By striking out all after the enacting clause and inserting in place thereof the following:

“SECTION 1. Section 17 of chapter 6 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out, in line 13, the words ‘, the Massachusetts aeronautics commission’.

SECTION 1A. Section 23 of said chapter 6, as so appearing, is hereby amended by striking out subsection (c) and inserting in place thereof the following subsection:-

(c) The authority shall have power, in the process of constructing, reconstructing, repairing, rehabilitating, improving, policing, using or administering all or any part of the state highway system, the turnpike or metropolitan highway system to take by eminent domain pursuant to chapter 79, such land abutting the state highway system, the turnpike or metropolitan highway system as it may deem necessary or desirable for the purposes of removing or relocating all or any part of the facilities of any public utility, including rail lines, and may thereafter lease the same or convey an easement or any other interest therein to such utility company upon such terms as it, in its sole discretion, may determine. Notwithstanding the provisions of any general or special law to the contrary, the relocation of the facilities of any public utility, including rail lines, in accordance with the provisions of this section shall be valid upon the filing of the plans thereof with the department of telecommunications and energy, if applicable.

SECTION 2. Sections 57, 58, and 59 of said chapter 6 are hereby repealed.

SECTION 3. Section 8C of chapter 6A of the General Laws, inserted by section 6 of chapter 233 of the acts of 2008, is hereby amended by striking out the paragraph (a) and inserting in place thereof the following paragraph:-

(a) There shall be established a structurally deficient bridge improvement program coordination and oversight council. The council shall consist of a chair appointed by the governor, the secretary of administration and finance, the secretary of transportation and public
works, the secretary of energy and environmental affairs, the director of
the highway division of the department of transportation, and the
commissioner of capital asset management and maintenance, or their
designees.

SECTION 4. Sections 19, 19½ and 19A of said chapter 6A are
hereby repealed.

SECTION 4A. Section 103 of said chapter 6A is hereby repealed.

SECTION 5. Section 104 of chapter 6A of the General Laws is
hereby repealed.

SECTION 6. The General Laws are hereby amended by inserting
after chapter 6A the following chapter:

Chapter 6C

Massachusetts Transportation and Infrastructure Authority

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

‘Authority’, the Massachusetts Transportation and Infrastructure
Authority established pursuant to section 2.

‘Board’, the board of the Massachusetts Transportation and
Infrastructure Authority established pursuant to section 2.

‘Boston extension’, all roadways and tunnels for vehicular traffic that
constitute that portion of interstate highway route 90 beginning at and
including the interchange of interstate highway route 90 and state
highway route 128 in the town of Weston and ending in the city of
Boston at the interchange of interstate highway route 90 and interstate
highway route 93 and such additional highway and bridge components as
the general court may from time to time determine and including such
real property and any improvements thereon, personal property,
equipment, licenses, appurtenances and interests in land acquired or
leased in connection with or incident to the construction, ownership,
operation, rehabilitation, reconstruction, improvement, repair,
maintenance or administration of such roadways and tunnels as are
necessary for their safe and efficient operation and maintenance or which
are otherwise convenient or desirable to carry out the purposes of this
chapter.

‘Callahan tunnel’, the tunnel for vehicular traffic constructed under
the provisions of chapter 598 of the acts of 1958 between the North End
section of the city of Boston and the East Boston section of said city and
including such real property and any improvements thereon, personal
property, equipment, licenses, appurtenances and interests in land
acquired or leased in connection with or incident to the construction,
ownership, operation, rehabilitation, reconstruction, improvement, repair, maintenance or administration of such tunnel as are necessary for its safe and efficient operation and maintenance or which are otherwise convenient or desirable to carry out the purposes of this chapter.

‘Central artery’, all roadways and tunnels for vehicular traffic constructed by the highway department that constitute that portion of interstate highway route 93 beginning at a point immediately south of the Southampton street interchange, so-called, and continuing to and including the interchange of interstate highway route 93 and Massachusetts avenue in the South End section of the city of Boston and continuing to and including the interchange of interstate highway routes 90 and interstate highway route 93 in the South Bay section of the city of Boston, so-called, and continuing to and including the interchange of state highway route 1 and interstate highway route 93 in the Charlestown section of the city of Boston including, but not limited to, the so-called Charles river crossing portion of interstate highway route 93 and such additional highway and bridge components as the general court may from time to time determine, but excluding the central artery north area.

‘Central artery’ shall also include such real property and any improvements thereon, personal property, equipment, licenses, appurtenances and interests in land acquired or leased in connection with or incident to the construction, ownership, operation, rehabilitation, reconstruction, improvement, repair, maintenance or administration of such roadways and tunnels as are necessary for their safe and efficient operation and maintenance or which are otherwise convenient or desirable to carry out the purposes of this chapter.

‘Central artery north area’, all roadways and tunnels for vehicular traffic constructed by the highway department consisting of a portion of state highway route 1 beginning at, but not including, the southern boundary of the Tobin memorial bridge and continuing to the interchange of interstate highway route 93 and state highway route 1, including such real property and any improvements thereon, personal property, equipment, licenses, appurtenances and interests in land acquired or leased in connection with or incident to the construction, ownership, operation, rehabilitation, reconstruction, improvement, repair, maintenance or administration of such roadways and tunnels as are necessary for their safe and efficient operation and maintenance or which are otherwise convenient or desirable to carry out the purposes of this chapter.
'Cost’, as applied to any project of the authority any or all costs, whenever incurred, of carrying out and placing such projects in operation, including, without limiting the generality of the foregoing, amounts for the following: acquisition, construction expansion improvement and rehabilitation of facilities; acquisition of real or personal property; demolitions and relocations; labor, materials, machinery and equipment; services of architects, engineers and environmental and financial experts and other consultants; feasibility studies, plans, specifications and surveys; interest prior to and during the carrying out of any project and for a reasonable period thereafter; reserves for debt service or other capital or current expenses; costs of issuance; and working capital, administrative expenses; legal expenses and other expenses necessary or incidental to the aforesaid, to the financing thereof and to the issuance therefor of bonds under this chapter.

'Costs of issuance’, any amounts payable or reimbursable directly or indirectly by the authority and related to the sale and issuance of bonds and the investment of the proceeds thereof and of revenues securing the same including, without limiting the generality of the foregoing, printing costs, filing and recording fees, fees and charges of trustees, depositaries, authenticating agents and paying agents, legal and auditing fees and charges, financial consultant fees, costs of credit ratings, premiums for insurance of the payment of bonds and fees payable for letters or lines of credit or other credit facilities securing bonds, underwriting or placement costs, fees and charges for execution, transportation and safekeeping of bonds, costs and expenses of refunding and other costs, fees and charges in connection with the foregoing.

'Current expenses’, the authority's current expenses, whether or not annually recurring, of maintaining, repairing and operating the assets under the possession, custody and control of the authority and engaging in other activities authorized by this chapter including, without limiting the generality of the foregoing, amounts for administrative expenses of the authority including costs of salaries and benefits, as provided in this chapter, cost of insurance, payments for engineering, financial, accounting, legal and other services rendered to the authority, taxes upon the authority or its income, operations or property and payments in lieu of such taxes, costs incurred or payable by the authority with respect to the assets under the possession, custody and control of the authority, costs of issuance not financed in the cost of a project, and other current expenses required or permitted by law to be paid by the authority,
including the funding of reasonable reserves for upgrading, maintenance, repair, replacements, insurance, emergency contingencies or operations.

‘Department’, the department of transportation.

‘Fund’, the Massachusetts Transportation and Infrastructure Fund established pursuant to section 4.

‘Independent agencies’, shall include, without limitation, the Massachusetts bay transportation authority, the Massachusetts port authority, the Woods Hole, Martha’s Vineyard, and Nantucket steamship authority, and the Massachusetts association of regional transit authorities.

‘Massachusetts Port Authority’, the Massachusetts Port Authority established pursuant to chapter 465 of the acts of 1956.

‘Massachusetts Bay Transportation Authority’, established by chapter 161A.

‘Maurice J. Tobin Memorial Bridge’, the bridge formerly known as the Mystic River Bridge in the cities of Chelsea and Boston.

