after section 7 the following three sections:

“SECTION 7A. Section 8 of chapter 306 of the acts of 2008 is hereby amended by striking out the second paragraph and inserting in place thereof the following paragraph:—

The board of directors shall consist of 21 persons who shall be voting members. The by-laws shall contain provisions ensuring that as a director’s term expires, the board of directors fill each vacant position, provided that: (i) 1 such director shall be voted from nominees selected by the state representative representing the third suffolk district for a term of 5 years and 1 such director shall be voted from nominees selected by the state senator representing the first suffolk and first middlesex district for a term of 5 years; (iii) 2 directors shall be selected by the board from a list of names provided by the governor; (iv) 2 director shall be selected by the board from a list of names provided by the mayor of the city of Boston; (v) 1 director shall be selected by the board from a list of names provided by the Secretary of the Department on Transportation; (vi) 1 director shall be selected from a list of names provided by the Secretary of the Department of Energy and Environmental Affairs; (vi) 1 director shall be selected from a list of names provided by the North End/Waterfront Neighborhood Council; (vii) 1 director shall be selected from a list of names provided by the Wharf District Council; (viii) 1 director shall be selected from a list of names provided by the Chinatown Neighborhood Council; (ix) 1 director shall be selected from a list of names provided by the Leather District Neighborhood Association; (x) the remaining directors shall be selected for 3 year terms by a majority vote of said board then serving, notwithstanding the two term limited Board appointments from May of 2009. Those appointments shall expire and they shall revert to the North End/Waterfront Residents Association and the Chinatown Residents Association who shall each respectively submit a list of names for the board to select 1 director from each organization.

All directors and committee members shall serve without compensation. No director or committee member shall be deemed a public employee or a state, special state, municipal or special municipal employee or a civil officer by virtue of his position as a director or committee member. Other provisions relative to tenure, removal, resignation, quorum, meetings, notices, and the like shall be contained in the by-laws, which may be amended, revised and adopted by the conservancy as it deems appropriate and in a manner not inconsistent with this act or the agreement.

SECTION 7B. Said chapter 306 is hereby further amended by adding the following sections:—

Section 8A. Except when meeting (i) in executive session, as permitted by section 21(a) of chapter 30A of the General Laws, or (ii) to discuss fundraising and non-governmental revenue issues and opportunities, including but not limited to fundraising prospects, fundraising or grant agreements, or fundraising strategy, the board shall comply with sections 18 to 25, inclusive, of said chapter 30A. Any lease between the department of transportation and the Conservancy described in Section 10 shall provide that any material failure of the board to comply with the provisions of sections 18 to 25, inclusive, of chapter 30A that is not cured in accordance with the terms of the lease or as ordered by the Attorney General shall be considered a default under said lease, and shall be subject to such remedies for default set forth in said lease.

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Section 8B. The Board shall comply with the requirements of clause 26 of section 7 of chapter 4 and section 10 of chapter 66 of the General Laws; provided further, that any donations received by the Conservancy from a private individual, corporation or any other private source shall be exempted from the provisions of this section. Any lease between the department of transportation and the Conservancy described in Section 10 shall provide that any material failure of the board to comply with the requirements of clause 26 of section 7 of said chapter 4 or section 10 of said chapter 66 that is not cured in accordance with the terms of the lease, shall be considered a default under said lease, and shall be subject to such remedies for default set forth in said lease.

SECTION 7C. Section 9 of said chapter 306 is hereby repealed.”.

The amendment was adopted.

Mr. Barrows of Mansfield then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; provided further, that not less than \$750,000 shall be expended for the signalization of the intersections of Route 140 (Commercial Boulevard) and the northern end of Central Street in the town of Foxborough”; and the amendment was adopted.

Ms. Poirier of North Attleborough then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; provided further, that not less than \$700,000 shall be expended for drainage improvements, roadway restoration, reconstruction of sidewalks and intersection reconstruction at the intersections of Chestnut and Elm Streets as well as Chestnut Street and Route 1 in the town of North Attleborough”. The amendment was adopted.

