

THE COMMONWEALTH OF MASSACHUSETTS

In the Year Two Thousand and Twelve

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

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to forthwith finance improvements to the commonwealth's transportation system, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience. \_\_\_\_\_

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

SECTION 1. To provide for a program of transportation development and improvements, the sums set forth in sections 2 to 2C, inclusive, for the several purposes and subject to the conditions specified in this act, are hereby made available, subject to the laws regulating the disbursement of public funds. The sums appropriated in this act shall be in addition to any amounts previously appropriated and made available for these purposes.

SECTION 2.

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

Highway Division

6121-1215 For projects on the interstate federal aid highway system; provided, that funds may be expended for the costs of these projects including, but not limited to, the nonparticipating portions of these projects and the costs of engineering and other services essential to these projects, rendered by Massachusetts Department of Transportation employees or by consultants; provided further, 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; provided, however, that the secretary of transportation shall maximize efforts to utilize all available means to minimize use of capital funds to pay for salaries of department employees; provided further, that notwithstanding this act or any other general or special law to the contrary, the department shall not enter into any obligations for projects which are eligible to receive federal funds under this act unless state matching funds exist which have been specifically authorized and are sufficient to

fully fund the corresponding state portion of the federal commitment to fund these obligations; and provided further, that the department shall only enter into obligations for projects under this act based upon a prior or anticipated future commitment of federal funds and the availability of corresponding state funding authorized and appropriated for this use by the general court for the class and category of project for which this obligation applies .....\$225,000,000

6121-1216 For federal aid projects on the non-interstate federal highway system; provided, that funds may be expended for the costs of these projects including, but not limited to, the nonparticipating portions of these projects and the costs of engineering and other services essential to these projects rendered by Massachusetts Department of Transportation employees or by consultants; provided further, 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; provided, however, that the secretary of transportation shall maximize efforts to utilize all available means to minimize use of capital funds to pay for salaries of department employees; provided further, that notwithstanding this act or any other general or special law to the contrary, the department shall not enter into any obligations for projects which are eligible to receive federal funds under this act unless state matching funds exist which have been specifically authorized and are sufficient to fully fund the corresponding state portion of the federal commitment to fund these obligations; and provided further, that the department shall only enter into obligations for projects under this act based upon a prior or anticipated future commitment of federal funds and the availability of corresponding state funding authorized and appropriated for this use by the general court for the class and category of project for which this obligation applies .....\$525,000,000

SECTION 2A.

MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

*Highway Division*

6121-1217 For the design, construction and repair of, or improvements to, non-federally-aided roadway and

bridge projects and for the nonparticipating portion of federally-aided projects; provided, that the costs of professional personnel directly and exclusively involved in the construction, planning, engineering and design of the projects funded herein may be charged to this item, and any other associated costs; provided, further, that those costs shall not be classified as administrative costs; and provided, further, that the amounts specified in this item or for a particular project may be adjusted in order to facilitate projects relating to the design, construction, repair or improvement to non-federally-aided roadway projects; provided further, that not less than \$75,000 shall be expended for repairs to the Civil War Memorial bridge in the town of Abington; 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 not less than \$2,700,000 shall be expended for the reconstruction of the route 147 bridge over the Westfield river and associated intersection improvements in the town of Agawam; provided further, that not less than \$500,000 shall be expended for the reimbursement to municipalities for expenditures directly related to the design and planning of Transportation Improvement Projects (TIP); provided further, that \$1,000,000 shall be expended for roadwork construction and streetscape improvements in the lower millyard of Amesbury; provided further, that not less than \$2,000,000 shall be expended for water, sewer, roadway and sidewalk improvements on Pine street and sidewalk improvements along North Pleasant street in the town of Amherst; provided further, that \$2,000,000 shall be expended for environmental reviews for the interstate highway route 93 interchange project in the towns of Andover, Tewksbury and Wilmington; provided further, that \$400,000 shall be expended for improvements in the municipal parking facilities in the town of Arlington; provided further, that \$100,000 shall be expended on design and improvements along Gray street in the town of Arlington; provided further, that not less than \$1,000,000 shall be expended for the

planning, engineering, design or construction of projects to mitigate the impact of the at-grade rail crossing, including the impact on the delivery of emergency municipal services, including police and fire services, in the town of Ashland; provided further, that not less than \$1,500,000 shall be expended for the reconstruction of the Tiffany street intersection in the city of Attleboro; provided further, that not less than \$1,600,000 shall be expended for the replacement of culverts and the repair of Sword street in the town of Auburn; provided further, that \$500,000 shall be expended for signalization improvements at East Spring street, East Main street (route 28), and West Spring street in the town of Avon; provided further, that said signalization improvements shall be coordinated with the lights at the intersection of Harrison boulevard and East Main street (route 28) in the town of Avon; 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 (route 28) in the town of Avon; 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; 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; provided further, that not less than \$25,000 shall be expended for route 28 safety improvements in the town of Barnstable; 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; provided further, that \$1,500,000 shall be expended for the replacement of the water main on Mechanic street in the town of Barre; provided further, that not 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 avenue and Shore road in the town of Berkley; provided further, that \$1,500,000 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 the city of Beverly and identified as MassHighway Project file no. 604369; provided further, 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; provided further, that not less than \$2,000,000 shall be expended for the state share of the final design, land acquisition, and construction of Phases 2, 3, 4 and 5 of the Blackstone River Greenway Bikeway; 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 the city of Boston, which study shall include an evaluation of changes to or demolition of some or all of the Bowker Overpass; provided further, that not less than \$3,500,000 shall be expended for the redesign and construction of Melnea Cass boulevard in the city of Boston; 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; provided further, that not less than \$500,000 shall be expended for the planning, design and construction of parallel parking along Columbia road from I street to Preble circle in the South Boston section of the city of Boston; provided further, that not less than \$950,000 shall be provided for planning, design and construction of signalization upgrades at the intersection of Morton street and Gallivan boulevard in the Mattapan section of the city of Boston; 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; provided further, that funds shall be expended for the design and construction of 3 pedestrian underpasses adjacent to the Boston-side of the Charles river at the River street, Western avenue and Anderson 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; 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; provided further, that \$3,500,000 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; provided further, that not less than \$3,500,000 shall be expended for the design, engineering and construction of the reconfiguration of the Belmont rotary in the town of Bourne; provided further, that not more than \$1,000,000 shall be expended for a study of traffic issues and alternatives in the Canal area in the town of Bourne; provided further that no less than \$100,000 be allocated to the town of Boylston for the purpose of economic business development along route 140; provided further, 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; 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; provided further, that not less than \$150,000 shall be expended for traffic flow improvements on Washington street in the town of Braintree; 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; provided further, that not less than \$150,000 shall be expended for design, planning and improvements of High street in the town of Bridgewater; provided further, that \$1,000,000 shall be expended for the design and reconstruction of Haynes Hill road and Paige Hill road in the town of Brimfield; provided further, that not less than \$3,850,000 shall be expended for the design and reconstruction of the intersection of Crescent street, route 27, Quincy street and Massasoit boulevard in the city of Brockton; provided further, that not less than \$950,000 shall be expended for design and construction of reconfigured Jamaica way off-ramp at Pond avenue, and reconstruction of a portion of River road in the town of Brookline; 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 \$350,000 shall be expended for the planning and construction of 2 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; 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; provided further, that \$70,000 shall be expended for the reconstruction of sidewalks on Main street in the town of Charlton; provided further, that not less than \$200,000 shall be expended for sidewalk repairs along route 3A northbound in the town of East Chelmsford,