‘Metropolitan highway system’, the integrated system of roadways, bridges, tunnels, overpasses, interchanges, parking facilities, entrance plazas, approaches, connecting highways, service stations, restaurants, tourist information centers and administration, storage, maintenance and other buildings that the authority owns, constructs or operates and maintains pursuant to this chapter which consists of the Boston extension, the Callahan tunnel, the central artery, the central artery north area, the Sumner tunnel and the Ted Williams tunnel and any additional highway, tunnel and bridge components as the general court may from time to time determine.

‘Metropolitan highway system revenues’, (i) all rates, fees, tolls, rentals or other charges and other earned income and receipts as derived from or with respect to the ownership, operation, lease, rent or other use or disposition of the metropolitan highway system or any part thereof; and (ii) all other funds received by the authority, from whatever source, relating to the metropolitan highway system.

‘Notes or bonds’, the notes, bonds or other evidences of indebtedness of the authority issued pursuant to this chapter.

‘Revenues’, all charges and other receipts derived by the authority from operation of the assets under the possession, custody and control of the authority and all other activities or properties of the including, without limiting the generality of the foregoing, proceeds of grants, gifts or appropriations to the authority, investment earnings and proceeds of
insurance or condemnation, and the sale or other disposition of real or
personal property.

‘Secretary’, the secretary of the department of transportation.

‘State agencies’, shall include, without limitation the department, the
department of conservation and recreation, and such other state agencies
as may be involved in transportation related functions from time to time.

‘State highway system’, all roadways, bridges, tunnels, overpasses,
interchanges, parking facilities, entrance plazas, approaches, connecting
highways, service stations, restaurants, tourist information centers and
administration, storage, maintenance and other buildings that the
authority owns, constructs or operates and maintains pursuant to this
chapter and any additional highway, tunnel and bridge components as the
general court may from time to time determine.

‘State public transit system’, all publicly funded modes of
transportation, but not including roads and bridges.

‘Sumner tunnel’, the vehicular tunnel under Boston harbor, heretofore
constructed and financed by the city of Boston under the provisions of
chapter 297 of the acts of 1929, including such real property and any
improvements thereon, personal property, equipment, licenses,
appurtences and interests in land acquired or leased in connection with
or incident to the construction, ownership, operation, rehabilitation,
reconstruction, improvement, repair, maintenance or administration of
such tunnel as are necessary for its safe and efficient operation and
maintenance or which are otherwise convenient or desirable to carry out
the purposes of this chapter.

‘Ted Williams tunnel’, all or any segments of the roadways, bridges,
viaducts and tunnels for vehicular traffic constructed by the highway
department that constitute the interstate highway route 90 extension and
its connecting roadways and tunnels, including (i) the harbor tunnel
crossing beneath Boston harbor, beginning at and including the
interchanges of state highway route 1A and the Logan airport access and
egress roadways with interstate highway route 90 and continuing beneath
Boston harbor to and including the interchange of interstate highway
route 90 and South Boston bypass road, but excluding the Logan airport
access and egress roadways owned by the Massachusetts Port Authority
on March 1, 1997 and any additional access and egress roadways
acquired by the Massachusetts Port Authority after March 1, 1997; (ii)
the seaport access highway, so-called beginning at the interchange of
interstate highway routes 90 and 93 and continuing to the interchange of
interstate highway route 90 and South Boston bypass road; and (iii)
South Boston bypass road, a portion of which is also known as South Boston haul road, beginning at the interchange of interstate highway route 93 and South Boston bypass road and continuing to the interchange of the seaport access highway, so-called, in the South Boston section of the city of Boston, including such real property and any improvements thereon, personal property, equipment, licenses, appurtenances and interests in land acquired or leased by the highway department in connection with or incident to the construction, ownership, operation, rehabilitation, reconstruction, improvement, repair, maintenance or administration of such roadways and tunnels as are necessary for their safe and efficient operation and maintenance or which are otherwise convenient or desirable to carry out the purposes of this chapter.

‘Turnpike’, the limited access express toll highway, designated as interstate highway route 90, and all bridges, tunnels, overpasses, underpasses, interchanges, parking facilities, entrance plazas, approaches, connecting highways, service stations, restaurants, tourist information centers and administration, storage, maintenance and other buildings that the authority may own, construct or operate and maintain pursuant to the provisions of this chapter and any additional highway, tunnel and bridge components as the general court may from time to time determine, extending from the town of West Stockbridge on the commonwealth’s border with New York state to, but not including, the interchange of interstate highway route 90 and state highway route 128 in the town of Weston.

‘Turnpike corridor’, the cities and towns of the commonwealth from the New York state border to state highway route 128 through which the turnpike runs and municipalities contiguous to such cities and towns.

‘Turnpike revenues’, (i) all rates, fees, tolls, rentals or other charges and other earned income and receipts derived from or with respect to the ownership, operation, lease, rent or other use or disposition of the turnpike or any part thereof; and (ii) all other funds received by the authority, from whatever source, relating to the turnpike.

Section 2. (a) There is hereby created a body politic and corporate to be known as the Massachusetts Transportation and Infrastructure Authority. The authority is hereby constituted a public instrumentality and the exercise by the authority of the powers conferred by this chapter shall be considered to be the performance of an essential governmental function.

The authority is hereby placed in the executive office of the governor but shall not be subject to the supervision or control of said office, or of
any board, bureau, department, or other center of the commonwealth, except as specifically provided in this chapter.

(b) The authority shall be governed and its corporate powers exercised by a board of directors. The authority shall consist of the governor, who shall serve as chairperson, and 4 additional members appointed by the governor for a term of 3 years, 2 of whom shall be experts in the field of public or private transportation finance; 1 of whom shall have practical experience in transportation planning and policy; and 1 of whom shall be a registered civil engineer with at least 10 years experience. 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 member. Any member shall be eligible for reappointment. Any member 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 and 1 to serve as treasurer. The governor may appoint a designee pursuant to section 6A of chapter 30; provided, however, that said designee shall not be an employee of the authority, department or any division thereof.

(c) Four directors shall constitute a quorum and the affirmative vote of a majority of directors present at a duly called meeting, if a quorum is present, shall be necessary for any action to be taken by the board. Any action required or permitted to be taken at a meeting of the directors may be taken without a meeting if all of the directors' consent in writing to such action and such written consent is filed with the records of the minutes of the meetings of the board. Such consent shall be treated for all purposes as a vote at a meeting. Each director shall make full disclosure, under subsection (d), of his financial interest, if any, in matters before the board by notifying the state ethics commission, in writing, and shall abstain from voting on any matter before the board in which he has a financial interest, unless otherwise permissible under chapter 268A.

(d) The provisions of chapter 268A shall apply to all ex-officio directors or their designees and employees of the authority. Said chapter 268A shall apply to all other directors of the authority, except that the authority may purchase from, sell to, borrow from, loan to, contract with or otherwise deal with any person in which any director of the authority is in any way interested or involved; provided, however, that such interest or involvement is disclosed in advance to the members of the board and recorded in the minutes of the board; and provided, further, that no director having such an interest or involvement may participate in any decision of the board relating to such person. Employment by the
commonwealth or service in any agency thereof shall not be deemed to be such an interest or involvement.

(e) The governor shall have the power to appoint and employ a secretary, and to fix his compensation and conditions of employment. The secretary shall be the chief executive, administrative and operational officer of the authority and the department and shall direct and supervise the administrative affairs and the general management of the authority and the department. The secretary shall appoint and employ a chief financial and accounting officer and may, subject to the general supervision of the board, employ other employees, consultants, agents, including legal counsel, and advisors, and shall attend meetings of the board. The chief financial and accounting officer of the authority shall be in charge of its funds, books of account and accounting records. No funds shall be transferred by the authority without the approval of the board and the signatures of the chief financial and accounting officer and the treasurer, as elected by the board pursuant to subsection (f).

(f) The board shall bi-annually elect 1 of its members as treasurer and 1 of its members as secretary. The secretary shall keep a record of the proceedings of the board and shall be custodian of all books, documents, and papers filed by the board and of its minute book and seal. The secretary shall cause copies to be made of all minutes and other records and documents of the authority and shall certify that such copies are true copies, and all persons dealing with the authority may rely upon such certification.