Mr. Kulik of Worthington then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; provided further, that not less than \$6.5 million shall be expended for the design and reconstruction of route 143 in the town of Worthington; and provided further that not less than \$6.3 million shall be expended for the design and reconstruction of route 143 in the town of Chesterfield”; and the amendment was adopted.

Mr. Galvin of Canton then moved to amend the bill in section 2D, in item 6622-1280, by adding the following: “; provided further, that not less than \$500,000 be expended to improve pedestrian access and safety at the Canton Junction commuter rail station”. The amendment was adopted.

The same member then moved to amend the bill in section 2D, in item 6622-1280, by adding the following: “; provided further, that not less than \$300,000 be expended for capital improvements to the Canton Center commuter rail station”; and the amendment was adopted.

Mr. Levy of Marlborough then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; provided further that not less than \$250,000 shall be expended for the City of Marlborough for the design and right-of-way costs for roadway and sidewalk reconstruction of Maple Street (Rt 85) from the Southborough town line to John Street, in the City of Marlborough”. The amendment was adopted.

Mr. Keenan of Salem then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; provided that 7,000,000

shall be expended for the reconstruction of Canal Street in the city of Salem". The amendment was adopted.

Mr. Kocot of Northampton then moved to amend the bill in section 2D, in item 6622-1280, by adding the following: "; provided, further, that \$350,000 shall be expended for engineering and planning for an intermodal transportation center adjacent to the existing north-south rail line in the city of Northampton that is part of the planned high speed 'Vermont' rail service expansion"; and the amendment was adopted.

Mr. Kocot of Northampton then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: "; provided, further, that \$300,000 shall be expended for the reconstruction of the bridge on South Road in the town of Westhampton". The amendment was adopted.

Mr. Costello of Newburyport then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: "; provided further, that \$1,000,000 shall be expended for roadwork construction and streetscape improvements in the lower millyard of Amesbury"; and the amendment was adopted.

Messrs. Hecht of Watertown and Lawn of Watertown then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: "; provided further, that not less than \$450,000 shall be expended for improvements to the roadway, pedestrian crossings, sidewalks, and park entrances on Charles River Road in the town of Watertown, conditioned on matching commitment of no less than \$750,000 of additional funding from other public and/or private sources for improvement of the adjoining parklands". The amendment was adopted.

Mr. Pignatelli of Lenox then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: "; provided further, that not less than \$150,000 shall be expended for the study, design, planning and replacement of structurally deficient bridges in the Town of New Marlborough"; and the amendment was adopted.

The same member then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: "; provided further, that not less than \$200,000 shall be expended for the study, design, planning and replacement of structurally deficient bridges in the Town of Lee; and provided further, that not less than \$100,000 shall be expended for resurfacing and storm drainage improvements to the Tyringham Road in the Town of Lee". The amendment was adopted.

Mr. Keenan of Salem and other members of the House then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: "; provided; provided further, that \$2,600,000 shall be expended for the design and construction of the Essex coastal scenic byway connecting certain municipalities including, but not limited to, Lynn, Swampscott, Marblehead, Salem, Beverly, Manchester-by-the-Sea, Gloucester, Rockport, Essex, Ipswich, Rowley, Newbury, and Newburyport"; and the amendment was adopted.

Mr. Kocot of Northampton then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: "; provided further, that \$500,000 shall be expended for the acquisition of a rail line for the construction of a rail trail in the town of Southampton". The amendment was adopted.

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Mr. Murphy of Weymouth then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; provided further that \$500,000 shall be expended on street resurfacing of Washington St (Route 53) in Weymouth at the intersection of Commercial St and Front St extending to the intersection of Broad St, and furthermore for street resurfacing and sidewalk improvements from the intersection of Broad St and Washington St to the intersection of Route 18 and Route 53”; and the amendment was adopted.

