

**HOUSE . . . . . No. 3029**

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The Commonwealth of Massachusetts

PRESENTED BY:

*Antonio F. D. Cabral*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act creating the Massachusetts rail transit fund.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Antonio F. D. Cabral</i>	<i>13th Bristol</i>
<i>Marc R. Pacheco</i>	<i>First Plymouth and Bristol</i>
<i>Patricia A. Haddad</i>	<i>5th Bristol</i>
<i>Alan Silvia</i>	<i>7th Bristol</i>
<i>Marcos A. Devers</i>	<i>16th Essex</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>
<i>Aaron Vega</i>	<i>5th Hampden</i>
<i>Carl M. Sciortino, Jr.</i>	<i>34th Middlesex</i>

**HOUSE . . . . . No. 3029**

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By Mr. Cabral of New Bedford, a petition (accompanied by bill, House, No. 3029) of Antonio F. D. Cabral and others for legislation to create a rail transit fund from certain increased assessments and vehicle emissions classifications. Transportation.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION

SEE

□ □ HOUSE  
□ , NO. 2986 OF 2011-2012.]

**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Thirteen**  
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An Act creating the Massachusetts rail transit fund.

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

1 SECTION 1. Chapter 90 of the General Laws, as appearing in the 2010 Official Edition,  
2 is hereby amended by adding the following subsections:–

3 Section 7Z1/2. Station Reporting Requirement.

4 The registrar shall maintain a database containing the mileage of every motor vehicle  
5 registered pursuant to this chapter. Every facility licensed to conduct vehicle inspections  
6 pursuant to this chapter, shall, as part of said inspection, record the make, model, owner’s name,  
7 license plate number and mileage of each vehicle inspected and shall report said information to  
8 the registrar and the commissioner. Said reports shall be made electronically and said facilities  
9 shall have electronic access to the database pursuant to procedures established by the registrar.

10 Section 34S. Vehicle Classification.

11 For purposes of sections 34T and 34U only, the registrar shall issue rules and regulations  
12 to classify all vehicles required to be registered by this chapter into the following categories: zero  
13 emission vehicle, motorcycle, automobile, hybrid automobile, light truck, heavy truck, hybrid  
14 truck, sports utility vehicle, hybrid sports utility vehicle, van, luxury vehicle, motor home, trailer,

15 other emission producing vehicle and rental vehicle, which shall include all vehicles intended as  
16 of the date of registration to be used as a rental vehicle. Said categories shall be known  
17 collectively as registration classes. When any such vehicle is first registered pursuant to this  
18 chapter, the registrar shall identify said vehicle as a member of one such registration class.

19 Section 34T. Green Fee.

20 (a) The registrar or his authorized agents shall collect the following fees, to be called  
21 green fees, each time a vehicle is registered or the vehicle registration is renewed for any reason,  
22 in the following amounts:

23 (1) For every automobile, hybrid truck and hybrid sports utility vehicle the fee shall be  
24 \$30 for a new or transfer registration and two year renewals, \$15 for vehicles renewing annually.

25 (2) For every hybrid automobile and motorcycle the fee shall be \$15 for a new or transfer  
26 registration and for two year renewals, \$7.50 for vehicles renewing annually.

27 (3) For every light truck, van, luxury vehicle and sports utility vehicle the fee shall be \$60  
28 for a new or transfer registration and for two year renewals, \$30 for vehicles renewing annually.

29 (4) For every heavy truck, motor home and bus the fee shall be \$85 for a new or transfer  
30 registration and for two year renewals, \$42.50 for vehicles renewing annually.

31 (5) For every other emission producing vehicle the fee shall be \$60 for a new or transfer  
32 registration and for two year renewals, \$30 for vehicles renewing annually.

33 (6) Zero emission vehicles and any vehicle owned by any subdivision of the  
34 commonwealth and used solely for official business and any vehicle identified in subsections 29,  
35 30 and 33 of section 33 of chapter 90 shall be exempt from the green fee.

36 Section 34U. Emissions Fee.

37 (a) At the time of each inspection required by section 7V, the inspector shall collect and  
38 remit to the registrar the following fee, to be called an emissions fee. Said fee shall equal \$.0025  
39 per mile for each mile driven by the vehicle since the vehicle's last inspection, calculated using  
40 the mileage reports recorded in the database maintained by the registrar pursuant to section  
41 7Z1/1, or, if the vehicle has not yet had two required inspections, equal to the vehicle's mileage  
42 at the inspection.

43 Section 34V. Car Rental Fee.

44 There shall be a surcharge of 5 percent of the total cost of each vehicular rental  
45 transaction contract in the commonwealth, which shall be administered by the commissioner of  
46 revenue. Each vendor shall collect the surcharge and remit it to the department of revenue on a  
47 monthly basis. All provisions of chapter 62C of the general laws relative to assessment,

48 collection, payment, abatement, verification and administration, including penalties and interest,  
49 shall, so far as pertinent, apply to this surcharge as though it were a tax enumerated in section 2  
50 of said chapter 62C.