(g) All officers and employees of the authority having access to its cash or negotiable securities shall give bond to the authority at its expense in such amounts and with such surety as the board may prescribe. The persons required to give bond may be included in 1 or more blanket or scheduled bonds.

(h) Board members and officers who are not compensated employees of the authority shall not be liable to the commonwealth, to the authority or to any other person as a result of their activities, whether ministerial or discretionary, as such board members or officers except for willful dishonesty or intentional violations of law. Neither members of the authority nor any person executing bonds or policies of insurance shall be liable personally thereon or be subject to any personal liability or accountability by reason of the issuance thereof. The board of directors may purchase liability insurance for board members, officers and employees and may indemnify said persons against claims of others.
(i) The authority shall continue as long as it shall have bonds or insurance or guarantee commitments outstanding and until its existence is terminated by law. Upon the termination of the existence of the authority, all right, title and interest in and to all of its assets and all of its obligations, duties, covenants, agreements and obligations shall vest in and be possessed, performed and assumed by the commonwealth.

(j) Any action of the authority may take effect immediately and need not be published or posted unless otherwise provided by law. Meetings of the authority shall be subject to section 11A 1/2 of chapter 30A; but said section 11A 1/2 shall not apply to any meeting of members of the authority serving ex officio in the exercise of their duties as officers of the commonwealth so long as no matters relating to the official business of the authority are discussed and decided at the meeting. The authority shall be subject to all other provisions of said chapter 30A, and records pertaining to the administration of the authority shall be subject to section 42 of chapter 30 and section 10 of chapter 66. All moneys of the authority shall be considered to be public funds for purposes of chapter 12A. The operations of the authority shall be subject to chapter 268A and chapter 268B and all other operational or administrative standards or requirements to the same extent as the office of the state treasurer.

Section 3. (a) The authority shall have all powers necessary or convenient to carry out and effectuate its purposes, including, without limiting the generality of the foregoing, the power:-

1. to adopt and amend by-laws, regulations and procedures for the governance of its affairs and the conduct of its business for the administration and enforcement of this chapter; provided, however, that regulations adopted by the authority shall be adopted pursuant to chapter 30A;
2. to adopt an official seal and a functional name;
3. to delegate to the department any powers granted to the authority by this chapter necessary for the commonwealth to be in compliance with 23 U.S.C section 302;
4. to maintain offices at places within the commonwealth as it may determine and to conduct meetings of the authority in accordance with the by-laws of the authority and the second paragraph of section 59 of chapter 156B;
5. to direct, operate, administer, and implement the programs of roadway, general aviation, rail and transit, and vehicular registration and regulation, and, in cooperation with the department, for the design, construction, repair, maintenance, capital improvement, development,
and planning of the transportation facilities throughout the department, as appropriate;

(6) to direct, coordinate, and supervise the administration of the department to promote economy and efficiency and to leverage federal funding and private sector investment;

(7) to develop and administer a long-term state-wide transportation plan for the commonwealth that includes planning for intermodal and integrated transportation working in coordination with the regional planning agencies;

(8) to develop and administer procedures to be used for transportation project selection;

(9) to establish criteria, including criteria that will result in the reduction of greenhouse gases, for project selection to be used in the procedures developed pursuant to clause (7) working in coordination with the regional planning agencies;

(10) to enter into agreements and transactions with federal, state and municipal agencies and other public institutions and private individuals, partnerships, firms, corporations, associations and other entities on behalf of the department;

(11) to institute and administer the Massachusetts Transportation and Infrastructure Fund for the purposes of making appropriations, allocations, grants or loans to leverage development and investments in transportation investment;

(12) to sue and be sued in its own name, plead and be impleaded;

(13) to own, construct, maintain, repair, reconstruct, improve, rehabilitate, use, police, administer, control and operate the state highway system or any part thereof; provided, however, that the provisions of chapter 91 shall not apply to the authority, except for any parts or areas thereof subject to said chapter 91 on March 1, 1997;

(14) to acquire sites abutting the state highway system and to construct or contract for the construction of buildings and appurtenances for gasoline stations, restaurants, parking facilities, tourist information centers and other services and to lease such facilities in such manner and under such terms as it may determine;

(15) to issue bonds, notes and other evidences of indebtedness as provided in this chapter;

(16) to appoint officers and employees and to engage accountants, architects, attorneys, engineers, planners, real estate experts and other consultants as may be necessary in its judgment to carry out the purposes of this chapter and fix their compensation;
(17) to acquire real and personal property, or any interest in real or personal property, by gift, purchase, transfer, foreclosure, lease or otherwise including rights or easements; to hold, sell, assign, lease, encumber, mortgage or otherwise dispose of any real or personal property, or any interest therein, or mortgage any interest owned by it or under its control, custody or in its possession; to release or relinquish any right, title, claim, lien, interest, easement or demand however acquired, including any equity or right of redemption in property foreclosed by it; to take assignments of leases and rentals, proceed with foreclosure actions, or take any other actions necessary or incidental to the performance of its corporate purposes;

(18) to place and maintain or grant permission by easement or otherwise to any public utility, corporation or person to place and maintain on or under or within the state highway system or any part thereof, ducts, pipes, pipelines, mains, conduits, cables, wires, towers, poles or other structures to be so located as not to interfere with the safe and convenient operation and maintenance of the state highway system and to contract with any such public utility, corporation or person for such permission on such terms and conditions as may be fixed by the authority;

(19) to designate the locations and establish, limit and control such points of ingress to and egress from the state highway system as may be necessary, convenient or desirable in the judgment of the authority to insure the proper operation and maintenance of the state highway system and to prohibit entrance to the state highway system from any point or points not so designated;

(20) to (i) construct grade separations at locations where the state highway system intersect with or abut public highways or rail lines and to change and adjust the lines and grades of such highways or rail lines so as to accommodate the same to the design of such grade separation; and (ii) change the location of any portion of any public highway or rail line which intersects or abuts the state highway system in order to improve the safety or efficiency of the state highway system; provided, however, that if the authority shall find it necessary to change the location of a public highway, it shall reconstruct the same in as good a condition as the original highway and at such location as the authority deems most favorable; provided, however, that all costs incident to construction, realignment or reconstruction conducted pursuant to this clause shall be borne by the authority;
(21) to enter upon any lands, waters and premises in the commonwealth, after 30 days’ notice by registered or certified mail and without the necessity of any judicial orders or other legal proceedings, for the purpose of making surveys, soundings, drillings and examinations as the authority may deem necessary, convenient or desirable for carrying out the purposes of this chapter and such entry shall not be deemed a trespass nor shall an entry for such purposes be deemed an entry under any condemnation proceedings which may be then pending; provided, however, that the authority shall provide reimbursement for any actual damage resulting to such lands, waters and premises as a result of such activities; and provided, further, that the commonwealth hereby consents to the use of all lands owned by it, including lands lying underwater, which are deemed by the authority to be necessary, convenient or desirable for the construction, operation or maintenance of the state highway system;

(22) to make and enter into all contracts and agreements necessary, convenient or desirable in the performance of its duties and the execution of its powers under this chapter; provided, however, that sections 26 to 29, inclusive, and sections 44A to 44J, inclusive, of chapter 149 and sections 39F to 39M, inclusive, of chapter 30 shall apply to contracts of the authority to the same extent and in the same manner as they are applicable to the commonwealth; provided, however, that notwithstanding the provisions of this clause, the authority may, with the approval of the secretary of the executive office of administration and finance, without competitive bids and notwithstanding the provisions of any general or special law to the contrary, award a contract, otherwise subject to this section, limited to the performance of emergency repairs necessary to preserve the safety of persons or property;

(23) to invest any funds held in reserves or sinking funds, or the Massachusetts Transportation Infrastructure Fund, or any funds not required for immediate disbursement, in such investments as may be provided in any financing document relating to the use of such funds, or, if not so provided, as the board may determine;

(24) to review and recommend changes in laws, rules, programs, and policies of the state and its agencies and subdivisions to further transportation financing, infrastructure and development within the commonwealth;

(25) to appear in its own behalf before boards, commissions, departments or other agencies of municipal, state or federal government;

(26) to obtain insurance;
(27) to apply for and accept subventions, grants, loans, advances and contributions from any source of money, property, labor or other things of value, to be held, used and applied for its corporate purposes;