The same member then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; provided further that not less than \$1,000,000 shall be expended on the Route 3A Project in Weymouth at the base of the Fore River Bridge extending southward to the intersection of Green St Bridge St, and Neck St for the grading and paving of roadways as well as construction and repair of sidewalks as to conform to ADA standards, placement of light fixtures and ground mounted electronic signs to indicate bridge openings and current traffic conditions, and for the installation of below grade utilities, and the planting of trees and landscaping along the roadway”. The amendment was adopted.

Mr. Murphy of Weymouth then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; provided, that not less than \$250,000 shall be expended on the Weymouth Washington St. (Route 53) at Middle St. and Winter St. Project for the repair or replacement and upgrade of the Winter St. concrete barrier and chain-link fencing with picket post cap fencing”; and the amendment was adopted.

Mr. Garballey of Arlington then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; provided further, that \$400,000 shall be expended for improvements in the municipal parking facilities in the town of Arlington”. The amendment was adopted.

Mr. Costello of Newburyport then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; provided further, that \$1,000,000 shall be expended for the design and reconstruction of sidewalks along route 1 (Lafayette Road) from Salisbury square to the New Hampshire border”; and the amendment was adopted.

The same member then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; provided further, that \$1,000,000 shall be expended for streetscape and safety improvements to the route 113 gateway (Storey Avenue) in Newburyport”. The amendment was adopted.

Mr. Costello then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; provided further, that \$1,000,000 shall be expended for the Newburyport intermodal transportation center”; and the amendment was adopted.

Mr. Costello of Newburyport then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; provided further, that \$900,000 shall be expended for the acquisition and construction of a rail trail from Rabbit Road in Salisbury to Elm Street in Amesbury”. The amendment was adopted.

Ms. Provost of Somerville then moved to amend the bill in section 13, in line 196, after the word “projects.”, by inserting the following sentence: “The Massachusetts department of transportation may enter into an agreement with the bureau of environmental health within the department of public health to conduct the study mandated in Section 154 of Chapter 25 of the Acts of 2009, and shall provide that the bureau shall report its findings together with suggested legislation, if any, to the house and senate committees on ways and means no later than June 30, 2013.”; and in section 14, in line 214, after the word “studies” (the second time it appears), by inserting the following: “, or the study mandated in Section 154 of Chapter 25 of the Acts of 2009”; and the amendments were adopted.

The same member then moved to amend the bill section 14, in line 214, by inserting after the word “environmental” the words “, health impact.”. The amendment was adopted.

Mr. Straus of Mattapoisett then moved to amend the bill by adding the following section:

“SECTION 24. Section 2 of Chapter 103 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking said section in its entirety and inserting in place there of the following section:—

Section 2. There shall be two commissioners of pilots for district one and one commissioner of pilots for each of the other three districts. Commissioner shall be appointed by the governor for a term of three years. Commissioners appointed after January 1, 2013 shall serve for no more than two terms. Commissioners appointed prior to January 1, 2013 shall be eligible to serve for no more than two additional terms upon expiration of their current term. A commissioner of pilots shall be a resident of the district in which he is appointed. Commissioners shall have experience in maritime and nautical affairs.

Section 2. There shall be two commissioners of pilots for district one and one deputy commissioner of pilots for each of the other three districts. On or before December first in any year when their terms of office expire, their successors shall be appointed by the governor, with the advice and consent of the council, for terms of three years. A deputy commissioner of pilots for any district shall be a resident of a town having a landing place accessible to vessels from the sea situated within that district. In this chapter, the word ‘commissioners’ shall be held to mean, as to district one, the commissioners of pilots for said district and, as to each other district mentioned in section one, the deputy commissioner of pilots for such district. They shall have experience in maritime and nautical affairs. Appointments of commissioners for district one shall be made upon the recommendation of the trustees of the Boston Marine Society provided such recommendation is made. Appointments of commissioners for districts other than district one may be made upon the recommendation of said trustees. No commissioner for any district shall be such a trustee.”.