near the city of Lowell line, including installation of a raised curb and sidewalk repaving; provided further, that funds shall be expended for surface and utility enhancements in the Everett avenue urban renewal district in the city of Chelsea; 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; provided further that not less than \$6,300,000 shall be expended for the design and reconstruction of route 143 in the town of Chesterfield; provided further, that not less than \$653,750 shall be expended for improvements for Granby road to Dale street in the town of Chicopee; provided further, that not less than \$750,000 shall be expended for the reconstruction of Washington Mountain road in the towns of Dalton, Becket and Washington; provided further, that not less than \$500,000 shall be expended for the design and construction of the Padanaram Bridge Rehabilitation Project in Dartmouth; provided further, that not less than \$1,000,000 shall be expended for maintenance and improvements to the intersection of route 1, route 109, the Veterans of Foreign Wars parkway and Spring street in the West Roxbury section of the city of Boston and the town of Dedham; provided further, that \$2,000,000 shall be expended for the reconstruction and signalization improvements of Nashua road from Forest avenue to Oak terrace in the town of Dracut; provided further, that funds shall be expended for the design and reconstruction of route 106 from Whitman street to the Halifax town line; 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; provided further, that funds shall be expended for the design and reconstruction of Ferry and Elm streets in the city of Everett and shall include sidewalks and upgraded crosswalks; provided further that the Alden road from 127 the Bridge street intersection to Main street in the town of Fairhaven to the Acushnet 128



town line be reconstructed with upgrades of ramps and sidewalks that comply with the Americans with Disabilities Act; 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 Massachusetts Bay Transportation Authority railroad right of way at Battleship Cove in the city of Fall River; provided further that no less than \$5,000 shall be expended for the Department of Transportation to erect 3 signs providing directions to the Iwo Jima World War II Memorial located at Bicentennial park in Fall River; provided further, that funds shall be expended for resurfacing associated with the Main Street/Davis Straits water main replacement project in the town of Falmouth; 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 the study by the Urban Land Institute and ongoing Master Plan; provided further, that not less than \$450,000 shall be expended for the remaining design plan for the Summer street improvement project located in the cities of Fitchburg, Leominster and Lunenburg; 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; provided further, that not less than \$1,000,000 shall be expended for the planning, engineering, design, or construction of projects to mitigate the impact of the at-grade rail crossing at the intersection of route 126 and route 135 in the town of Framingham; provided further, that not less than \$500,000 shall be expended 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; provided further, that \$250,000 shall be expended for the resurfacing of Clark street, from Park street to the Templeton town line, in the city of Gardner; provided further, that

not less than \$2,000,000 shall be expended for the planning, design, construction and rehabilitation of sidewalks on route 127 and route 133 in the city of Gloucester, and for sidewalk improvements around the city's elementary schools and on Railroad avenue leading to and from the train station in the city of Gloucester; 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; provided further, that not less than \$130,000 shall be expended for resurfacing infrastructure improvement to Forge Pond park in the town of Hanover; 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; provided further, that \$300,000 shall be expended for the replacement of the Old Mill bridge on Prospect court in the town of Hatfield; provided further, that \$300,000 shall be expended for the reconstruction of sidewalks along Main street in the town of Hatfield; 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 citycity of Haverhill; 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; provided further, that \$1,500,000 shall be expended for the design and resurfacing of Brimfield road from the Brimfield town line to the intersection of Stafford street in the town of Holland; 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; 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; 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; 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 not less than \$1,500,000 shall be expended for the resurfacing of route 3A in the town of Kingston; 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 not less than \$200,000 shall be expended for the study, design, planning and replacement of structurally deficient bridges in the town of Lee; provided further, 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; provided further, that not less than \$1,000,000 shall be expended for the replacement or repair of the Rawson street bridge in the town of Leicester; provided further, that no less than \$1,500,000 shall be expended for pavement reconstruction, curbing and a new sidewalk from Laurel street to Dwight street in the town of Longmeadow; provided further, that \$800,000 shall be expended 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; provided further, that not less than \$2,000,000 shall be expended for the design and reconstruction of the West street bridge in the town of Ludlow; 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; 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; provided further, that \$675,000 shall be expended to complete the construction of the Northern Strand community trail, bike to the sea trail, located in the city of Malden; provided further, that \$1,750,000 shall be expended for the design and reconstruction of route 99 in the city of Malden; provided further, that \$1,000,000 shall be expended for the Main street improvement project in the city of Malden; provided further, that \$30,000 shall be expended for countdown pedestrian signals at various intersections in the city of Malden; provided further, that not less than \$200,000 shall be expended for a project to increase access to the Mansfield railroad station commuter parking lots in the town of Mansfield; 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 (route 85) from the Southborough town line to John street, in the city of Marlborough; 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; provided further, that not less than \$200,000 shall be expended for the purpose of completing work undertaken by the Mass Department of Transportation in constructing the Sea street bridge between the towns of Marshfield and Scituate; 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; provided further, that \$500,000 shall be expended for the right of way acquisition, planning, design or construction of the Assabet river rail trail; 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; provided further, that \$1,000,000 shall be expended for the Medford square roadway project in the city of Medford; 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; provided further, that \$500,000 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; provided further, that \$475,000 shall be expended for the Highlands infrastructure improvements in the city of Melrose; 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; provided further, that \$300,000 shall be expended to reconstruct North avenue in the town of Mendon and provide signalization at the intersection of North avenue and Hastings street; provided further, that \$800,000 shall be expended for the reconstruction and widening of route 110 in the city of Methuen; 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; provided further, that not less than \$400,000 shall be expended for the construction of a sidewalk starting 500 feet south of Winneberg road on the east side of route 114 and proceeding in a northerly direction for a total of 2,000 feet in the town of Middleton; provided further, that not 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 the town of Milford; 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; provided further, that notwithstanding chapter 82 of the Acts of 1997, or any other general law or special law to the contrary, the town of Milton may make improvements, alterations or renovations to a certain parcel of land in the town of Milton, consisting of the overpass spanning interstate 93 in East Milton Square;