51 Section 34W. Parking Rental Fee.

52 There shall be a surcharge of 5 percent of the total cost charged to park a vehicle in the  
53 commonwealth, which shall be administered by the commissioner of revenue. Each vendor shall  
54 collect the surcharge and remit it to the department of revenue on a monthly basis. All provisions  
55 of chapter 62C of the general laws relative to assessment, collection, payment, abatement,  
56 verification and administration, including penalties and interest, shall, so far as pertinent, apply  
57 to this surcharge as though it were a tax enumerated in section 2 of said chapter 62C. Said  
58 surcharge shall not apply to parking owned by the commonwealth or a subdivision or authority  
59 thereof.

60 SECTION 2. The general laws are hereby amended by creating the following new  
61 chapter.

62 Chapter 161E. Massachusetts Rail Transit Fund

63 Section 1. As used in this chapter 161E, the following words shall have the following  
64 meanings:

65 "Authority", the Massachusetts Bay Transportation Authority, established by section 2 of  
66 chapter 161A, or its successor.

67 "Car Rental Fee," the fee established pursuant to section 34V of chapter 90.

68 "Cost", as applied to a project and the site thereof, all costs, whenever incurred, of  
69 acquiring land and of acquiring, developing, constructing, improving, furnishing, equipping,  
70 finishing and carrying out a project and placing the same in operation, including without limiting  
71 the generality of the foregoing, the cost of all lands, property, rights, easements and interests  
72 acquired pursuant hereto and all labor, materials, machinery and equipment necessary to carry  
73 out a project and place the same in operation, financing charges, interest prior to and during  
74 construction and for a period not exceeding two years after completion of construction, the cost  
75 of environmental investigation, analyses and remediation, the cost of demolition and removal of  
76 any buildings or structures on lands acquired and removal or relocation of any public utilities and  
77 other facilities, relocation payments as defined in, and any other costs of relocation assistance  
78 required under chapter 79A of the General Laws and this act, the costs of architectural,  
79 engineering and legal services, plans, specifications, surveys, estimates of cost and of revenues,  
80 other expenses necessary or incident to determining the feasibility or practicability of the project,  
81 administrative, marketing and promotion expenses, reserves for debt service, and other capital

82 and current expenses and such other expenses as may be necessary or incident to the construction  
83 of a project and the acquisition of land therefore.

84 "Emissions Fee," the fee established pursuant to section 34U of chapter 90.

85 "Green Fee," the fee established pursuant to section 34T of chapter 90.

86 "MassDOT," the department of transportation, established pursuant to chapter 6A, or its  
87 successor.

88 "Fund," the Massachusetts Rail Transit Fund created pursuant to section 2.

89 "Operating costs," all direct costs, whenever incurred, of operating a rail project that  
90 received funding from the Fund pursuant to this chapter.

91 "Parking Rental Fee," the fee established pursuant to section 34W of chapter 90.

92 "Rail Project", the planning, design, acquisition, development, construction, expansion,  
93 rehabilitation, improvement, furnishing, equipping and finishing or any combination of the  
94 foregoing, necessary to provide subway or commuter rail service to a municipality which does  
95 not have such service or to increase the frequency or speed of such service to a community that  
96 the secretary determines is underserved by its existing subway or commuter rail service, together  
97 with all necessary and related furnishings, machinery, equipment, facilities, approaches,  
98 driveways, walkways, parking facilities, roadways, public transportation and landscaping, and  
99 including without limitation the acquisition of lands or other property, or rights, easements, and  
100 interests acquired for or in respect of any such lands or property for a project, the demolition or  
101 removal of any buildings or structures on lands so acquired or in or with respect to which  
102 interests are so acquired, relocation payments and other assistance therefore, and site preparation  
103 and environmental remediation. Notwithstanding the foregoing, rail project may not include  
104 funds for routine maintenance to existing subway or commuter rail facilities or for capital  
105 projects to improve the accessibility of existing infrastructure for passengers with disabilities or  
106 to improve access to existing service, such as parking expansion, installation of bicycle racks or  
107 improvements to pedestrian approaches.

108 "Registrar", the registrar of motor vehicles, established pursuant to chapter 90.

109 "Secretary", the secretary of MassDOT.

110 Section 2. There shall be established and set up on the books of the commonwealth a  
111 separate fund, to be known as the Massachusetts Rail Transit Fund, consisting of amounts  
112 credited to the fund in accordance with section 3. The fund shall be administered in accordance  
113 with the provisions of this act by the state treasurer and shall be held in trust exclusively for the  
114 purposes and the beneficiaries described herein. The state treasurer shall be treasurer-custodian  
115 of the fund and shall have the custody of its monies and securities.