(28) to adopt a fiscal year to conform with the fiscal year of the commonwealth;

(29) to receive and apply its revenues to the purposes of the authority without appropriation or allotment by the commonwealth or any political subdivision thereof;

(30) to enter into agreements with other parties, including, without limiting the generality of the foregoing, government agencies, municipalities, authorities, private transportation companies, railroads, and other concerns, providing (i) for construction, operation and use of any mass transportation facility and equipment held or later acquired by the authority; provided, however, that any agreement entered into by the authority for the construction or acquisition of mass transportation facilities or equipment of more than $1,000,000, which is financed in whole or in part from the proceeds of bonds the debt service payments on which are assisted by the commonwealth or made from the dedicated revenue source, shall not become effective until approved by the secretary of the executive office of administration and finance; (ii) for joint or cooperative operation of any mass transportation facility and equipment with another party; (iii) for operation and use of any mass transportation facility and equipment for the account of the authority, for the account of another party or for their joint account; or (iv) for the acquisition of any mass transportation facility and equipment of another party where the whole or any part of the operations of such other party takes place within the area constituting the authority; provided, further, that any such other party may enter into any such agreements, subject to such provisions of law as may be applicable; and provided, further, that any agreement with a private company under this chapter which is to be financed from the proceeds of bonds or bond anticipation notes and which provides for the rendering of transportation service by such company and for financial assistance to such company by subsidy, lease or otherwise shall include such service quality standards for such service as the authority may deem appropriate and shall not bind the authority for a period of longer than 1 year from its effective date, but this shall not prohibit agreements for longer than 1 year if the authority’s obligations thereunder are subject to annual renewal or annual cancellation by the board’s authority; and provided, further, that such agreements may
provide for cash payments for services rendered, but not more than will
permit any private company a reasonable return;
(31) to establish transit facilities and related infrastructure,
including terminals, stations, access roads, and parking, pedestrian access
facilities and bicycle parking and access facilities as may be deemed
necessary and desirable; and provided, further, that the authority may
charge reasonable fees for the use of such facilities as it may deem
desirable;
(32) to lend money to and to acquire or hold obligations issued by
public bodies or other users at such prices and in such manner as the
authority shall deem advisable and sell such bonds acquired or held by it
at prices without relation to cost and in such manner as the authority
shall deem advisable and to secure its own issues of bonds with such
obligations held by it;
(33) to act, together with the department, as the central entity and
coordinating organization for transportation initiatives on behalf of the
commonwealth and to work in collaboration with governmental entities,
bodies, centers, institutes and facilities to advance the commonwealth's
interests and investments in transportation;
(34) to enter into agreements with public and private entities that
deal primarily with transportation and infrastructure development, in
order to distribute and provide leveraging of monies or services for the
purposes of furthering transportation development in the commonwealth
and promoting overall economic growth within the commonwealth by
fostering collaboration and investments in transportation initiatives in the
commonwealth;
(35) to provide and pay for such advisory services and technical
assistance as may be necessary or desired to carry out the purposes of
this chapter;
(36) to establish and collect such fees and charges as the authority
shall determine to be reasonable and consistent with this chapter; and to
receive and apply without further appropriation revenues from fees and
charges to the purposes of the authority or allotment by the
commonwealth or any political subdivision thereof;
(37) to disburse, appropriate, grant, loan or allocate funds for the
purposes of investing in transportation initiatives as directed in this
chapter;
(38) to provide assistance to local entities, local authorities, public
bodies and private corporations for the purposes of maximizing
opportunities for transportation and development initiatives in the commonwealth;

(39) to prepare, publish and distribute, with or without charge, as the authority may determine, such studies, reports and bulletins and other material as the authority deems appropriate;

(40) to exercise any other powers of a corporation organized under chapter 156B;

(41) to take any actions necessary or convenient to the exercise of any power or the discharge of any duty provided for by this chapter;

(42) to enter into agreements or other transactions with any person, including without limitation any public entity or other governmental instrumentality or agency in connection with its powers and duties under this chapter; and

(43) to delegate any of the foregoing powers to an undersecretary or to a director having charge of an administrative unit within the department.

Section 4. There shall be established and placed within the authority a separate fund to be known as the Massachusetts Transportation and Infrastructure Fund which shall be used for financing transportation-related purposes of the Massachusetts Transportation and Infrastructure Authority. The secretary shall be authorized to enter into agreements with the Massachusetts Bay Transportation Authority, the Massachusetts Port Authority, the regional transit authorities, and, for so long as it shall continue to exist, the Massachusetts Turnpike Authority, to commit any funds generated from fares, fees, tolls, or any other revenue sources including, but not limited to, from federal sources of these authorities to the fund. There shall be credited to the fund all turnpike revenues and other toll and non-toll revenue collected by the authority after assumption of the assets, obligations, and liabilities of the Massachusetts Turnpike Authority, all tolls collected by the authority after transfer of the Maurice J. Tobin Memorial Bridge by the Massachusetts Port Authority to the authority, all refunds and rebates made on account of expenditures on ways by the authority, any gifts, grants, private contributions, investment income earned on the fund’s assets, all monies received by the authority for the sale or lease of property, all monies received by the authority in satisfaction of claims by the authority for damage to highway and bridge safety signs, signals, guardrails, curbing and other highway and bridge related facilities, and other receipts of the
authority. Money remaining in the fund at the end of the year shall not revert to the General Fund.

The fund, which shall be under the control of the authority and not subject to appropriation, shall be used as follows:

(a) For expenditure, under the direction of authority, for maintaining, repairing, improving and constructing town and county ways and bridges, sidewalks adjacent to such ways and bridges, bikeways and other projects eligible for funding as a transportation enhancement project as described in the Intermodal Surface Transportation Efficiency Act of 1991, P.L. 102-240, salt storage sheds, bikeways and public use off-street parking facilities related to mass transportation, for engineering services and expenses related to highway transportation enhancement and mass transportation purposes, for care, repair, storage, replacement, purchase and long-term leasing of road building machinery, equipment and tools, for the erection and maintenance of direction signs and warning signs and for necessary or beneficial improvements to unpaved town and county ways together with any money which any town or county may appropriate for such purposes to be used on the same ways, sheds, bikeways, bridges, machinery, equipment, tools and facilities. Such engineering services, including surveying services, shall only be performed by architectural, engineering or surveying firms prequalified by the authority; provided, however, that a municipality may seek a waiver of this requirement from the authority if the municipality demonstrates to the satisfaction of the authority that it is cost prohibitive to use a prequalified firm. Such ways, sheds, bikeways, bridges, machinery, equipment, tools and facilities shall remain town or county ways, sheds, bikeways, bridges, machinery, equipment, tools and facilities. The authority shall withhold or withdraw the unexpended balance of any funds assigned by it under this subdivision if the town fails to comply with the official standards for traffic control established by the authority or with any provision of a traffic control agreement negotiated between the authority and the town, as required by the United States Secretary of Commerce under section 109 of Title 23 of the United States Code. In this subdivision the word ‘town’ shall include city:

(b) For expenditure, under the direction of the authority, for maintaining, repairing and improving state highways and bridges, including bridges and appurtenances managed until July 1, 2009 by the department of conservation and recreation, and for the turnpike and the
metropolitan highway system managed until its dissolution by the
Massachusetts Turnpike Authority;
(c) For expenditure, under the direction of said authority, in addition
to federal aid payments received under section 30 of chapter 81, for
construction of state highways;
(d) For expenditure, under the direction of said authority, for
engineering services and expenses, for care, repair, storage, replacement
and purchase of road building machinery and tools, for snow removal,
for the erection and maintenance of direction signs and warning signs
and for the care of shrubs and trees on state highways, and for expenses
incidental to the foregoing or incidental to the purposes specified in
clause (a), (b) or (c);
(e) For expenditure for the operations of the authority, the department
of transportation and any divisions within the authority;
(f) For contributions to regional transit authorities under section 23 of
chapter 161B;
(g) For expenditure, under the direction of the authority, for
infrastructure improvements to transportation facilities throughout the
commonwealth;
(h) For regional expenditure, under the direction of the authority, for
highway division projects in the 5 geographic regions of the
commonwealth consistent with the boundaries of the 5 highway division
districts as existing on July 1, 2009; provided, however, that the
commonwealth’s total 5-year capital expenditures for road and bridge
projects in any region, including, but not limited to, expenditures made
from the fund, shall not be less than 75 per cent of the following number:
the annual percentage of the total motor vehicle fuel tax generated by
that region multiplied by the highway division’s 5 year historic capital
expenditures, excluding personnel costs;
(i) For expenditures to meet any debt obligations of the authority
following the dissolution of the Massachusetts Turnpike Authority and
assumption of assets, obligations, and liabilities by the authority;
(j) For expenditure for highway field services and transportation
support programs, including, but not limited to, state police highway
patrols and accident teams;
(l) For any other expense of the authority necessary to carry out its
purposes.
Section 5. (a) The authority shall be organized and shall function as a
single state agency for administrative purposes including, but not limited
to, for the purposes of the accounting and financial system of the
commonwealth. The secretary shall, notwithstanding the provisions of any general or special law to the contrary, identify and consolidate administrative activities and functions common to the separate offices, divisions, and authorities within the authority and may designate such functions ‘core administrative functions’ in order to improve administrative efficiency and preserve fiscal resources. Common functions that shall be designated core administrative functions shall include, but shall not be limited to, human resources, financial management, information technology, legal, procurement, and asset management. All employees performing functions so designated and approved shall be employed directly by the secretary. The authority shall make such services available to the offices, divisions, and authorities within the department.

The authority may enter into agreements under section 22A and 22B of chapter 7 and in all respects not governed by general or special laws expressly made applicable to the authority shall adhere to good business practices to be determined by the authority in its procurement of equipment, materials, property, supplies and services.

(b) On December 15 and at 6-month intervals thereafter, the secretary shall report to the joint committee on transportation, the house and senate committees on bonding, capital expenditures and state assets and the house and senate committees on ways and means on the authority’s progress in implementing the requirements of this section, the capital expenditures made by the authority in implementing the requirements of this section and on the administrative savings that have been achieved through the implementation of the requirements of this section.

(c) The secretary shall appoint a manager to serve as director of system integration, whose primary responsibility shall be to develop a plan and oversee the implementation of the merger and integration of the organizations and assets comprising the authority.

Section 6. (a) The secretary shall operate and administer an office of performance management and innovation within the authority that shall, without limitation, administer this section. The authority and its divisions shall report to the office of performance management and innovation with regard to setting goals and establishing performance measures to improve the authority and divisions’ operations and the delivery of transportation services and projects in the commonwealth.

(b) The secretary shall establish a performance measurement system for the divisions of the authority, which shall establish program goals, measure program performance against those goals and report publicly on
progress to improve the effectiveness of transportation design and
construction, service delivery and policy decision making. Performance
measurements shall include, for at least the then current fiscal year and
the previous 5 fiscal years, all modes of transportation. Performance
measurements shall include the number of projects completed, the
percentage of projects completed early or on time, the percentage of
projects completed under budget or on-budget, the number of projects in
construction phase and the percentage of projects advertised early or on
time. Performance measurements shall include usage information for all
modes of transportation, including measures of throughput, utilization
and ridership. This information shall be presented with measurements of
congestion, on-time performance, if appropriate, and incidents that have
caused delays or closures. Performance measurements shall include
assessments of maintenance performance by asset class, mode and
region, including a breakdown of highway pavement, bridge and track,
for subway, commuter and commonwealth-owned freight rail, by
condition level, with an explanation of current year and future year
planned maintenance expenditures and their expected result. Reporting
on planned maintenance programming shall include an assessment of the
categories of maintenance-related activity as described in the American
Association of Highway and Transportation Officials' Maintenance
Manual for Roadways and Bridges. The division of roads and bridges
shall expand and enhance its project information system and shall
develop additional means to establish a centralized system, available on
the internet, to document performance measurements and the progress
and status of all planning, design, construction and maintenance projects
undertaken by the authority, and all road and bridge projects of any city
or town that are funded, in whole or in part, by the commonwealth. A
municipality shall have access to the system at no cost, shall enter such
information into the system as may be required by the division of roads
and bridges and shall otherwise fully participate in the system as a
condition of receiving financial assistance from the commonwealth. All
information in the project information system shall be a public record
unless otherwise exempted by law. A report of the project information
system and performance measurements shall be published annually and
made available to the public not later than December 31. The report
shall also be filed annually with the clerks of the senate and house of
representatives, the chairs of the house and senate committees on ways
and means and the senate and house chairs of the joint committee on
transportation. The performance measurement system shall require each
division to develop a strategic plan for program activities and performance goals. The system shall require annual program performance reports which shall be submitted to the house and senate committees on ways and means and the joint committee on transportation.

In addition to the performance objectives and measurements listed in this section, design and construction projects shall identify key milestones and tasks associated with said project, and report on a monthly basis listing the percent complete for each milestone/task along with the planned percent complete, as well as the actual cost expended for each milestone/task compared to the planned cost shall be generated, and submitted to the next higher level of management. Any deviation of greater than 7% from the planned schedule or planned cost shall be explained in a monthly report to the next level of management with a reason for the difference, as well as the plan to get back on schedule or budget. In the event the cost or schedule deviation results in the scenario where the project cannot recover and the project will be over budget or late, approval to revise the project plan must be obtained from management, and the joint Committee on Ways and Means and Transportation must be notified.

(c) The office of performance management and innovation shall be charged with evaluating the goals and measures established by the authority and its divisions and monitoring the results reported. The office shall recommend changes to proposed goals and measures as are appropriate to align goals and measures with the strategic priorities of the secretary. The office shall report regularly to the public on the progress the authority and its divisions are making at achieving stated goals. The office shall be responsible for the establishment and, in cooperation with each of the divisions, operation of an asset management system for all departments and shall report regularly on the condition of assets and infrastructure. Reports on performance shall include measures of: (i) maintenance activity and results; (ii) usage on all modes of transportation; (iii) operational performance; and (iv) planning, design and construction, including on-time and on-budget project delivery.

The office shall annually publish a ‘scorecard’ identifying the number of projects actively under construction and those completed in the previous year by type, value and location, and those planned for the following year. Notwithstanding any other provision of law, the office shall determine the appropriate measures and standards of performance in all categories and reporting on performance trends.
The office will be responsible to report publicly and transparently and to make all reports available through an on-line system.

The secretary shall use the performance criteria established in this section to determine the quality of service of all private entities, including commuter rail providers, that perform transportation services on behalf of the authority. The results of such performance measures shall be criteria used in negotiating any contracts.

Section 7. Unless otherwise required under section 6A of chapter 31 or any other general or special law to the contrary, the secretary shall design and implement a program for performance evaluation of employees. The sole purpose of the program shall be the improvement of the performance of individual employees and the authority and, notwithstanding any general or special law to the contrary, all information compiled by said program shall be confidential and shall not be public records under section 10 of chapter 66 or clause Twenty-sixth of section 7 of chapter 4. The authority may consult with individuals and organizations and may contract for technical assistance for the purpose of the program to the extent it deems necessary.

Section 8. All moneys received pursuant to the provisions of this chapter, whether as proceeds from the issue of refunding bonds or as revenues or otherwise, shall be deemed to be trust funds to be held and applied solely as provided in this chapter. The resolution authorizing the refunding bonds or the trust agreement securing such notes or bonds shall provide that any officer with whom, or any bank or trust company with which, such moneys shall be deposited shall act as trustee of such moneys and shall hold and apply the same for the purposes hereof, subject to such regulations as this chapter and such resolution or trust agreement may provide.

Section 9. (a) There shall be within the authority, but not subject to the control of said authority, an office for taxpayer advocacy. The governor shall appoint a director of the office of taxpayer advocacy for a term of 6 years. The governor may remove the director only for cause including, but not limited to, any violations of the provisions of section 27, and shall fill any vacancy for the unexpired term. The director shall devote his full time and attention to the duties of his office.