The amendment was adopted.

Ms. Coakley-Rivera of Springfield and other members of the House then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; provided further, that no less than \$10,000,000

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shall be provided for the design, reconstruction and safety improvements to Riverside Road, Plainfield Street, Fisk Avenue and West Street in the City of Springfield”; and the amendment was adopted.

Mr. Dempsey of Haverhill then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; provided further, that \$12,000,000 shall be expended for improvement and repair work to infrastructure along the Merrimack River, including but not limited to boardwalk and marina access improvements, seawall repair, and boardwalk development, in the City of Haverhill”. The amendment was adopted.

Mr. Walsh of Boston then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; provided that \$3,500,000 in the city of Boston, in the neighborhood of Dorchester, funds shall be expended for the reconstruction of sidewalks from the intersection of Granite Avenue and Gallivan Boulevard, along Gallivan and Morrissey Boulevards to 100 Morrissey Boulevard at the University of Massachusetts at Boston”; and the amendment was adopted.

Mr. Michlewitz of Boston then moved to amend the bill by adding the following section:

“SECTION 25. Chapter 192 of the Acts of 2006 is hereby amended by striking out Section 12 and adding the following:—

Item 7004-0097 of section 2E of chapter 122 of the acts of 2006 is hereby amended by adding the following: ‘provided further, that not less than \$2,000,000 shall be appropriated to the Massachusetts Bay Transportation Authority for a demonstration project to increase groundwater levels in a section of the City of Boston adjacent to the Southwest Corridor, with all phases of the design and implementation of the project to be conducted in consultation with the Executive Office of Energy and Environmental Affairs, the City of Boston, and the Boston Groundwater Trust. Such funds can only be expended following the execution of a memorandum of understanding between the Massachusetts Bay Transportation Authority, the Executive Office of Energy and Environmental Affairs, the City of Boston, and the Boston Groundwater Trust that details the design and review process of the demonstration project, the project management process, and the consultation process amongst the parties’.”.

The amendment was adopted.

Ms. Reinstein of Revere and other members of the House then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; provided further, that \$10,000,000 shall be expended for the lower north shore highway improvement project, including but not limited to improvements to route 1 in the cities of Revere and Malden and the town of Saugus, improvements at Mahoney circle, improvements at Brown circle, improvements at Copeland circle, improvements at the intersection of Revere street and route 60 and improvements at the intersection of route 145 and route 16”; and the amendment was adopted.

Representatives Reinstein and DeLeo of Winthrop then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; provided further that up to \$10,000,000 for traffic and streetscape improvements on lower Revere and Ocean Avenue in the city of Revere”. The amendment was adopted.

Mr. Webster of Pembroke then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; provided further, that not less than \$400,000 shall be expended for the site work, construction, and implementation of a traffic light and subsequent road work to state highway Rt. 53 and Pleasant St. in the Town of Pembroke”; and the amendment was adopted.

Mr. Timilty of Milton and other members of the House then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; provided further, that \$250,000 shall be expended for the augmentation of the work being done with PWED Grant money from Hall Street to Eugenia Street in the town of Randolph”. The amendment was adopted.

Representatives Reinstein of Revere and DeLeo of Winthrop then moved to amend the bill in section 2D, in item 6622-1280, in line 95, by inserting after the word “commonwealth” the following: “; provided further, that \$500,000 may be expended for the design, siting and initial permitting for a commuter rail station at Wonderland Park in the city of Revere”; and the amendment was adopted.

Mr. Timilty of Milton then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; provided further, that \$20,000 shall be expended shall be expended for the installation of crosswalks along Route 28 in the town of Milton and along that portion of Reedsdale Road extending from the intersection of Route 28 and Canton Avenue to the intersection of Route 28 and Randolph Avenue and provided further that said crosswalks shall be placed at appropriate intervals to effect the safe and convenient pedestrian crossing of the roadway”. The amendment was adopted.

