

**HOUSE . . . . . No. 4416**

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The Commonwealth of Massachusetts

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House of Representatives, June 16, 2016.

The committee on Bonding, Capital Expenditures and State Assets to whom was referred the Bill financing improvements to municipal roads and bridges (House, No. 4057), reports, on the residue, recommending that the same ought to pass with an amendment by substitution of a bill with the same title (House, No. 4416).

For the committee,

ANTONIO F. D. CABRAL

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## The Commonwealth of Massachusetts

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**In the One Hundred and Eighty-Ninth General Court  
(2015-2016)**  
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An Act financing improvements to municipal roads and bridges.

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

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

6           SECTION 2.

7           MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

8           Highway Division

9           6121-1714. For projects on the interstate and non-interstate federal highway system;  
10 provided, that funds may be expended for the costs of these projects including, but not limited to,  
11 the nonparticipating portions of these projects and the costs of engineering and other services  
12 essential to these projects; provided further, that notwithstanding this act or any other general or  
13 special law to the contrary, the department shall not enter into any obligations for projects which

14 are eligible to receive federal funds under this act unless state matching funds exist which have  
15 been specifically authorized and are sufficient to fully fund the corresponding state portion of the  
16 federal commitment to fund these obligations; and provided, further, that the department shall  
17 only enter into obligations for projects under this act based upon a prior or anticipated future  
18 commitment of federal funds and the availability of corresponding state funding authorized and  
19 appropriated for this use by the general court for the class and category of project for which this  
20 obligation applies..... \$750,000,000

21 SECTION 2A.

22 MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

23 Highway Division

24 6121-1718. For the design, construction, preservation, reconstruction and repair of or  
25 improvements to nonfederally-aided bridges and approaches with span lengths no greater than 20  
26 feet; provided, that expenditures from this item may include the costs of engineering, design,  
27 permitting and other services essential to these projects; provided further, that a city or town  
28 shall comply with the procedures established by the Massachusetts Department of Transportation  
29 with respect to the Small Bridge Program, so-called; provided, further, that the department shall  
30 only enter into obligations for projects under this item based upon a prior or anticipated future  
31 commitment of funds from one or more cities or towns in which such project is located or which  
32 is or are otherwise served by such project, and the availability of corresponding municipal  
33 funding authorized for use in connection with such project for which the obligation applies;  
34 provided, further, that the Massachusetts Department of Transportation shall develop a plan for  
35 project selection that takes into account need-based criteria and geographic distribution to be

36 filed with the Joint Committee on Transportation; and provided further that no amounts  
37 appropriated under this item shall be expended for bridges or approaches owned by or under the  
38 control of the Massachusetts Department of Transportation or the Massachusetts Bay  
39 Transportation Authority.....\$50,000,000

40 SECTION 3. To meet a portion of the expenditures necessary in carrying out section 2,  
41 the state treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth  
42 in an amount to be specified by the governor from time to time but not exceeding, in the  
43 aggregate, \$135,000,000. All bonds issued by the commonwealth as aforesaid shall be  
44 designated on their face, Transportation Improvement Loan Act of 2016, and shall be issued for  
45 a maximum term of years, not exceeding 30 years, as the governor herein recommends to the  
46 general court under section 3 of Article LXII of the Amendments to the Constitution; provided,  
47 however, that all such bonds shall be payable not later than June 30, 2051. All interest and  
48 payments on account of principal on such obligations shall be payable from the Commonwealth  
49 Transportation Fund. Bonds and interest thereon issued under this section shall be general  
50 obligations of the commonwealth.

51 SECTION 4. To meet the expenditures necessary in carrying out section 2A, the state  
52 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an  
53 amount to be specified by the governor from time to time but not exceeding, in the aggregate,  
54 \$50,000,000. All bonds issued by the commonwealth as aforesaid shall be designated on their  
55 face, Small Bridge Preservation and Improvement Act of 2016, and shall be issued for a  
56 maximum term of years, not exceeding 30 years, as the governor herein recommends to the  
57 general court under section 3 of Article LXII of the Amendments to the Constitution; provided,  
58 however, that all such bonds shall be payable not later than June 30, 2051. All interest and

59 payments on account of principal on such obligations shall be payable from the Commonwealth  
60 Transportation Fund. Bonds and interest thereon issued under this section shall be general  
61 obligations of the commonwealth.

62 SECTION 5. Notwithstanding any general or special law to the contrary, all construction  
63 contracts funded in whole or in part by the funds authorized in section 2A of this act shall  
64 include a price adjustment clause for each of the following: fuel, including both diesel and  
65 gasoline; asphalt; concrete; and steel. A base price for each material shall be set by the awarding  
66 authority or agency and included in the bid documents at the time a project is advertised. The  
67 awarding authority or agency shall also identify in the bid documents the price index to be used  
68 for each material and supply. The adjustment clause shall provide for a contract adjustment to be  
69 made on a monthly basis when the monthly cost change exceeds plus or minus 5 per cent.

70 SECTION 6. Notwithstanding any general or special law to the contrary, the bonds that  
71 the state treasurer may issue pursuant to sections 3 and 4 of this act shall be issued for a term not  
72 to exceed 30 years, as recommended by the governor in a message to the general court dated  
73 March 31, 2016 under Section 3 of Article LXII of the Amendments to the Constitution. All such  
74 bonds shall be payable not later than June 30, 2051, pursuant to Section 3 of Article LXII of the  
75 Amendments to the Constitution.