(b) The office for taxpayer advocacy shall monitor the quality, efficiency and integrity of the authority’s operating and capital programs and seek to prevent, detect and correct fraud, waste and abuse in the expenditure of public or private transportation funds.
(c) The director may appoint such persons as he shall deem necessary to perform the functions of the office of taxpayer advocacy; provided, however, that section 9A of chapter 30 and chapter 31 shall not apply to any person holding any such appointment. Employees of the office for taxpayer advocacy shall have experience with accounting, auditing, financial analysis, applicable law, business management, and public administration and shall devote their full-time efforts to the unit and shall not be assigned direct operating responsibilities. Every person so appointed to any position in the office of taxpayer advocacy shall have experience and skill in the field of such position. So far as practicable in the judgment of the secretary, appointments to such positions shall be made by promoting or transferring employees of the commonwealth serving in positions which are classified under chapter 31, and such appointments shall at all times reflect the professional needs of the administrative unit affected. If an employee serving in a position which is classified under chapter 31 or in which an employee has tenure by reason of section 9A of chapter 30 shall be appointed to a position within this office which is not subject to the provisions of chapter 31, the employee shall upon termination of his service in such position be restored to the position which he held immediately prior to such appointment; provided, however, that his service in such position shall be determined by the civil service commission in accordance with the standards applied by said commission in administering said chapter 31. Such restoration shall be made without impairment of his civil service status or tenure under section 9A of chapter 30 and without loss of seniority, retirement or other rights to which uninterrupted service in such prior position would have entitled him. During the period of such appointment, each person so appointed from a position in the classified civil service shall be eligible to take any competitive promotional examination for which he would otherwise have been eligible.

(d) The director may report and refer his findings to the inspector general so that he may conduct an investigation pursuant to chapter 12A and the results of said investigation may be referred to the attorney general for appropriate action.

(e) The office for taxpayer advocacy shall be responsible to report publicly and transparently detailed and comprehensive information about all transportation contracts, including infrastructure ones, involving the Massachusetts Transportation and Infrastructure Authority. Reports shall be made available through an online system website. Such website shall have up to date information on the status of pending as well as awarded
state contracts. A certain dollar amount for state contract awards and specific agency expenditures that will be posted may be set by the office.

Section 10. There shall be within the authority an office of transportation planning which shall oversee and administer the planning responsibilities of the department, and which shall be under the supervision and control of the secretary. The secretary shall appoint an executive director who shall be skilled and experienced in the field of transportation planning and shall not be subject to chapter 31 or to section 9A of chapter 30. Said director may be removed for cause by the secretary. Said office shall serve as the principal source of transportation planning for state-level transportation projects, and shall develop the commonwealth’s transportation-related programs as more particularly set forth in this section. In addition, the office of transportation planning shall work in coordination with regional planning agencies in the commonwealth, which shall serve as the principal source of transportation planning for local and regional transportation projects. Said office shall conduct research, surveys, demonstration projects and studies in cooperation with the federal government, said regional planning agencies, regional transit authorities, municipalities, other governmental agencies, and appropriate private organizations in order to support local and regional planning, deliver transportation programs, and execute demonstration projects.

Said office of transportation planning shall be responsible for the preparation of a comprehensive and coordinated intermodal transportation plan for the commonwealth. Said plan shall include planning to improve and maintain facilities and equipment for all modes of transportation in the Commonwealth, including highways and roads, passenger rail and other public transportation, freight rail, aviation, shipping, pedestrian facilities, bicycle facilities, and water transportation. Said plan shall ensure an equitable allocation of investments in transportation across the regions of the commonwealth. Said plan shall include any program for the disposition of capital assets. Said plan shall include transportation improvement projects for the department of transportation and all of its constituent divisions and authorities that own or operate transportation facilities, including the Massachusetts Bay Transportation Authority, the regional transit authorities, and the Massachusetts Port Authority. Said plan shall be developed in consultation with said divisions and authorities, the commonwealth development coordinating council, the metropolitan planning organizations, the regional planning agencies, and the transportation
finance commission. Said plan shall be prepared in coordination with
comprehensive urban development plans and in cooperation with said
other agencies so far as practicable. Said plan shall include an analysis of
the operation of each regional transit authority, with the purpose of
identifying ways in which each regional transit authority can improve
efficiency of existing service, and provide new or expanded services to
the communities. The analysis shall include an examination of the
ridership per vehicle in each regional transit authority to determine the
feasibility of converting fleets from large buses to smaller, more energy-
efficient vehicles. The analysis shall identify the potential reduction in
operating costs that such a conversion could provide for each regional
transit authority, and shall outline the ways in which costs savings
attained by this conversion could then be applied to improve service by
expanding service areas and increasing hours of service.

The office of transportation planning shall be responsible for planning
and programs that promote sustainable transportation, and that will: (i)
maintain and expand transportation options that maximize mobility,
reduce congestion, conserve fuel, and improve air quality; (ii) prioritize
alternative modes including rail, bus, boat, rapid and surface transit,
shared-vehicle and shared-ride services, bicycling, and walking; and (iii)
invest strategically in existing and new passenger and freight
transportation infrastructure that supports sound economic development
consistent with established smart growth objectives. The office of
transportation planning shall be responsible for bicycle and pedestrian
planning, water transportation planning, and the management of
transportation programs promoting congestion mitigation and air quality
improvements, travel options, safe routes to school, alternative fuels, and
other planning initiatives and programs that promote sustainable
transportation working in coordination with the regional planning
agencies and the metropolitan planning organization.

The office of transportation planning shall be responsible for research
and planning in support of the implementation of chapter 21N. The office
shall undertake planning and research tasks and coordinate with the
executive office of energy and environmental affairs on issues related to
historic, current, and projected future transportation-generated emissions
of carbon dioxide and other greenhouse gases and technology, policy,
and legal issues related to developing and implementing market-based
compliance mechanisms for transportation-generated greenhouse gases.
Such planning shall include comprehensive climate change adaptation
planning to ensure that the commonwealth’s transportation infrastructure
is designed to tolerate increased environmental stress due to climate
change, including, but not limited to increased temperatures, increased
stormwater runoff, and extreme weather events.

The office of transportation planning shall conduct plans and work
with the divisions, municipalities, other public agencies, private
organizations, and other parties as appropriate in order to ensure the
implementation of measures that facilitate equitable bicycle and
pedestrian access in the planning and development of all transportation
facilities. Consistent with the most current edition of the MassHighway
Project Development and Design Guide, or its successor, the office of
transportation planning shall in the design, construction, and
maintenance of transportation facilities for all new construction and
reconstruction projects, including resurfacing, restoring and
rehabilitation improvement projects, ensure safe and contiguous routes
for all users, including individuals of all ages and abilities, pedestrians,
bicyclists, transit vehicles and riders, and motorists.

The office of transportation planning shall work with other
commonwealth agencies to identify measures that agencies can take to
facilitate fuel conservation, travel demand management for agency
employees, and sustainable transportation, to develop programs that
consolidate and promote these measures in a user-friendly manner, and
to provide programmatic support to help other commonwealth agencies
implement these measures.

The office of transportation planning shall utilize life-cycle cost
modeling for all projects. Life-cycle costs shall mean all relevant costs
of a transportation asset’s lifespan including, but not limited to, planning,
study, design, purchase or lease, operation, maintenance, repair,
replacement and disposal. The department shall utilize life-cycle cost
modeling during the project planning and selection processes for all of its
divisions, agencies, and authorities, as defined herein. Life-cycle cost
information shall be presented as part of the public disclosure process in
all project planning documents in equal proportion to initial delivery cost
estimates. Project planning shall include the identification of funding to
minimize life-cycle costs throughout the life of each asset.

Massport, Minuteman National Historical Park and Hanscom Area
Town Selectmen (HATS) shall jointly undertake a study to determine the
impact of current operations at Hanscom Field and any anticipated or
proposed expansions to operations, facilities, and/or infrastructure at the
Field on the environment (including but not limited to noise levels and
air quality consequences of both air and associated road traffic,) on
public health, on tourism, and on the unique historical treasures in and
around the communities abutting the Field. Massport, Minuteman
National Historical Park and HATS shall collaborate in the development
of the study design, the choice of contractor to undertake the study, in the
writing of the final report and in the development of recommendations to
be filed with the Superintendent of the Park, HATS and the chairs of the
legislature’s Joint Committee on Transportation by January 1, 2010.