The same member then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; provided further, that \$230,000 shall be expended shall be expended for the irepair of sidewalks along Granite Avenue in the town of Milton and along that portion of Granite Avenue extending from the intersection of Granite Avenue and Squantum Street to the intersection of Granite Avenue and the on ramp to Interstate 93N”; and the amendment was adopted.

Mr. Dempsey of Haverhill then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; provided further, that \$10,000,000 shall be expended for improvement and repair work to the Downtown area, including but not limited to parking garage repair and improvements, street-scaping, traffic improvements, design and construction costs for sites with transportation purposes, improvements of river access, in the city of Haverhill”. The amendment was adopted.

Mrs. Nyman of Hanover then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; provided further, that not less than \$130,000 shall be expended for resurfacing infrastructure improvement to Forge Pond park in the Town of Hanover”; and the amendment was adopted.

The same member then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; provided further, that not less than \$600,000 shall be expended for the resurfacing and/or reconstruction, including minor drainage improvements of Route 123 in the Town of Norwell”. The amendment was adopted.

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Ms. Wolf of Cambridge and other members of the House then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; provided further, that \$350,000 shall be expended for the planning and construction of two physically separate and segregated bicycle and pedestrian pathways along Memorial drive and the Cambridge parkway from the Eliot bridge to the Craigie Dam bridge and the Craigie drawbridge in the city of Cambridge”; and the amendment was adopted.

Ms. Wolf then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; provided further, that \$450,000 shall be expended for design and planning of Massachusetts avenue from Beech street to the Arlington town line in the city of Cambridge”. The amendment was adopted.

Messrs. Fallon of Malden and Donato of Medford then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; provided further, that \$250,000 shall be expended for the construction of the Northern Strand Community Trail (Bike to the Sea Trail) in the city of Malden”; and the amendment was adopted.

Mr. Sciortino of Medford and other members of the House then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; provided further, that \$250,000 shall be expended for the design and construction of traffic signals at the intersections of Harvard street with Main street and Willis avenue in the city of Medford”. The amendment was adopted.

Mr. Sciortino and other members of the House then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; provided further, that \$75,000 shall be expended for pedestrian safety improvements on route 16 in the vicinity of Dilboy stadium in the city of Somerville”; and the amendment was adopted.

Messrs. Sciortino of Medford and Garballey of Arlington then moved to amend the bill in section 2A, in item 6121-1217, by adding the following: “; provided further, that \$250,000 shall be expended for design and improvements at the intersections of Boston avenue with route 16 in the city of Somerville, Boston avenue and Winthrop street in the city of Medford, and pedestrian safety improvements on Winthrop street between Boston avenue and route 16 in the city of Medford”. The amendment was adopted.

Messrs. Rogers of Norwood and Kafka of Stoughton then moved to amend the bill by adding the following section:

“SECTION 26. Notwithstanding any general or special law to the contrary, the Massachusetts bay transportation authority shall provide written notice to the clerks of the house of representatives and senate no less than 90 days prior to the extension of any commuter line service, including the extension of a current line or increasing use of a current line, through the town of Walpole.”.

The amendment was adopted.

Mr. Golden of Lowell and other members of the House then moved to amend the bill by adding the following section:

“SECTION 27. Chapter 85 of the General Laws is hereby amended by inserting after section 34 the following section:—

Section 34A. If the governing body in the municipality where a bridge, which carries a public way, which has, within the previous

10 year period, been used for the purpose of promoting public safety, is located in whole or in part, are of the opinion that such bridge is in need of maintenance or repair, they may apply to the Massachusetts Department of Transportation, which shall, after public notice, hear all persons interested, and, if it decides that the work of maintenance or repair is necessary, shall prescribe the manner in and the limits within which it shall be done, and shall forthwith certify its decision to the parties, at which point any and all maintenance or repairs prescribed by the department's decision shall be satisfied at the owner's expense."

The amendment was adopted.