116 Section 3. Commencing on the first day of the first full calendar month following 30 days  
117 after the effective date of this act, the following receipts shall be credited to, and deposited by the  
118 state treasurer in the Fund and used in accordance with this section: (i) the proceeds from two  
119 cents per gallon of the fee collected in the previous fiscal year pursuant to chapter 21J; (ii) the  
120 green fee; (iii) the emissions fee; (iv) the car rental fee; (iv) the parking rental fee . In addition, in  
121 accordance with section 7, the local project receipts shall be credited to, and deposited by the  
122 state treasurer in the Fund and shall be kept in segregated accounts for each rail project to be  
123 used in accordance with this chapter.

124 Section 4. Notwithstanding any general or special law to the contrary, the secretary shall  
125 annually rank all of the rail projects contained in MassDOT's capital investment program. The  
126 secretary shall group said rail projects into two groups. Group 1 shall include those of said rail  
127 projects that would provide new rail service to a city or town in the commonwealth that does not  
128 have a commuter rail or rapid transit stop within its borders or, if a rail project would establish  
129 new stations in more than one city or town, those rail projects that would provide new rail  
130 service to cities or towns in the commonwealth half or more of whom do not have a commuter  
131 rail or rapid transit stop within their borders. Group 2 shall include all rail projects contained in  
132 said capital investment program that are not included in group 1. The secretary shall rank the rail  
133 projects within each group based on each rail project's performance relative to the other rail  
134 projects in that group on the following evaluation criteria: the cost effectiveness of air quality  
135 improvements which the capital investment program predicts a rail project would achieve, the  
136 rail project's projected cost per rider and cost per new mass transit rider, whether a rail project  
137 constitutes a transit commitment made in connection to the central artery project or is otherwise  
138 required by law, the likely economic benefits of a rail project, the likelihood that a rail project  
139 will result in smart growth development, rather than sprawl, and whether a rail project would  
140 serve any environmental justice target, all as defined and described in the capital investment  
141 program. The secretary shall report said ranking of rail projects along with his reasons therefore  
142 to the clerk of the senate and the clerk of the house and the house and senate chairmen of the  
143 Joint Committee on Transportation no later than January 31 of each year.

144 Section 5. (a) The authority shall notify the secretary, the state treasurer and the clerks of  
145 the senate and of the house in writing when it determines: 1) that the Fund contains and is likely  
146 to continue to contain funds, minus those funds already committed to other rail projects but  
147 including those local project revenues dedicated to a rail project pursuant to this chapter,  
148 necessary to cover: a) the cost of the rail project ranked first in group 1 by the secretary pursuant  
149 to section 4 minus all other funds available to the authority to cover such cost, calculated based  
150 on not less than 105 per cent of the debt service on all special obligation bonds to be issued  
151 pursuant to section 17 that are required to cover the cost of such rail project and b) the amount of  
152 any projected annual operating deficit determined by the authority, calculated as the average of  
153 the projected operating deficits of the first ten years of the rail project's operation; and 2) that all  
154 plans, approvals, licenses and permits necessary to begin construction of said rail project are in

155 the authority's possession. Upon the sale of bonds by the state treasurer for a rail project  
156 described herein, that rail project shall be removed from the secretary's group rankings made  
157 pursuant to section 4.

158 (b) Subsequent to the first rail project having been removed from the secretary's group  
159 rankings pursuant to subsection (a), the authority shall notify the secretary, the state treasurer and  
160 the clerks of the senate and of the house in writing when it determines: 1) that the Fund contains  
161 and is likely to continue to contain funds, minus those funds already committed to other rail  
162 projects but including those local project revenues dedicated to a rail project pursuant to this  
163 chapter, necessary to cover: a) the cost of either or both, if available funds exist, of the rail  
164 projects ranked first in either group 1 or group 2 by the secretary pursuant to section 4 minus all  
165 other funds available to the authority to cover such cost, calculated based on not less than 105  
166 per cent of the debt service on all special obligation bonds to be issued pursuant hereto that are  
167 required to cover the cost of such rail project and b) the amount of any projected annual  
168 operating deficit determined by the authority, calculated as the average of the projected operating  
169 deficits of the first ten years of the rail project's operation; and 2) that all plans, approvals,  
170 licenses and permits necessary to begin construction of said rail project are in the authority's  
171 possession. Upon the sale of bonds by the state treasurer for a rail project pursuant hereto, that  
172 rail project shall be removed from the secretary's group rankings made pursuant to section 4. No  
173 later than ninety days after receiving said determination, the secretary shall certify to the state  
174 treasurer that he has received said determination and that said determination meets the  
175 requirements of this chapter and shall name the next project to be funded. In making his choice,  
176 the secretary shall continue to give preference, in his discretion, to projects listed in group 1.