Section 11. Every 5 calendar years, beginning not later than April 30,
2010, the secretary shall, after conducting public hearings, prepare and
publish in the Massachusetts register a comprehensive state
transportation plan for the 5 succeeding fiscal years, beginning with the
period of fiscal year 2011 to 2015, inclusive. The plan shall be consistent
with such priorities as may be established by legislation. Said plan shall
be designed to ensure construction and maintenance of a safe, sound and
efficient public highway, road and bridge system, to relieve congestion,
to reduce greenhouse gas emissions, particulates and other pollutants, to
prepare for climate change adaptation, and to improve the quality of life
in the commonwealth by promoting economic development and
employment in the commonwealth by meeting, cost effectively, the
diverse transportation needs of all residents of the commonwealth,
including urban, suburban and rural populations. Said plan shall also
include an engineering assessment to anticipate highway, road and bridge
needs throughout the commonwealth as determined by objective
engineering measurements of condition, safety and service. The secretary
shall consult with the executive office of environmental affairs and the
executive office of economic affairs in the development of said plan.
Said plan shall provide for meeting not less than 5 per cent annually of
the estimated construction, reconstruction and repair needs of public
highways and bridges of the commonwealth, its counties, cities and
towns, estimated as follows. Before the secretary publishes or updates
said plan, the authority shall determine and certify to the secretary its
estimate of the total value of all construction, reconstruction and repair
needs of the commonwealth’s highway and bridge infrastructure. The
total value estimate shall be based on satisfying current safety and
maintenance standards of the Federal Highway Administration and the
American Association of State Highway and Transportation Officials.
The estimate shall be substantiated by documented objective engineering
estimates which shall be made available for public review.

The department and the authority shall report annually, not later than
February 1, to the house and senate committees on ways and means and
Section 12. The authority shall develop and implement a single integrated asset management system to oversee and coordinate the maintenance, preservation, reconstruction and investment of all of the assets in its possession, custody and control. The authority may use programs and services offered by the division of capital asset management and maintenance and the information technology division or separate offices, divisions, and authorities within the authority to aid in its development of an integrated asset management system as long as, in the judgment of the authority, such programs and services compare favorably with those available from private vendors and are offered at competitive prices.

Section 13. (a) There shall be within the authority an office of transition management which shall perform such functions as the secretary may determine in relation to the administration, implementation and enforcement of transportation restructuring; provided, however, that the office shall: (i) recommend to the secretary rules and regulations to facilitate the orderly expeditious transfer of assets and functions from the former executive office of transportation and public works, the Massachusetts Turnpike Authority, the Massachusetts Bay Transportation Authority, the Massachusetts Port Authority, the department of conservation and recreation and the department of highways authority; (ii) develop administrative processes to assure continuity of employment and operations during the transitions; (iii) recommend legislation to resolve issues or assist government agencies with the transition of transportation agencies; and (iv) report at least quarterly to the governor and the chairs of the joint committee on transportation on the progress of the transition.

(b) The office of transition management shall make such plans and arrangements as may be necessary to ensure the efficient integration of: (i) the Massachusetts Turnpike Authority’s functions, assets, liabilities, and obligations; (ii) the Maurice J. Tobin Memorial Bridge owned and operated by the Massachusetts Port Authority; and (iii) the vehicular bridges and appurtenances under the control of the department of conservation and recreation, to the authority pursuant to this chapter.

Section 14. The authority may charge and collect and from time to time fix and revise tolls for transit over the turnpike and the different parts or sections thereof, subject to such classifications of vehicles and
manner of collection as the authority determines desirable and subject to section 3. Such tolls shall be so fixed and adjusted as to provide, at a minimum, funds sufficient with other revenues, if any, to pay (a) costs incurred in furtherance of this chapter related to the turnpike including, but not limited to, the cost of owning, maintaining, repairing, reconstructing, improving, rehabilitating, policing, using, administering, controlling and operating the turnpike; and (b) the principal of, redemption premium, if any, and the interest on notes or bonds relating to the turnpike as the same shall become due and payable and to create and maintain reserves established for any of the authority’s corporate purposes. Such tolls shall not be subject to supervision, regulation, approval or disapproval by any department, division, commission, board, bureau or agency of the commonwealth or any political subdivision thereof. The authority shall maintain the confidentiality of all information including, but not limited to, photographs or other recorded images and credit and account data, relative to account holders who participate in its electronic toll collection system. Such information shall not be a public record and shall be used for enforcement purposes only with respect to toll collection regulations. An account holder may, upon written request to the authority, have access to all information pertaining solely to the account holder. For each violation of applicable authority regulations related to electronic toll collection, a violation notice shall be sent to the registered owner of the vehicle in violation. The notice shall include the registration number of the vehicle, the state of issuance of such registration and the date, time and place of the violation. The notice may be based in whole or in part upon inspection of any photographic or other recorded image of a vehicle and the written certification by a state police officer or other person employed by or under contract with the authority or its electronic toll collection system contractor that it is so based shall be prima facie evidence of the facts contained therein and shall be admissible in any administrative or judicial proceeding to adjudicate the liability for such violation.

(b) The authority shall not charge or collect a toll for transit through the Callahan tunnel, the Sumner tunnel or the Ted Williams tunnel by official emergency vehicles of the commonwealth or any municipality, political subdivision or instrumentality thereof; provided further, that the authority may not charge and collect tolls for transit through the Callahan tunnel, the Sumner tunnel or the Ted Williams tunnel by private passenger vehicles registered in the East Boston section of the city of Boston or the South Boston section of the city of Boston, as the Boston
transportation department has determined the geographical boundaries of
said sections of Boston, that are greater than the tolls in effect for
vehicles registered in said East Boston section at existing tunnel toll
facilities on the effective date of section 14 of chapter 102 of the acts of
1995; provided further, that the authority may not charge and collect tolls
for transit through the Callahan or Sumner tunnels to private passenger
vehicles registered in the North End section of the city of Boston, as the
Boston transportation department has determined the geographical
boundaries of such section, that are greater than the tolls in effect for
such transit through either the Sumner tunnel or Callahan tunnel for
vehicles on the effective date of section 14 of chapter 102 of the acts of
1995; provided further, that the authority shall continue operation of the
50 per cent toll discount program approved by the Massachusetts
Turnpike Authority board of directors in open meeting on June 28, 2002
for account holders who participate in the authority's electronic toll
collection system; and provided further, that the tolls collected for transit
over or through the Maurice J. Tobin Memorial Bridge by private
passenger vehicles registered in the city of Chelsea or the Charlestown
neighborhood of the city of Boston shall not be greater than the tolls in
effect for such vehicles as of January 1, 2009 pursuant to the Resident
Commuter Permit Program, so called.

(c) All revenue received from tolls, rates, fees, rentals, and other
charges for transit over or through all tolled roads, bridges or tunnels
shall be applied exclusively to: (i) the payment of existing debt service
on said tolled roads; and (ii) the cost of owning, maintaining, repairing,
reconstructing, improving, rehabilitating, policing, using, administering,
controlling and operating said tolled roads.

Section 15. The authority and its employees shall be subject to
chapter 150E and, for purposes of said chapter 150E, the authority shall
be deemed to be an employer or public employer and a legislative body.
The authority may designate a representative to act in its interest in labor
relations matters with its employees. Rights and obligations under the
most recent existing or expired collective bargaining agreements with
respect to employees transferred to the authority and with respect to all
employee organizations representing such employees at the time of
transfer, except to the extent expressly inconsistent with this chapter,
shall be assumed by, and imposed upon, the authority and employees
transferred to the authority who are subject to such agreements shall
continue to be represented by the employee organizations that are parties
to such agreements until such time as they elect to be otherwise
represented in accordance with said chapter 150E. Existing bargaining units shall remain in full force and effect for those employees transferred to the authority until the expiration of the collective bargaining units covering those employees. Collective bargaining agreements in effect at the time of transfer shall continue in effect until their stated expiration date and successor negotiations shall be conducted and resolved between the authority and the employee organizations representing employees covered by such collective bargaining agreements in accordance with chapter 150E and this chapter. The terms and conditions of expired collective bargaining agreements under renegotiation at the time of transfer shall be observed by the authority and the authority shall conclude and resolve negotiations for successor agreements with the employee organizations representing employees covered by such collective bargaining agreements in accordance with said chapter 150E and this chapter.