76 SECTION 7. Said chapter 79 is hereby further amended by inserting after section 41 the  
77 following new section:-

78 Section 41½. Notwithstanding any general or special law to the contrary, bonds or notes  
79 issued under section 20 as special obligation bonds pursuant to section 20 of chapter 29 of the  
80 General Laws shall not be included in the computation of outstanding bonds for purposes of the

81 limit imposed by the second paragraph of section 60A of chapter 29 of the General Laws, nor  
82 shall debt service with respect to these bonds and notes be included in the computation of the  
83 limit imposed by section 60B of said chapter 29.

84 SECTION 8. Section 6 of chapter 257 of the acts of 2014 is hereby amended by striking  
85 out subsection (b) and inserting in place thereof the following subsection:-

86 (b) All interest and payments on account of principal of these obligations shall be payable  
87 solely from the State Lottery and Gaming Fund. Bonds and interest thereon issued under this  
88 section shall be general obligations of the commonwealth; provided, however, that any bonds  
89 issued by the state treasurer under this section, upon the request of the governor, may be issued  
90 as special obligation bonds pursuant to section 20 of chapter 29 of the General Laws; provided  
91 further, that in deciding whether to request the issuance of particular bonds as special  
92 obligations, the governor shall take into account: (1) generally prevailing financial market  
93 conditions; (2) the impact of each approach on the overall capital financing plans and needs of  
94 the commonwealth; (3) any ratings assigned to outstanding bonds of the commonwealth and any  
95 ratings expected to be assigned by any nationally-recognized credit rating agency to the bonds  
96 proposed to be issued; and (4) any applicable provisions of a trust agreement or credit  
97 enhancement agreement entered into pursuant to section 20 of said chapter 29. Bonds issued  
98 under the authority of this section shall be excluded from the debt limit established in section  
99 60A of chapter 29 of the General Laws.

100 SECTION 9. Section 2 of chapter 286 of the Acts of 2014 is hereby amended by striking  
101 out item 6720-1336.

102 SECTION 10. Said section 2 of said chapter 286 is hereby further amended by inserting  
103 after the header “MASSACHUSETTS DEPARTMENT OF TRANSPORTATION, Office of the  
104 Secretary” the following item:-

105

106 6720-1336 For purposes of protection of the ecological integrity of buffer zones along the  
107 highway mitigating the negative impacts of sound, air pollution, storm water drainage and  
108 flooding; provided, that not less than \$110,000 shall be expended by the Massachusetts  
109 Department of Transportation to purchase certain parcels of land in the town of Needham  
110 adjacent to the state highway route 128 on Greendale avenue between Brookline street and Broad  
111 Meadow road.....  
112 \$110,000

113 SECTION 11. Notwithstanding any general or special law to the contrary, in carrying out  
114 this act, the Massachusetts Department of Transportation may enter into contracts, agreements or  
115 transactions that may be appropriate with other federal, state, local or regional public agencies or  
116 authorities. The contracts, agreements or transactions may relate to such matters as the  
117 department shall determine including, without limitation, the research, design, layout,  
118 construction, reconstruction or management of construction of all or a portion of these projects.  
119 In relation to any such contracts, agreements or transactions, the department may advance  
120 monies to such agencies or authorities, without prior expenditure by the agencies or authorities,  
121 and the agencies and authorities may accept monies necessary to carry out these agreements;  
122 provided, however, the department shall certify to the comptroller the amounts so advanced and  
123 these agreements shall contain provisions satisfactory to the department for the accounting of

124 monies expended by any other agency or authority. All monies not expended under these  
125 contracts, agreements or transactions shall be credited to the account of the department from  
126 which they were advanced.

127 SECTION 12. The General Laws, as appearing in the 2014 Official Edition, are hereby  
128 amended by striking out chapter 90I in its entirety and inserting in place thereof the following  
129 chapter:-

130 Chapter 90I

131 Complete Streets Program

132 Section 1. As used in this chapter, the following words, unless the context clearly  
133 requires otherwise, shall have the following meanings:-

134 “Complete streets”, shall mean streets that provide accommodations for users of all  
135 transportation modes including, but not limited to, walking, cycling, public transportation,  
136 automobiles and freight.

137 “Department”, shall mean the Massachusetts Department of Transportation.

138 “Program”, shall mean the complete streets program under this chapter.

139 Section 2. There shall be within the department a complete streets grant program to  
140 encourage municipalities to regularly and routinely include complete streets design elements and  
141 infrastructure on new, reconstruction, and maintenance projects on locally-funded roads.

142 Section 3. In order to be designated as eligible to receive grant funding pursuant to the  
143 program, a municipality shall: (a) apply with the department in a form and manner prescribed by



144 the department; (b) adopt a complete streets by-law, ordinance or administrative policy in a  
145 manner which shall be approved by the department and which shall include at least 1 public  
146 hearing; provided, however, that the by-law, ordinance or administrative policy shall identify the  
147 body, individual or entity responsible for carrying out the complete streets program (c) ensure  
148 that a municipal employee participates in a department training for the program; (d) develop a  
149 complete streets prioritization plan; and (e) comply with other requirements of the department.

150           Section 4. The department may adopt rules, regulations and guidelines for the  
151 administration of this chapter including, but not limited to, criteria for awarding grants under the  
152 program, application procedures, and other requirements. The department shall consult with the  
153 Massachusetts bicycle and pedestrian advisory board established in section 11A of chapter 21 of  
154 the Massachusetts General Laws and the healthy transportation compact established in section 33  
155 of chapter 6C of the Massachusetts General Laws on the development and management of the  
156 program.