177 (c) Determinations described in subsections (a) and (b), shall include: (1) project plans  
178 sufficiently complete to indicate the project's boundaries, such land acquisition, demolition and  
179 removal of structures, and such redevelopment and general public improvements, as may be  
180 proposed to be carried out and proposed land uses including preliminary project designs and a  
181 description of the project programs; (2) the proposed method for relocation of persons and  
182 organizations to be displaced by the project, if any; (3) cost estimates of the project, including  
183 acquisition, and identification of parcels to be acquired and the estimated cost thereof; (4)  
184 proposals for informing and communicating with the affected communities; and (5) a description  
185 of measures to mitigate environmental and neighborhood impacts of the project and such other  
186 planning and urban design issues as the authority shall determine are presented by the project.

187 (d) In connection with the preparation of the plans described in subsection (c) and the  
188 exercise by the authority of its powers under this act, the authority and its authorized agents and  
189 contractors are hereby authorized, whenever the authority deems it necessary or convenient, to  
190 enter onto any properties and the improvements thereon and to undertake appraisals, surveys,  
191 environmental analyses and investigations, including subsurface investigations, permitting  
192 analyses and investigations, and other investigations and analyses, for the purpose of determining  
193 the value and condition of such properties. The authority shall provide 20 days written notice by

194 certified mail to the owners of properties, as such owners are recorded in the office of the city  
195 assessor, prior to any such entry. Such entry, appraisals, surveys, analyses and investigations  
196 shall not be deemed a trespass, a taking by eminent domain or an entry under any eminent  
197 domain or condemnation proceedings. The authority shall make reimbursement for any actual  
198 injury or actual damage resulting to such properties and any improvements thereon from the  
199 entry, appraisals, surveys, analyses and investigations authorized hereunder, and the authority  
200 shall, as far as possible, restore such properties and the improvements thereon to their condition  
201 prior to such entry, appraisals, surveys, analyses and investigations. Without derogating from the  
202 foregoing, the authority is hereby authorized to exercise the power of eminent domain as  
203 provided in clause (d) of section 11 of chapter 121B of the General Laws in order to temporarily  
204 obtain access to properties and the improvements thereon for the authority and its agents and  
205 contractors for the purpose of conducting the appraisals, surveys, analyses and investigations  
206 authorized by this act. If the authority restores the properties and improvements as required  
207 hereunder, the damages for the temporary taking hereby authorized shall be nominal in the  
208 absence of extraordinary circumstances unique to particular properties.

209         Section 6. In order to provide for a portion of the costs of each rail project and the  
210 payment of the principal of and interest on special obligation bonds of the commonwealth issued  
211 pursuant hereto, there is hereby established on the first day of the first full calendar year  
212 following the receipt by the secretary of the determination of the authority described in section 5  
213 district improvement financing districts in the city or town or any portion thereof that will  
214 receive one or more new stations or enhanced service as part of said rail project and any portion  
215 of any other city or town designated by the governor that is adjacent to a city or town that will  
216 receive one or more new stations or enhanced service as part of said rail project, which shall  
217 operate in accordance with the provisions of section 1 of chapter 40Q.

218         Section 7. Commencing on the first day of the first full calendar year following the  
219 receipt by the secretary of the determination of the authority described in section 5, the receipts  
220 collected pursuant to section 6, together with investment earnings thereon, shall be credited to,  
221 and deposited by the state treasurer in the segregated account within the Fund created by the state  
222 treasurer for each rail project pursuant to section 3. Notwithstanding anything in section 35J of  
223 chapter 10 of the general laws to the contrary, amounts described in this section shall not be  
224 included in the computation of the amount to be deposited in the Massachusetts Tourism Fund  
225 pursuant to said section 35J.

226         Section 8. For all rail projects constructed pursuant to this chapter all construction  
227 employees employed in the construction of said project shall be paid no less than the wage rate  
228 established for such work pursuant to a project labor agreement with the appropriate labor  
229 organization or labor organizations, which includes (1) a uniform grievance and arbitration  
230 procedure for the resolution of work-related disputes on job sites; (2) mutually agreeable uniform  
231 work rules and schedules for the project; and (3) an obligation for any such labor organization  
232 and its constituent members not to strike with respect to work on such project, provided that it



233 shall not be a precondition to the award of a contract that a bidder have previously entered into a  
234 collective bargaining agreement with a labor organization, but only that the bidder be willing to  
235 execute and comply with said project labor agreement for the project if it is awarded a contract.

236 Section 9. Expenditures from Fund funds not segregated pursuant to section 3 shall be  
237 made for the following purposes only if and when the amounts available in each rail project's  
238 segregated fund, created pursuant to section 3, are inadequate to the meet the cost or operating  
239 costs of that rail project: (i) for the payment of the principal, including sinking fund payments  
240 and premium, if any, and interest on special obligation bonds of the commonwealth issued  
241 pursuant hereto and on notes issued in anticipation of such bonds for the relevant project; (ii) for  
242 the maintenance of, or provision for, any reserves for debt service and other capital and current  
243 expenses, including without limitation any capital reserve fund created for such purpose, and for  
244 any additional security, insurance or other form of credit enhancement required or provided for  
245 in any trust or other security agreement entered into pursuant to this chapter to secure such  
246 bonds; and (iii) for direct expenditure for any cost of a rail project funded pursuant to this  
247 chapter and for the operation, promotion and marketing thereof incurred by the authority.