provided, however, that no such improvements, alterations or renovations shall result in less than 40 per cent of said parcel remaining recreational, open or green space; provided further, that not less than \$1,000,000 shall be expended to reimburse the town of Milton for planning, design and construction costs associated with such improvements, alterations or renovations to the parcel; provided further, that not less than \$2,700,000 shall be expended to complete phase 2 of the Blue Hills parkway project in the town of Milton; provided further, that funds shall be expended for road, sidewalk and lighting improvements and plantings along Brush Hill road and Truman parkway in the town of Milton; 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; provided further, that \$230,000 shall be expended shall be expended for the repair 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 93- North; 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; 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 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: (i) addresses the safe and efficient transportation of hazardous materials through and around the greater metropolitan Boston area; (ii) addresses the public safety

capabilities, environmental considerations and infrastructure capacity of impacted communities; and (iii) makes recommendations for improving the transportation of hazardous materials while safeguarding impacted communities; provided further, that \$408,000 shall be expended for the stabilization and reconstruction of the retaining walls and revetments at the water-sheet and subsequent milling and repaving of the landside area at Tudor Wharf in the town of Nahant; 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; provided further, that \$250,000 shall be expended for a rail trail in the towns of Needham, Dover and Medfield; provided further, that not less than \$4,000,000 shall be expended to improve the John F. Kennedy memorial highway in New Bedford and intersecting streets, including access between the New Bedford Waterfront and the Downtown Historic Arts and Cultural District, provided that not less than \$3,000,000 of said funds shall be expended for work south of Walnut street; provided further, that not less than \$1,000,000 shall be expended for design, construction and engineering cost of a bike and pedestrian path along the hurricane barrier in the city of New Bedford; provided further, that not less than \$500,000 shall be expended for the design, engineering and construction of a bike and pedestrian access way, including, but not limited to, any necessary bridge, to Palmer Island in the city of New Bedford; provided further, that not less than \$2,500,000 shall be expended to improve access to the south terminal in New Bedford; provided further, that \$2,200,000 shall be expended for the design and reconstruction of Ravine and Hardwick roads in the town of New Braintree; provided further, that \$1,000,000 shall be expended for streetscape and safety improvements to the route 113 gateway (Storey avenue) in Newburyport; provided further, that \$1,000,000 shall be expended for the Newburyport intermodal transportation center; 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 not less than \$3,000,000 shall be expended for the construction of a bridge over the Massachusetts Bay Transportation Authority railroad right of way on Main street at the intersection of Boardman street in the town of Norfolk on the condition that the town of Norfolk agrees to pay \$2,000,000, to be deposited into the General Fund, in equal payments each year for 20 years commencing in fiscal year 2018, to reimburse the cost of the bridge construction; provided further, that not less than \$900,000 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; 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; 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; provided further, that not less than \$3,000,000 shall be expended for storm water and drainage improvements in the Meadows area along the interstate 91 corridor to the Northampton Airport in the city of Northampton; provided further, that not less than \$1,000,000 shall be expended for drainage system repairs, slope stabilization and Norwottuck rail trail abutment stabilization at Old Water street in the city of Northampton; 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; 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; provided further, that no less than \$250,000 shall be expended for the town of Northborough for the permitting, engineering and replacement of the stone box culvert under Church street at Cold Harbor brook; provided further, that not less than \$70,000 shall be made



available for a Preliminary Structure Report for the Schell Bridge in Northfield; provided further, that not less than \$800,000 shall be expended for the resurfacing or reconstruction, including minor drainage improvements of route 123 in the town of Norwell; provided further, that not less than \$400,000 shall be expended for the reconstruction and signalization design cost of the intersection of Washington street, Prospect street and Fulton street in the town of Norwood; provided further, that not less than \$1,000,000 shall be expended for site work, construction and implementation of a traffic light and subsequent road work to state highway route 53 and Pleasant street in the town of Pembroke; provided further, that \$150,000 shall be expended for the design and installation of a panelized bridge on Glen Valley road in the town of Petersham; provided further, that not less than \$2,000,000 shall be expended for the demolition and replacement of the Woodlawn avenue railroad bridge in the city of Pittsfield so that the project is completed before the end of calendar year 2013; provided further, 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; provided further, that not less than \$5,100,000 shall be expended for the reconstruction of roads, sidewalks, drainage and paving of Taylor avenue in the town of Plymouth; provided further, that not less than \$2,000,000 shall be expended for the construction of a new parking garage owned and operated by the Plymouth growth and development corporation in the town of Plymouth; provided further, that not less than \$2,300,000 shall be expended for construction on route 140 between the Sterling town line and East Princeton Village; provided further, that funds shall be expended on the design and reconstruction of the route 53, Howard street/East Howard street intersection in the city of Quincy; 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; 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; provided further, that \$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; provided further, that not less than \$100,000 shall be expended for a pedestrian actuated signal at the intersection of Salem street and Bay State road in the town of Reading; 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; provided further that up to \$10,000,000 for traffic and streetscape improvements on lower Revere and Ocean avenue in the city of Revere; provided further, that funds shall be expended on the design, removal and replacement of the Studley Pond Dam along Route 123 in the town of Rockland; provided further, that \$7,000,000 shall be expended for the reconstruction of Canal street in the city of Salem; provided further, that \$1,000,000 shall be expended for the design and reconstruction of route 1 (Lafayette road) from Salisbury square to the New Hampshire border; 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; provided further, that not less than \$2,000,000 shall be expended for roadway, curbing and sidewalk improvements on Main street from route 130 to route 6A and on Jarves street from Main street to route 6A in the town of Sandwich; provided further, that not less than \$1,000,000 shall be expended for