Mr. Golden then moved to amend the bill by adding the following section:

"SECTION 28. Notwithstanding any general or special law to the contrary, upon a vote of the appropriate governing body of the City of Lowell, no action shall be maintained for personal injuries or property damage from defective ways, by a person the combined weight of whose carriage or vehicle and load exceeds that of the heaviest public safety vehicle employed by the municipality where the bridge is located in whole or in part."

The amendment was adopted.

Mr. Dempsey of Haverhill then moved to amend the bill in section 2A, in item 6121-1217, in lines 50 and 51, by striking out the words "needs of the department" and inserting in place thereof the words "projects relating to the design, construction, repair or improvement to nonfederally-aided roadway projects; provided further, that \$200,000 shall be expended for the design of the Bruce Freeman Rail Trail Construction (Phase 2B) in the towns of Acton and Concord; provided further; that \$250,000 shall be expended for a rail trail in the towns of Needham, Dover and Medfield; provided further, that \$1,500,000 shall be expended for the completion of work at the Blossom St. Extension and for a one time purchase of a commuter water shuttle for the operation of the Lynn-Boston commuter ferry line in the city of Lynn; provided further, that \$250,000 shall be expended for the study and design of a new bridge spanning the Merrimack River in the town of Tyngsborough; provided further, that \$500,000 shall be expended for the design of a train with rail in the Grand Junction corridor so that future improvements of rail tracks can be coordinated with the design in the city of Cambridge; provided further, that \$1,000,000 shall be expended for the design and construction of the Inlet Bridge at North Point in the city of Cambridge; provided further, that \$1,000,000 shall be expended for the reconstruction and widening of route 114 between the city of Lawrence and the town of North Andover; provided further, that \$800,000 shall be expended for the reconstruction and widening of route 110 in the city of Methuen; provided further, that \$300,000 be expended for the construction of a new parking deck in the downtown core, known as the Gaslight District, in the city of Westfield; provided further, that \$250,000 shall be expended for improvement designs to the intersection at Williams Street and the Owen Gordon River Parkway in the city of Taunton; provided further, that \$500,000 shall be expended for the Access to State-owned Land program, pursuant to subsection (n) of section 3 of chapter 811 of the Acts of 1985; provided further, that \$250,000 shall

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be expended for the resurfacing of Clark Street, from Park Street to the Templeton town line, in the city of Gardner; provided further, that \$1,000,000 shall be expended for the design of the Rapid Transit Handicap Accessibility project for the Auburndale commuter rail in the city of Newton; provided further, that \$100,000 shall be expended for a study on the feasibility of constructing sidewalks on Bearses Way intersecting with Route 28 and Walton Avenue intersecting with Route 28 in the town of Hyannis; provided further, that that \$250,000 be expended for planning, engineering and construction of a traffic signal at the intersection of Middlesex Avenue and Main Street in the town of Wilmington”; and in section 3, in lines 104 and 105, by striking out the following: “experts in the field of public or private transportation finance; 2 of whom shall have practical” and inserting in place thereof the following: “experienced in the field of public or private finance and management; 1 of whom shall have experience in public policy, 1 of whom shall have”; and the amendments were adopted.

Bill passed to
be engrossed,—
yea and nay
No. 285.

On the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays, at the request of Mr. Straus of Mattapoisett; and on the roll call 150 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 285 in Supplement.]

Therefore the bill (House, No. 4193, published as amended) was passed to be engrossed. Sent to the Senate for concurrence.

Order.

On motion of Mr. DeLeo of Winthrop,—

Next
sitting.

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

Representatives Walsh of Framingham and Sannicandro of Ashland then moved that as a mark of respect to the memory of Robert A. Belmonte, a member of the House from Framingham, from 1965 to 1972, inclusive, the House adjourn; and the motion prevailed.

Accordingly, without further consideration of the matters in the Orders of the Day, at seventeen minutes before nine o'clock P.M., on motion of Mr. Hill of Ipswich (Mr. Donato of Medford being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M., in an Informal Session.