248 Should the secretary determine that amounts contained in the Fund exceed those  
249 necessary to fund rail project costs, the state treasurer shall transfer at the direction of the  
250 secretary up to \$25,000,000 annually into the regional transit authorities forward funding trust  
251 fund, created by section 63A of chapter 10 of the general laws. After any such transfer, the  
252 secretary may direct some or all of the balance of the Fund to the authority to cover costs  
253 incurred by the authority for any purposes.

254 Section 10. (a) The authority is hereby authorized and directed to acquire all lands,  
255 properties, rights, air rights, sub-surface rights, easements and other interests necessary to  
256 complete the projects. To carry out and effectuate the foregoing purposes, the authority may take  
257 by eminent domain under chapter 79 or chapter 80A of the general laws, or acquire by purchase,  
258 lease, gift, bequest, grant or otherwise from any party, public or private, and hold, clear, repair,  
259 operate and, after having taken or acquired the same, convey as provided in this chapter, any  
260 lands and other property, real or personal, improved or unimproved, tangible or intangible, and  
261 any interest therein, including, to the extent not inconsistent with federal law, railroad properties,  
262 necessary to complete the projects, as stipulated in the reports to be produced pursuant to section  
263 5, after a public hearing of which the land owners of record have been notified by certified mail  
264 and of which at least 20 days' notice has been given by publication in a newspaper having  
265 general circulation in the city in which the land is located; provided, however, that no such  
266 taking or acquisition shall be effected until 30 days after the authority has notified the land owner  
267 of record by certified mail and has caused a notice of such determination to be published in a  
268 newspaper having general circulation in the city in which the land is located. The value of any  
269 lands or real property acquired by the authority by eminent domain shall be reduced by the costs  
270 necessary to remediate the environment of said site. To the extent not inconsistent with federal  
271 law, the taking or other acquisition by the authority of railroad rights of way or related facilities

272 from any department, authority, agency or political subdivision of the commonwealth, from any  
273 railroad company, or from any other party, shall be exempt from the procedures, findings and  
274 requirements of section 7 of chapter 161C of the general laws.

275         It is hereby declared that, for purposes of any constitutional entitlement to damages in the  
276 event of a taking, all properties and interests taken by the authority by eminent domain by any  
277 subdivision of the commonwealth are being held by the authority in a governmental and not a  
278 proprietary capacity and it is not the intent of this act to confer on the authority any rights to  
279 damages for such taking. Any such taking of property shall be effective notwithstanding any  
280 inconsistent prior public use. The authority may make relocation payments to persons and  
281 businesses displaced as a result of carrying out a project and shall otherwise provide relocation  
282 assistance as provided in chapter 79A and chapter 121B of the general laws.

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

286         (b) The authority shall have all the powers necessary and convenient to carry out the  
287 purposes of this act. Without limiting the generality of the foregoing, the authority may exercise  
288 with respect to the projects and any property acquired in accordance with this section all powers,  
289 and shall have all immunities, consistent with this chapter, granted to operating agencies, as  
290 defined in chapter 121B of the general laws or otherwise granted to the authority under any  
291 general or special law.

292         (c) The authority is hereby authorized and directed to prepare or cause to be prepared a  
293 report in accordance with section 62B of chapter 30 of the general laws for those of the projects  
294 for which such a report has not yet been prepared or is no longer valid at the time required by  
295 law. Notwithstanding the provisions of sections 62 to 62H, inclusive, of said chapter 30, the  
296 authority may commence and undertake research, planning, design and other work necessary for  
297 the projects and may engage an owner's representative, architects and engineers and a  
298 construction manager therefore for each rail project individually, and the authority may take all  
299 actions necessary or appropriate or required for acquisition of lands, air rights, sub-surface rights  
300 or other property interests prior to the publication of a final environmental impact report pursuant  
301 to this section and section 62C of said chapter 30; provided, however, that the Authority shall not  
302 record a notice of taking with respect to any lands or other property by eminent domain as  
303 provided in this section until the secretary of energy and environmental affairs has issued a  
304 notice of availability of a report submitted to said secretary in accordance with said section 62C  
305 which demonstrates to the satisfaction of said secretary that a project may be carried out with  
306 appropriate mitigation measures as may be necessary to minimize and prevent damage to the  
307 environment.