multi-use path or sidewalk from canal access road off Freezer road, where Marina path will end, to Main street in the town of Sandwich; provided further, that not less than \$1,000,000 shall be expended to lengthen the acceleration and deceleration lanes at route 6, exits 3 and 4, both eastbound and westbound, in the town of Sandwich; provided further, that not less than \$500,000 shall be expended for a multi-use path or sidewalk along Sandy Neck road from route 6A to the existing sidewalk at the town line in the town of Sandwich; provided further, that not less than \$1,600,000 shall be expended for the reconstruction of Black Brook road in the town of Savoy; provided further, that not less than \$50,000 shall be expended for the 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; 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; 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; 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; provided further, that not less than \$750,000 shall be expended for the resurfacing of Bolyston street in the town of Shrewsbury; provided further, 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; 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; 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; provided further, that the department of transportation may expend not more than \$5,000,000 on the installation of sound barriers on interstate 93 adjacent to the Nunnery Grounds neighborhood, so called, located between Cross street and Mt. Vernon street in the city of Somerville; 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; 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; 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; 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; 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; provided further, that no less than \$10,000,000 shall be provided for the design, reconstruction and safety improvements to Riverside road, Plainfield street, Fisk avenue, Birnie avenue and West street in the city of Springfield; provided further, that no less than \$250,000 shall be expended for private ways, curbing, and sidewalk improvements for the city of Springfield; 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; 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; 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; 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; provided further, that \$3,500,000 shall be expended for the reconstruction of Humphrey street and Salem street in the town of Swampscott; provided further, that funds 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; provided further, that \$250,000 shall be expended for improvement designs to the intersection at Williams street and the Gordon Owen Riverway in the city of Taunton; provided further, that \$2,500,000 shall be expended for the reconstruction and improvement of Main street/route 38 from Old Boston road to Livingston street in the town of Tewksbury; 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 not less than \$200,000 shall be expended for the design and reconstruction of the Vernon street Roadway Improvements in Wakefield; provided further, that \$1,600,000 shall be expended for the design and construction of the Ware River Valley rail trail from the Ware River to the Gilbertville covered bridge in the town of Ware; 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 commitments of not less than \$750,000 of additional funding from other public or private sources for improvement of the adjoining parklands; 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; provided further, that not less than \$4,025,000 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; 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; provided further, that not more than \$500,000 shall be expended to improve safety with signalization, new geometry and related work on Elm street at Westfield street in town of West Springfield; provided further, that not less than \$3,000,000 shall be expended for the construction of a parking deck in the city of Westfield; provided, further, that \$300,000 shall be expended for the reconstruction of the bridge on South road in the town of Westhampton; provided further, that not less than \$600,000 be expended for design and construction of route 140 between Mile Hill road and Gatehouse road in the town of Westminster; 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; provided further, that not less than \$400,000 shall be expended for traffic signals on route 109 in the town Westwood; provided further, that not less than \$5,000,000 shall be expended on the route 3A project in the city known as the town of Weymouth at the base of the Fore River bridge extending southward to the intersection of Green street, Bridge street, and Neck street for the grading and paving of roadways, as well as, construction and repair of sidewalks as to conform to the Americans with Disabilities Act 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; provided further that \$500,000 shall be expended on street resurfacing of Washington street (route 53) in Weymouth at the intersection of Commercial street and Front street extending to the intersection of Broad street, and furthermore for street resurfacing and sidewalk improvements from the intersection of Broad street and Washington street to the intersection of route 18 and route 53; provided, that not less than \$250,000 shall be expended on the Weymouth Washington street (route 53) at Middle street and Winter street Project for the repair or replacement and upgrade of the Winter street concrete barrier and chain-link fencing with picket post cap fencing; provided further, that not less than \$820,000 shall be expended for safety improvements by installing geometric improvements and full traffic signalization at the intersection of Glen road, Wildwood street and Middlesex avenue (route 62) in the town of Wilmington; 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; provided further, that \$528,000 shall be expended for the replacement of sewer and drainage lines and for the reconstruction of North Vine street in the town of Winchendon; provided further, that \$775,000 shall be expended for the construction of a municipal parking lot on Front street in the town of Winchendon; 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; provided further, that \$4,575,000 shall be expended for the Winthrop street corridor project in the town of Winthrop; provided further, that \$475,000 shall be expended for the Walk Winthrop initiative in the town of Winthrop; provided further, that no less than \$3,000,000 shall be expended for the implementation of the Wayfinder System in the city of Worcester; provided further, that not less than \$6,500,000 shall be expended for the 444 design and reconstruction of route 143 in the town of Worthington .....\$325,000,000

SECTION 2B.

## MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

*Rail and Transit Division*

6622-1205 For the purposes of chapter 161B of the General Laws, including the purchase and rehabilitation of rolling stock, related assets and support equipment necessary to safely serve transit passengers, construction and rehabilitation of regional transit authority operations and passenger facilities, and purchase of related appurtenances and tools .....\$11,000,000