308 (d) The authority shall be excluded from the definition of an owner or operator of a  
309 project with respect to releases of hazardous materials that occur before the authority acquires  
310 ownership of any portion of a site pursuant to this act upon or from which such a release may  
311 occur as if the authority were a city or town that has purchased or taken such land for the  
312 nonpayment of taxes, in accordance with paragraph (d) of the definition of "Owner" or  
313 "Operator" of section 2 of chapter 21E of the general laws; provided, however, that the authority  
314 complies with all of the requirements set forth in subparagraphs (2) and (3) of said paragraph (d),  
315 except that the authority shall have no obligation to comply with clause (F) of subparagraph (3)  
316 of said subsection (d).

317 Section 11. (a) No person shall be precluded by chapter 7 or chapter 268A of the general  
318 laws from participating by contract or otherwise in the activities of the commonwealth or the  
319 authority with regard to the planning, acquisition, construction and operation of a rail project  
320 contained in this act solely by reason of a financial interest, direct or indirect, in any contract or  
321 extension thereof for services with respect to the project report or otherwise with respect to the  
322 development of the rail project executed by such person with the commonwealth or the authority  
323 prior to the effective date hereof. For purposes of the foregoing, the authority shall have all of the  
324 powers granted to it by general or special law not inconsistent with this chapter. Each rail project  
325 shall be exempt from compliance with applicable zoning codes and any regulations promulgated  
326 thereunder.

327 (b) The authority shall prepare quarterly reports for each rail project described by this  
328 chapter which shall include, but not be limited to: (i) the total dollars expended on the project to  
329 date, (ii) the number of contracts entered into to date; (iii) the number of contracts entered into  
330 with minority businesses; (iv) the number of contracts entered into with women-owned  
331 businesses; (v) the dollar value of contracts entered into with minority businesses; (vi) the dollar  
332 value of contracts entered into with women-owned businesses; (vii) the total number of  
333 employees working on the project; and (viii) the total number of employees working on the  
334 project, broken down by race, ethnicity and gender. Said quarterly reports shall be submitted to  
335 the secretary of the executive office for administration and finance, the house ways and means  
336 committee, the senate ways and means committee, the clerk of the house and the clerk of the  
337 senate and posted on line on the MassDOT website.

338 Section 12. Upon the certification by the secretary of his receipt of a determination made  
339 pursuant to section 6, the state treasurer shall issue bonds in such amounts and at such time as he  
340 determines, after consultation with the secretary and the authority, necessary to meet the  
341 expenditures required for the rail project which is the subject of said determination. Any such  
342 bonds shall be special obligations of the commonwealth payable first from the project funds  
343 created pursuant to section 7 to the extent available and second from the unsegregated funds  
344 described in section 3.

345 Section 13 The administration of the fees imposed under section 6 is hereby vested in the  
346 commissioner of revenue. Said fees shall be collected by the municipal tax officials and remitted  
347 to the department of revenue on a quarterly basis. All provisions of this act relative to  
348 assessment, collection, payment, abatement, verification and administration, including penalties  
349 and interest, shall, so far as pertinent, be applicable to the fees imposed by this act as though they  
350 were taxes enumerated in section 2 of chapter 62C.

351 Section 14. The authority or its successor is hereby authorized and directed to take  
352 whatever actions are necessary to pursue any federal funds for which the projects or any portions  
353 thereof are eligible and to seek or coordinate with partners where warranted.

354 Section 15. MassDOT shall choose a regional planning agency or agencies established  
355 pursuant to Chapter 40B to conduct corridor land use planning for the projects. Each regional  
356 planning agency or agencies shall work with municipalities, state agencies and other  
357 stakeholders to complete land use corridor plans.. Each land use corridor plan shall include the  
358 necessary actions to be taken by municipal or state government, including zoning and other  
359 bylaw changes, in order to maximize the long term benefit of the expansion, preserve capacity  
360 added by the project, promote sustainable economic and residential development, protect critical  
361 open space and other natural resources, and mitigate environmental and neighborhood impacts,  
362 including sprawl and gentrification.

363 The authority or its successor shall not begin construction on new rail stations to be  
364 completed pursuant to chapter 161E until the secretary finds that the municipality in which the  
365 station would be located has taken substantial actions to implement the applicable provisions and  
366 requirements of the corridor land use plan and have taken actions to reasonably ensure ongoing  
367 implementation of the plan after construction is complete.

368 One tenth of one percent of the cost of each rail project shall be used for corridor land use  
369 planning pursuant to this section, and shall be allocated from the Fund to the regional planning  
370 agencies identified by MassDOT for the purposes of corridor land use planning pursuant to this  
371 section. Each regional planning agency receiving funds shall file a report with MassDOT and the  
372 House and Senate Committees on Ways and Means detailing their activities.

373 Section 16. The provisions of this act shall be deemed to provide an exclusive, additional,  
374 alternative and complete method for the doing of the things authorized hereby and shall be  
375 deemed and construed to be supplemental and additional to, and not in derogation of, powers  
376 conferred upon the authority or its successor; provided, however, that insofar as the provisions of  
377 this act are inconsistent with the provisions of any general or special law, administrative order or  
378 regulation or any limitation imposed by a corporate or municipal charter, the provisions of this  
379 act shall be controlling.