## SECTION 2C.

## MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

*Rail and Transit Division*

6622-1280 For the purpose of implementing rail improvements under chapter 161C of the General Laws; provided, that funds may also be used for transportation planning, design, permitting, acquisition of interests in land and engineering for heavy rail, light rail, bus and other transit projects, including the industrial rail access program; provided, however, the department shall adopt regulations within 180 days of the effective date of this act implementing the industrial rail access program, which shall increase access to rail freight service and preserve or stimulate economic development through the generation of new or expanded rail service; provided further, that the secretary of transportation shall have the responsibility for evaluating and selecting eligible projects, in consultation with the secretary of housing and economic development, where the public benefit will be gained through improved use of the rail transportation network or that will facilitate economic growth through access to the rail assets within the commonwealth; and provided further, that the amounts specified in this item or for a particular project may be adjusted in order to facilitate other projects implementing rail improvements under chapter 161C of the General Laws; 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 at the intersection of Lake street and Commonwealth avenue in the city of Boston; provided further, that not less than \$500,000 be expended to improve pedestrian access and safety at the Canton Junction commuter rail station; provided further, that not less than \$300,000 be expended for capital improvements to the Canton Center commuter rail station; provided further, that not less than \$25,000 be expended to study improved pedestrian and bike access at and around the Wachusett commuter rail station; provided further, that not less than \$1,500,000 shall 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; provided further, that not less than \$2,000,000 shall be expended for the construction of a passenger rail platform, for the knowledge corridor passenger rail project, in the city of Holyoke; provided further, that \$1,500,000 shall be expended for the completion of work at the Blossom street extension and for a 1 time purchase of a commuter water shuttle for operation of the Lynn-Boston commuter ferry line in the city of Lynn; and provided further, that \$2,000,000 shall be expended for the South Terminal Rail Extension in the city of New Bedford; provided further, that no less than \$50,000 shall be expended for the city of Newton's conversion of the abandoned, Massachusetts Bay Transportation Authority controlled rail line parallel to Needham street in the city of Newton to a linear park, with potential future conversion to a green-line extension; 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; 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; provided further, that not more than \$4,000,000 shall be provided for the design and construction of the Springfield union intermodal station project, so-called, in the city of Springfield; 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 Stoughton Railroad Station at 45

Wyman Street in the town of Stoughton .....\$300,000,000

SECTION 3. Section 2 of chapter 6C of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out subsection (b) and inserting in place thereof the following subsection:-

(b) The department shall be governed and its corporate powers exercised by a board of directors. The board shall consist of 7 members appointed by the governor for a term of 4 years, 3 of whom shall be 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 experience in transportation planning and policy; 1 of whom shall be the secretary of transportation, who shall serve ex officio; and 1 of whom shall be a registered civil engineer with at least 10 years experience. The governor shall designate 1 of the members, other than the ex-officio director, to serve as chairperson of the board. Not more than 4 of the directors, except the ex-officio director, shall be members of the same political party. Each director shall serve without compensation but may be reimbursed for actual and necessary expenses reasonably incurred in the performance of their duties, including reimbursement for reasonable travel; provided, however, that such reimbursement shall not exceed \$3000 annually. Any person appointed to fill a vacancy in the office of a member of the board shall be appointed in a like manner and shall serve for only the unexpired term of such former member. Any director shall be eligible for reappointment. Any director may be removed from his appointment by the governor for cause. The board shall annually elect 1 of its members to serve as vice-chairperson.

SECTION 4. Said section 2 of said chapter 6C, as so appearing, is hereby further amended by striking out, in line 30, the word "Four" and inserting in place thereof the following words:- A majority of.

SECTION 5. Said section 2 of said chapter 6C, as so appearing, is hereby further amended by striking out, in lines 67 and 68, the words "and the treasurer, as elected by the board pursuant to subsection (f)" and inserting in place thereof the following words:- of the department.

SECTION 6. Said section 2 of said chapter 6C, as so appearing, is hereby further amended by adding the following subsection:-

(k) The board shall adopt a written policy providing for the delegation in writing of any of its powers and duties under this section and section 3; provided, however, that the policy shall include a requirement that the board shall only review contracts valued at \$15,000,000 or more.

SECTION 7. Said chapter 6C is hereby further amended by adding the following section:-

Section 75. Notwithstanding any general or special law to the contrary, the department shall not enter into, renew or renegotiate any contract providing for fuel services on service stations on the turnpike without the contract requiring the fuel provider to provide for the consumption of alternative fuel, as defined in section 1 of chapter 90.

SECTION 8. Chapter 85 of the General Laws is hereby amended by adding the following section:-

Section 37. Notwithstanding any general or special law to the contrary, 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" shall mean a contract, agreement or understanding entered into, renewed, modified or extended on or after July 1, 2012, concerning (i) the transportation of property for compensation or hire; (ii) the entry on public or private property for the purpose of loading, unloading or transporting property for compensation or hire; or (iii) a service incidental to the activities under clauses (i) and (ii); provided however, that "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.

SECTION 9. Chapter 161A of the General Laws is hereby amended by striking out section 7, as so appearing, 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 Massachusetts Department of Transportation established under chapter 6C.

SECTION 10. Item 7004-0097 of section 2E of chapter 122 of the acts of 2006 is hereby amended by striking out the words "provided further, that not less than \$2,000,000 is to be appropriated to the City of Boston for a demonstration project to attempt to increase groundwater levels in a section of the City adjacent to the Southwest Corridor, with all phases of the design and implementation of the project to be overseen by the Boston Groundwater

Trust; provided further, that such funds are to be expended with the advance agreement of the Boston Groundwater Trust and in consultation with, among others, the Massachusetts Bay Transportation Authority; provided further, that in undertaking management of the demonstration project, neither the City of Boston nor the Boston Groundwater Trust assume any liability for the cause of the low groundwater levels in this area, and nor does the success or failure of the project change any potentially responsible party's accountability for the creation of the low groundwater problem", inserted by section 12 of chapter 192 of the acts of 2006, and inserting in place thereof the following words:- 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 energy and environmental affairs, the city of Boston and the Boston Groundwater Trust; provided further, that such funds shall only be expended following the execution of a memorandum of understanding between the Massachusetts Bay Transportation Authority, the executive office 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;

SECTION 11. 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 2 paragraphs:-

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 transportation;
- (vi) 1 director shall be selected from a list of names provided by the secretary 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 2 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 such 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 12. Said chapter 306 is hereby further amended by inserting after section 8 the following 2 sections:-

Section 8A. Except when meeting (i) in executive session, as permitted by subsection (a) of section 21 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 said 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.

Section 8B. As to documents made or received on or after January 1, 2013, the board shall comply with the requirements of clause Twenty-sixth of section 7 of chapter 4 and section 10 of chapter 66 of the General Laws. Records pertaining to potential contributions and 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 Twenty-sixth 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 13. Section 9 of said chapter 306 is hereby repealed.

SECTION 14. To meet the expenditures necessary in carrying out section 2, the state treasurer shall, upon request of the governor, issue and sell

bonds of the commonwealth in an amount to be specified by the governor from time to time but not exceeding, in the aggregate, \$171,750,000. All bonds issued by the commonwealth shall be designated on their face, Transportation Improvement Loan Act of 2012, and shall be issued for a maximum term of years, not exceeding 30 years, as the governor may recommend to the general court under Section 3 of Article LXII of the Amendments to the Constitution. All bonds shall be payable not later than June 30, 2047. All interest and payments on account of principal on these obligations shall be payable from the Commonwealth Transportation Fund. Notwithstanding any other provisions of this act, bonds and interest thereon issued under this section shall be general obligations of the commonwealth.

SECTION 15. To meet the expenditures necessary in carrying out section 2A, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time but not exceeding, in the aggregate, \$325,000,000. All bonds issued by the commonwealth shall be designated on their face, Transportation Improvement Loan Act of 2012, and shall be issued for a maximum term of years, not exceeding 30 years, as the governor may recommend to the general court under Section 3 of Article LXII of the Amendments to the Constitution. All bonds shall be payable not later than June 30, 2047. All interest and payments on account of principal on these obligations shall be payable from the Commonwealth Transportation Fund. Notwithstanding any other provisions of this act, bonds and interest thereon issued under this section shall be general obligations of the commonwealth.

SECTION 16. To meet the expenditures necessary in carrying out section 2B, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from time to time but not exceeding, in the aggregate, \$11,000,000 which shall be in addition to those bonds previously authorized for projects and programs which are eligible to receive federal funding and which authorizations remain uncommitted or unobligated on the effective date of this act. All bonds issued by the commonwealth as aforesaid shall be designated on their face, Transportation Improvement Loan Act of 2012, and shall be issued for a maximum term of years, not exceeding 30 years, as the governor may recommend to the general court under Section 3 of Article LXII of the Amendments to the Constitution. All these bonds shall be payable not later than June 30, 2047. All interest and payments on account of principal on these obligations shall be payable from the Commonwealth Transportation Fund. Notwithstanding any other provisions of this act, bonds and interest thereon issued under this section shall be general obligations of the commonwealth.

SECTION 17. To meet the expenditures necessary in carrying out section 2C, the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an amount to be specified by the governor from

time to time but not exceeding, in the aggregate, \$177,500,000 which shall be in addition to those bonds previously authorized for projects and programs which are eligible to receive federal funding and which authorizations remain uncommitted or unobligated on the effective date of this act. All bonds issued by the commonwealth as aforesaid shall be designated on their face, Transportation Improvement Loan Act of 2012, and shall be issued for a maximum term of years, not exceeding 30 years, as the governor may recommend to the general court under Section 3 of Article LXII of the Amendments to the Constitution. All these bonds shall be payable not later than June 30, 2047. All interest and payments on account of principal on these obligations shall be payable from the Commonwealth Transportation Fund. Notwithstanding any other provision of this act, bonds and interest thereon issued under this section shall be general obligations of the commonwealth.

SECTION 18. Notwithstanding any general or special law to the contrary, in carrying out sections 2 to 2C, inclusive, and all other provisions of this act, the Massachusetts Department of Transportation may enter into contracts, agreements, or transactions that may be appropriate with other federal, state, local or regional public agencies or authorities. The contracts, agreements, or transactions may relate to such matters as the department shall determine including, without limitation, the research, design, layout, construction, reconstruction or management of construction of all or a portion of these projects. 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 sectionsection 154 of chapterchapter 25 of the actsacts 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 on or before June 30, 2013. In relation to any such contracts, agreements, or transactions the department may advance monies to these agencies or authorities, without prior expenditure by the agencies or authorities, and the agencies and authorities may accept monies necessary to carry out these agreements; provided, however, that the department shall certify to the comptroller the amounts so advanced; provided, further, that these agreements shall contain provisions satisfactory to the department for the accounting of monies expended by any other agency or authority; and provided, further, that all monies not expended under any such agreement shall be credited to the account of the department from which they were advanced. The department shall report to the house and senate committees on ways and means on any transfers completed under this section.

SECTION 19. (a) Notwithstanding any other general or special law to the contrary, the Massachusetts Department of Transportation shall expend the sums authorized in section 2A for the following purposes: projects for the laying out, construction, reconstruction, resurfacing, relocation or necessary or beneficial improvement of highways, bridges, bicycle paths or facilities, on-

and off-street bicycle projects, sidewalks, telecommunications, parking facilities, auto-restricted zones, scenic easements, grade crossing eliminations and alterations of other crossings, traffic safety devices on state highways and on roads constructed under clause (b) of the second paragraph of section 4 of chapter 6C of the General Laws, highway or mass transportation studies, including, but not limited to, traffic, environmental or parking studies, the establishment of school zones under section 2 of chapter 85 of the General Laws, improvements on routes not designated as state highways without assumption of maintenance responsibilities and projects to alleviate contamination of public and private water supplies caused by the department's storage and use of snow removal chemicals which are necessary for the purposes of highway safety and for the relocation of persons or businesses or for the replacement of dwellings or structures including, but not limited to, providing last resort housing under federal law and such functional replacement of structures in public ownership as may be necessary for the foregoing purposes and for relocation benefits to the extent necessary to satisfy the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. 4601 et seq., Pub. L. 97-646, 84 Stat. 1864 (1971), and to sell any structure the title to which has been acquired for highway purposes; provided, however, that environmental studies conducted under this subsection may include an assessment of both existing and proposed highway rest stop facilities to determine the cost-effectiveness of sanitary facilities that utilize zero pollution discharge technologies, including recycling greywater systems. When dwellings or other structures are removed in furtherance of any of the foregoing projects, the excavations or cellar holes remaining shall be filled in and brought to grade within 1 month after the removal. In planning projects funded by said section 2A, consideration shall be made, to the extent feasible, to accommodate and incorporate provisions to facilitate the use of bicycles and walking as a means of transportation; provided, however, that nothing in this section shall be construed to give rise to enforceable legal rights in any party or a cause of action or an enforceable entitlement as to the projects described in this section.

(b) Funds authorized in section 2A shall, except as otherwise specifically provided in this act, be subject to the first paragraph of section 6 and sections 7 and 9 of chapter 718 of the acts of 1956, if applicable, and, notwithstanding any general or special law to the contrary, may be used for the purposes stated in this act in conjunction with funds of cities, towns and political subdivisions.

(c) In addition to the foregoing, the Massachusetts Department of Transportation may expend funds made available by this act to acquire from a person by lease, purchase, eminent domain under chapter 79 of the General Laws or otherwise, land or rights in land for parking facilities adjacent to a



public way to be operated by the department or under contract with an individual; expend funds made available by this act for the acquisition of van-type vehicles used for multi-passenger, commuter-driven carpools and high-occupancy vehicles including, but not limited to, water shuttles and water taxis; and, under all applicable state and federal laws and regulations, exercise all powers and do all things necessary and convenient to carry out the purposes of this act.