380 SECTION 17. (a) To meet the expenditures necessary to carry out the provisions of  
381 section 2, the state treasurer may issue and sell bonds of the commonwealth in any amount. Any

382 such bonds shall be special obligations of the commonwealth payable first from the project funds  
383 described in section 7 to the extent available and second from the receipts described in section 3  
384 to the extent available.

385 (b) Bonds of the commonwealth may be issued under authority of this section in such  
386 manner and on such terms and conditions as the state treasurer, with the concurrence of the  
387 secretary of administration and finance, may determine in accordance with the provisions of this  
388 subsection and, to the extent not inconsistent with the provisions hereof, provisions of general  
389 law for the issuance of bonds of the commonwealth. Bonds may be secured by a trust agreement  
390 or other security agreement entered into by the state treasurer, with the concurrence of the  
391 secretary of administration and finance, on behalf of the commonwealth, which trust agreement  
392 or other security agreement may pledge or assign all or any part of the local project receipts  
393 credited to the fund pursuant to sections 3 and 6, and any other pledged funds as hereinafter  
394 provided, and rights to receive the same, whether existing or coming into existence and whether  
395 held or thereafter acquired, and the proceeds thereof. The state treasurer is also authorized, with  
396 the concurrence of the secretary of administration and finance, to enter into additional security,  
397 insurance or other forms of credit enhancement which may be secured on a parity or subordinate  
398 basis with the bonds. A pledge in any such trust or other security agreement or credit  
399 enhancement agreement shall be valid and binding from the time such pledge shall be made  
400 without any physical delivery or further act, and the lien of such pledge shall be valid and  
401 binding as against all parties having claims of any kind in tort, contract or otherwise, irrespective  
402 of whether such parties have notice thereof. Any such pledge shall be perfected by filing of the  
403 trust or other security agreement or credit enhancement agreement in the records of the state  
404 treasurer, and no filing need be made under chapter 106 of the general laws. Any such trust  
405 agreement, security agreement or credit enhancement agreement may establish provisions  
406 defining defaults and establishing remedies and other matters relating to the rights and security  
407 of the holders of the bonds or other secured parties as determined by the state treasurer, including  
408 provisions relating to the establishment of reserves, the issuance of additional or refunding  
409 bonds, whether or not secured on a parity basis, the application of the moneys and funds pledged  
410 pursuant to such agreement, in this act referred to as pledged funds, and other matters deemed  
411 necessary or desirable by the state treasurer for the security of such bonds, and may also regulate  
412 the custody, investment and application of moneys.

413 (c) As additional security for bonds of the commonwealth issued under authority of this  
414 section, the state treasurer, with the concurrence of the secretary of administration and finance,  
415 shall create and establish a special fund for each rail project, herein referred to as the Capital  
416 Reserve Funds, within the Fund established under section 3 or otherwise under a trust or other  
417 security agreement securing such bonds, and shall pay into the capital reserve funds any receipts  
418 available for such purpose pursuant to section 3 and any other moneys appropriated and made  
419 available for the purposes of such fund, any proceeds of such bonds to the extent determined by  
420 the state treasurer, with the concurrence of the secretary of administration and finance, or as may

421 be provided in any such trust or other security agreement, and any other moneys available for  
422 purposes of such fund as provided in this section, all of which shall be pledged funds for  
423 purposes of this act.

424 (d) All moneys held in the Capital Reserve Funds, except as hereinafter provided, shall be  
425 used solely for the payment of the principal of bonds of the commonwealth issued under  
426 authority of this section as the same mature, the purchase of such bonds, the payment of interest  
427 on such bonds or the payment of any redemption premium required to be paid when such bonds  
428 are redeemed prior to maturity; provided, however, that, moneys in the capital reserve funds  
429 shall not be withdrawn therefrom at any time in such amount as would reduce the amount of any  
430 such fund to less than the maximum amount of principal and interest maturing and becoming due  
431 in any succeeding fiscal year on all such bonds outstanding or such lesser amount as shall be  
432 established by the state treasurer, with the concurrence of the secretary of administration and  
433 finance, as necessary or appropriate to secure such bonds, in this act referred to as the capital  
434 reserve fund requirements, except for the purpose of paying the principal of and interest on such  
435 bonds maturing and becoming due and for the payment of which other receipts held in the funds  
436 are not available.

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

441 (f) If on the last day of any fiscal year during which any bonds of the commonwealth  
442 issued under authority of this section are outstanding, the balance on deposit in the Capital  
443 Reserve Funds shall be less than the capital reserve fund requirements as then calculated, after  
444 deposit therein of all amounts available therefore in the funds or otherwise under the trust or  
445 other security agreement securing such bonds, the motor fuel excise tax shall be increased and all  
446 newly created revenue directed into the Fund until the balance of said capital reserve fund shall  
447 again equal the capital reserve fund requirement as so certified by the secretary of administration  
448 and finance but in no event shall the total amount of the excise imposed pursuant to sections 3  
449 and 3A of chapter 64G of the general laws and section 22 of chapter 546 of the acts of 1969  
450 exceed 14 per cent.