(d) In carrying out this section, the Massachusetts Department of Transportation may enter into contracts or agreements with cities to mitigate the effects of projects undertaken under this act and to undertake additional transportation measures within the city and may enter into contracts, agreements or transactions with other federal, state, local or regional public agencies, authorities, nonprofit organizations or political subdivisions that may be necessary to implement these contracts or agreements with cities. Cities and other state, local or regional public agencies, authorities, nonprofit organizations or political subdivisions may enter into these contracts, agreements or transactions with the department. In relation to these agreements, the department may advance to these agencies, organizations or authorities, without prior expenditure by the agencies, organizations or authorities, monies necessary to carry out these agreements; provided, however, that the department shall certify to the comptroller the amount so advanced; provided further, that all monies not expended under these agreements shall be credited to the account of the department from which they were advanced. The department shall report to the house and senate committees on ways and means on any transfers completed under this subsection.

SECTION 20. Notwithstanding any other general or special law to the contrary, the Massachusetts Department of Transportation shall take all necessary actions to secure federal highway or transportation assistance which is or may become available to the department including, but not limited to, actions authorized under or in compliance with Title 23 of the United States Code, the Surface Transportation Act of 1987, Pub. L. 100-17, the Intermodal Surface Transportation Efficiency Act of 1991, Pub. L. 102-240, the Transportation Equity Act for the 21st Century, Pub. L. 105-178, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, Pub. L. 109-59, Implementing Recommendations of the 9/11 Commission Act of 2007, Pub. Law 110-53 and any successor acts or reauthorizations of those acts, and actions such as filing applications for federal assistance, supervising the expenditure of funds under federal grants or other assistance agreements and making any determinations and certifications necessary or appropriate to the foregoing. If a federal law, administrative regulation or practice requires an action relating to federal assistance to be taken by a department, agency or other instrumentality of the commonwealth other than the

Massachusetts Department of Transportation, the other department, agency or instrumentality shall take such action.

SECTION 21. Notwithstanding any other general or special law to the contrary, all construction contracts funded in whole or in part by the funds authorized by this act shall include a price adjustment clause for each of the following: fuel, both diesel and gasoline, asphalt, concrete and steel. A base price for each material shall be set by the awarding authority or agency and included in the bid documents at the time a project is advertised. The awarding authority or agency shall also identify in the bid documents the price index to be used for each material or supply. The adjustment clause shall provide for a contract adjustment to be made on a monthly basis when the monthly cost change exceeds plus or minus 5 per cent.

SECTION 22. Notwithstanding any other general or special law to the contrary, section 61 and sections 62A to 62I, inclusive, of chapter 30, chapter 91 and section 40 of chapter 131 of the General Laws shall not apply to bridge projects of the Massachusetts Department of Transportation and the Massachusetts Bay Transportation Authority for the repair, reconstruction, replacement or demolition of existing state highway, authority and municipally-owned bridges, including the immediate approaches necessary to connect the bridges to the existing adjacent highway and rail system, in which the design is substantially the functional equivalent of, and in similar alignment to, the structure to be reconstructed or replaced; provided, however, that said section 61 and said sections 62A to 62I, inclusive, of said chapter 30 shall apply to the repair, reconstruction, replacement or demolition project where the project requires a mandatory environmental impact report under 301 CMR 11.00; provided, further, that all such work shall be subject to the requirements of the then current edition of the Massachusetts Department of Transportation's Stormwater Handbook as approved by the department of environmental protection under applicable law, that notice shall be published in the Environmental Monitor of any application to the department of environmental protection for a water quality certification, and that the work shall be subject to performance standards prescribed by the department of environmental protection under section 401 of the Federal Clean Water Act if applicable to the project; provided, further, that notwithstanding the foregoing, said section 61 and said sections 62A to 62I, inclusive, of said chapter 30, said chapter 91 and said section 40 of said chapter 131 shall apply to any portions of the bridge and roadway approaches to the crossing of the Charles river for the Central Artery/Tunnel Project. If any state highway, authority or municipal bridge crosses over a railroad right-of-way or railroad tracks, the department or authority, as applicable, shall seek the opinion of a railroad company, railway company or its assigns operating on the track of a necessary clearance between the track and the bridge, but the department and the authority and their agents or contractors may enter upon any right-of-way,

land or premises of a railroad company or railway company or its assigns for purposes that the department or authority may consider necessary or convenient to carry out this section. If a flagman is needed to carry out the section, the railroad company, railway company or its assigns shall provide the flagman, the cost which shall be borne by the bridge project except in the case of a bridge transferred under chapter 634 of the acts of 1971. For the purposes of this section, "bridge" shall include any structure spanning and providing passage over water, railroad right-of-way, public or private way, other vehicular facility or other area. Any project exempted from any law under this section shall be subject to the public consultation process required by the then current version of the Massachusetts Department of Transportation's project development and design guidebook.

SECTION 23. Notwithstanding any general or special law to the contrary, the unexpended balances of all capital accounts which otherwise would revert on June 30, 2012, but which are necessary to fund obligations during fiscal year 2013, are hereby re-authorized.

SECTION 24. Notwithstanding any general law or special law or rule or regulation to the contrary, the Massachusetts Department of Transportation shall commission a study to determine the impact on the public safety of transporting ethanol by train through the cities of Boston, Cambridge, Chelsea, Everett and Revere,. Public safety issues to be studied shall include, but not be limited to, the proximity to residences, elderly housing complexes, schools, hospitals, health care facilities and other population and demographic characteristics and emergency response capabilities. The report shall be completed not later than 6 months after the effective date of this act, and copies of the report shall be provided to the house and senate committees on ways and means, the executive office of public safety and security and the department of environmental protection. The department of environmental protection shall not issue a license under chapter 91 of the General Laws for the transportation of ethanol through the cities of Boston, Cambridge, Chelsea, Everett and Revere until it has received the report.

SECTION 25. Notwithstanding any general or special law or regulation to the contrary, the Massachusetts Department of Transportation shall commission a study to determine the feasibility of constructing sound barriers along route 1 to coincide with future construction of route 1 or Copeland circle in the town of Revere.

SECTION 26. (a) The Massachusetts Department of Transportation shall conduct a review to determine whether some or all of the state highway yard land located at Granite avenue in the town of Milton is no longer necessary for department needs. Upon completion of its review the department shall notify the town of Milton if any portion of said land is unnecessary.

(b) Notwithstanding sections 40E to 40I, inclusive, of chapter 7 of the General Laws or any other general or special law to the contrary, if the

department determines that the land reviewed under subsection (a) is not necessary for the purposes of the department, the Massachusetts Department of Transportation may transfer the portion of land determined unnecessary to the town of Milton.

(c) The exact boundaries of the state highway yard land located at Granite avenue in the town of Milton shall be determined by the secretary of transportation after completion of a survey. The parcel may be conveyed by deed without warranties or representations by the commonwealth.

(d) The secretary of transportation shall, 30 days before any conveyance authorized by this section, or any subsequent amendment thereto, submit the proposed conveyance and a report thereon to the inspector general for the inspector general's review and comment. The inspector general shall issue a review and comment within 30 days of receipt of the proposed conveyance. The secretary of transportation shall submit the proposed conveyance, and the reports and comments of the inspector general, if any, to the house and senate committees on ways and means and the joint committee on state administration and regulatory oversight at least 30 days before execution of said conveyance.

SECTION 27. 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 section 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 on or before December 31, 2012.

SECTION 28. The Massachusetts 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.

SECTION 29. 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 through the town of Walpole.

SECTION 30. Notwithstanding any general or special law to the contrary, the Massachusetts Department of Transportation shall develop standards for reviewing the state of repair of any bridges that span a public way. At the request of the governing body of a municipality in which such bridge is located, the department may, based upon such standards, make maintenance and repair recommendations for any such bridge that has, within the previous 10 year period, been used for the purpose of public safety. The standards shall be finalized on or before January 1, 2013.

SECTION 31. Notwithstanding any general or special law to the contrary, upon a vote of the appropriate governing body of the city of Lowell, on or before July 1, 2017, 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.

SECTION 32. A special commission is hereby established to consider the circumstances under which project labor agreements should be utilized in the construction, repair and improvements to road, bridge and rail in the commonwealth, including, but not limited to, consideration of their appropriateness and function, the impact of the agreements on the cost of such road, bridges and rail projects for which they are utilized, and the size, complexity and duration of the road, bridges and rail projects for which they should be utilized. Said commission shall consist of 5 members: 1 of whom shall be the secretary of administration and finance or a designee; 1 of whom shall be the secretary of transportation or a designee; 1 of whom shall be the secretary of labor and workforce development or a designee; 1 of whom shall be the attorney general or designee; and 1 of whom shall be the auditor or a designee. The commission shall hold not less than 1 public hearing. Said commission shall report to the general court the results of its investigation and study, and its recommendations, if any, together with drafts of legislation necessary to carry such recommendations into effect, by filing the same with the clerk of the house of representatives who shall forward the same to the joint committee on labor and workforce development and joint committee on transportation on or before July 1, 2013.

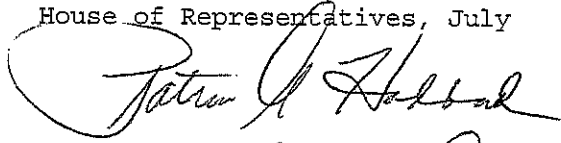
SECTION 33. Notwithstanding any general or special law to the contrary, the Massachusetts Bay Transportation Authority shall convey to the town of Stoughton the Stoughton Depot Building and underlying land consisting of approximately 6,100 square feet located at 45 Wyman street in the town of Stoughton, on the Providence/Stoughton commuter rail line and permanent easements which shall provide the right of access and use of 30 adjacent parking spaces divided between the area immediately adjacent to the Stoughton Depot Building on the northwest side and in an area to the northeast of the Stoughton Depot Building, such parcels more specifically described in the document entitled "Massachusetts Bay Transportation Authority Through Transit Realty Associates, LLC, MBTA 12470, Invitation to Bid, Sale of Stoughton Depot Building" dated May 23, 2012; provided, however, that the conveyance shall be subject to encumbrances duly recorded; and provided further that any payment required of the town of Stoughton, by the Massachusetts Bay Transportation Authority, which payment shall not exceed fair market value, shall be made free of interest and shall be payable over a period of not less than 10 years.

SECTION 34. Section 7 shall take effect on January 1, 2013.

House of Representatives, July

31, 2012.

Preamble adopted,

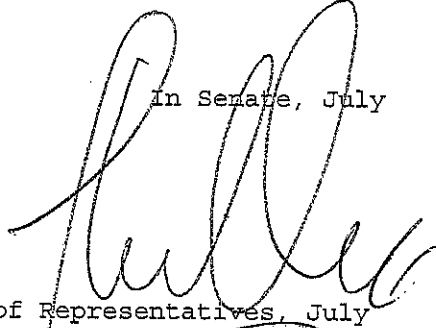


, Speaker.

In Senate, July

31, 2012.

Preamble adopted,



, President.

House of Representatives, July

31, 2012.

Bill passed to be enacted,

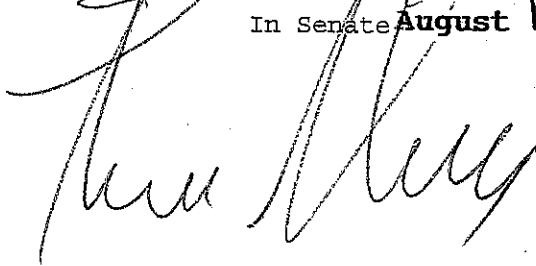


, Speaker.

In Senate August 1

, 2012.

Bill passed to be enacted,

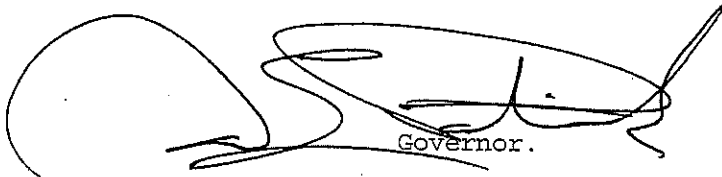


, President.

9 August, 2012.

Approved,

at 12 o'clock and 02 minutes, P. M.



Governor.