451 (g) In order to increase the marketability of any bonds issued by the commonwealth  
452 under authority of this section, and in consideration of the acceptance of payment for any such  
453 bonds, the commonwealth covenants with the purchasers and all subsequent holders and  
454 transferees of any such bonds that until all such bonds, including all bonds issued to refund such  
455 bonds, and the interest thereon, shall be paid or, if earlier, shall be deemed paid within the  
456 meaning of any trust or other security agreement or credit enhancement agreement securing the  
457 same, (i) receipts shall not be diverted from the purposes identified in this act; (ii) no pledged  
458 funds shall be diverted from the funds established by section 3 or the capital reserve funds

459 except as provided in this act; (iii) in any fiscal year of the commonwealth, unless and until an  
460 appropriation has been made which is sufficient to pay the principal, including sinking fund  
461 payments, of and interest on all such bonds and to provide for or maintain any reserves,  
462 additional security, insurance or other form of credit enhancement required or provided for in  
463 any trust or other security agreement or credit enhancement agreement securing any such bonds  
464 or notes, no pledged funds shall be applied to any other use; and (iv) so long as such revenues are  
465 necessary, as determined by the state treasurer in accordance with any applicable trust or other  
466 security agreement or credit enhancement agreement, for the purposes for which they have been  
467 pledged, the rate of any fees imposed by this chapter or which may constitute pledged funds  
468 under this section shall not be reduced below the amount in effect at the time of issuance of any  
469 such bond.

470 (h) Any bonds issued under authority of this section, and any notes of the commonwealth  
471 issued in anticipation thereof as hereinafter provided, shall be deemed to be investment securities  
472 under chapter 106 of the General Laws, shall be securities in which any public officer, fiduciary,  
473 insurance company, financial institution or investment company may properly invest funds and  
474 shall be securities which may be deposited with any public custodian for any purpose for which  
475 the deposit of bonds is authorized by law. Any such bonds and notes, their transfer and the  
476 income therefrom, including profit on the sale thereof, shall at all times be exempt from taxation  
477 by and within the commonwealth.

478 SECTION 18. The state treasurer may borrow, from time to time, on the credit of the  
479 commonwealth such sums of money as may be necessary for the purposes of meeting payments  
480 as authorized by chapter 161E in anticipation of the receipt of proceeds of special obligation  
481 bonds of the commonwealth issued under authority of section 17, and may issue and renew, from  
482 time to time, notes of the commonwealth therefore, bearing interest payable at such time and at  
483 such rate as shall be fixed by the state treasurer. Such notes shall be issued and may be renewed  
484 one or more times for such maximum term of years, not exceeding seven years, as the governor  
485 may recommend to the general court in accordance with Section 3 of Article LXII of the  
486 Amendments to the Constitution; provided, however, that all such notes shall be payable no later  
487 than seven years after issuance. Notes and the interest thereon issued under the authority of this  
488 section, notwithstanding any other provisions of this act, shall be general obligations of the  
489 commonwealth.

490 SECTION 19. This act shall be construed in all respects so as to meet all constitutional  
491 requirements. In carrying out the purposes and provisions of this act, all steps shall be taken  
492 which are necessary to meet constitutional requirements whether or not such steps are required  
493 by statute.

494 SECTION 20. Section 1 of chapter 161C of the General Laws is hereby amended by  
495 adding after the last sentence the following sentence:—

496 Furthermore, to carry out the purposes of this section, the Commonwealth of  
497 Massachusetts shall preserve intact the right of way for the proposed North South Rail Link. This  
498 right of way is extremely vulnerable to the impact of development and redevelopment around the  
499 existing rail tracks and terminals. In addition, rail projects already in planning and construction  
500 phases will exceed the capacity of the South Station terminal. Preservation of the right of way for  
501 the North South Rail Link will assure that rail transportation can be enhanced or expanded in our  
502 region.

503 SECTION 21. Chapter 161C of the General Laws is hereby amended by inserting after  
504 section 7 the following section:—

505 Section 8. This section requires the Commonwealth of Massachusetts through its  
506 executive office of transportation and construction, in consultation with the Massachusetts  
507 turnpike authority and the Massachusetts Bay Transportation Authority or their successors to  
508 perform a study to specifically identify and map the necessary right of way to allow for the  
509 construction of the proposed North South Rail Link connecting North Station to South Station.  
510 This study must include particular reference to the Major Investment Study/Draft Environmental  
511 Impact Report (EOEA#10270), prepared under the aegis of the executive office of environmental  
512 affairs which was concluded on March 31, 2003. A plan to preserve said right of way, once  
513 identified, shall be determined and implemented immediately.