Nothing in this section shall be construed as conferring upon the employees of the authority the right to strike, nor as detracting from the obligations of the authority and the employees to submit all grievances and other disputes to arbitration.

Section 15A. Notwithstanding section 13, the authority or any organizations representing employees of the authority shall not be permitted to submit any dispute over the terms of a collective bargaining agreement to arbitration except in accordance with sections 15A through 15E, inclusive; provided, however, that this section shall not limit the rights of organizations representing employees of the authority to submit grievances to arbitration in accordance with the collective bargaining agreement between the parties.

Section 15B. In the event the directors and any organizations representing employees of the authority have not reached an agreement within 90 days from the date of the expiration of the agreement, either party may notify the other that it desires mediation. The parties may agree upon a person to serve as a mediator or, if unable to agree on said mediator, either party or the parties acting jointly may petition the board of conciliation and arbitration to appoint a mediator from a list of qualified persons maintained by the board.

After a reasonable period of mediation, not to exceed 45 days from the date of appointment, said mediator shall issue a report indicating the results of his services in resolving the impasse. If at the conclusion of mediation the impasse still exists, the mediator shall so certify. In the event, the mediator shall certify in his report the last best offer of each
party on each unresolved issue which has been submitted to mediation
and shall also certify the agreement of the parties on each issue on which
agreement has been reached and shall submit such certifications to the
arbitrator selected by the parties. In such event, so long as the mediator
shall also certify that the parties have bargained in good faith, either
party may notify the other that it desires arbitration of the dispute. Within
10 days of said notice, the parties shall meet to select a single neutral
arbitrator. If, within 15 days, the parties fail to select such single
arbitrator, either party may forthwith petition the board of conciliation
and arbitration to request a list of 5 arbitrators from the American
Arbitration Association and said Association shall certify to the board
that such arbitrators on the list it provides possess the qualifications as
provided in section 30. The parties shall thereupon meet to select such
arbitrator by striking 1 name each until 1 name remains and that person
shall serve as the neutral arbitrator. If, after 10 days, one of the parties
decides to strike their names, the other party shall strike 2 names and the
board shall forthwith select the arbitrator from the remaining 3 names.

Section 15C. The single arbitrator, whether agreed upon by the
parties or selected by the board of conciliation and arbitration, shall be a
legal resident of the commonwealth and shall be experienced in state and
local finance.

Section 15D. The arbitrator shall rely primarily on the following
factors in determining the basis for an award:
(a) the financial ability of the authority to meet additional costs,
which shall include, but not be limited to: (i) the statutory requirement
that the authority produce revenues in excess of expenses; (ii) the
financial ability of the individual communities and the commonwealth to
meet additional costs; (iii) the average per capita tax burden, average
annual income and sources of revenue within the commonwealth, and the
effect of any arbitration award on the respective property tax rates of the
cities and towns within the authority’s district;
(b) the overall compensation presently received by the employees,
having regard not only for wages for time actually worked but also for
wages for time not worked, including vacations, holidays and other
excused time;
(c) all benefits received by the employees, including insurance,
pension, as well as the continuity and stability of employment;
(d) the hazards of employment, physical, educational and mental
qualifications, job training and skills involved;
(e) a comparison of wages, hours, and conditions of employment of
the employees involved in the arbitration proceedings with the wages,
hours and conditions of employment of other employees performing
similar services within the commonwealth and with other employees
generally in public and private employment within the commonwealth;
(f) the average consumer price for goods and services, commonly
known as the cost of living;
(g) changes in any of the foregoing circumstances during the
pendency of the arbitration proceedings;
(h) such other factors, not confined to the foregoing, which are
normally or traditionally taken into consideration in the determination of
wages, hours and conditions of employment through voluntary collective
collaboration, mediation, fact-finding, arbitration or otherwise between
parties, in the public service of the commonwealth, and which are not
precluded from bargaining under section 13; and
(i) The stipulation of the parties.

Section 15E. The arbitrator shall be limited in making his award to
choosing between the last best offers of the parties on each issue as
certified in the mediator’s report or any award in the range between the
last best offers of the parties. The arbitrator shall make no award on any
issue found by him to be not authorized by law to be submitted to
arbitration, but shall state such finding in his written opinion. Within 30
calendar days of an award, the arbitrator shall issue a written opinion
inclusive of an analysis of all statutory factors applicable to the
proceedings. Any determination by the arbitrator, if supported by
material and substantial evidence on the record, shall be binding upon the
parties and upon the appropriate legislative or appropriating body and
may be enforced at the insistence of either party or by the arbitrator in
the superior court. The scope of arbitration shall be limited to wages,
hours and conditions of employment and shall not include any provisions
for any cost of living adjustment which are based on changes in the
consumer price index after the expiration of the contract period covered
by the award. In addition, any wage or salary adjustments shall be
expressed in per cent or dollar amounts, and in no case shall there be any
provision for salary adjustments to occur after the expiration of the
contract period covered by the award.

The cost, if any, of the mediation and of arbitration proceedings
exclusive of the expenses of the individual parties provided for under
sections 15 to 19, inclusive, shall be divided equally by the parties and
shall be in accordance with a schedule of payments established by the

Section 16. The authority shall be deemed to be a public agency for
purposes of, and shall be subject to section 39M of chapter 30 and
sections 44A to 44H, inclusive, of chapter 149, and shall comply with
requirements applicable to an independent public authority for
publication of contract information in the central register established
pursuant to section 29A of chapter 9. The authority shall not be subject to
supervision under section 22 of chapter 7, but may enter into agreements
under 22A and 22B of said chapter 7 and in all respects not governed by
general or special laws expressly made applicable to the authority shall
adhere to good business practices to be determined by the authority in its
procurement of equipment, materials, property, supplies and services.

Section 17. The authority shall, for the purposes of compliance with
state finance law, operate as a state agency as this term is defined in
section 1 of chapter 29 and shall be subject to the provisions applicable
to agencies under the control of the governor including, but not limited
to, chapter 29, chapter 7A, chapter 7, and chapter 10; provided, however,
that the comptroller may identify any additional instructions or actions
necessary for the authority to manage fiscal operations in the state
accounting system and meet statewide and other governmental
accounting and audit standards. Unless otherwise exempted by law or the
applicable central service agency, the authority shall participate in any
other available commonwealth central services including, but not limited,
to the state payroll system pursuant to section 31 of chapter 29, and may
purchase other goods and services provided by state agencies in
accordance with comptroller provisions. This section shall not apply to
the Massachusetts Bay Transportation Authority, the Massachusetts Port
Authority or the regional transit authorities. The comptroller may
chargeback the authority for the transition and ongoing costs for
participation in the state accounting and payroll systems and may retain
and expend such costs without further appropriation for the purposes of
this section.

Section 18. Each fiscal year the authority shall submit an annual
finance plan to the secretary of administration and finance, and updates
to such plan, in accordance with guidance issued by said secretary.

Section 19. (a) The authority may provide by resolution at 1 time or
from time to time for the issuance of bonds of the authority to refinance
the bonds issued prior to July 1, 2009 pursuant to chapter 81A and the
financing obligations of the Massachusetts Turnpike Authority relating to
the turnpike and the metropolitan highway system. Any such bonds will
be special obligations of the authority payable solely from monies
credited to the fund. Bonds issued pursuant to this section shall not be
general obligations of the commonwealth or any political subdivision
thereof and shall not constitute a debt or a pledge of the faith and credit
of the commonwealth or any such political subdivision.

(b) Bonds may be issued and sold in such manner and on such terms
and conditions as the authority may determine, with the approval of the
secretary of administration and finance. The bonds shall be signed by the
chairperson and treasurer of the authority or shall bear their facsimile
signature and shall bear the official seal of the authority or a facsimile
thereof, attested to by the signature of a duly appointed officer of the
authority.

(c) Bonds may be secured by a trust agreement entered into by the
authority, which trust agreement may pledge or assign all or part of the
monies credited to the fund and rights to receive the same, whether
existing or coming into existence and whether held or thereafter
acquired, and the proceeds thereof. The authority may enter into
additional security, insurance or other forms of credit enhancement
which may be secured on a parity or subordinate basis with the bonds. A
pledge in any such trust agreement or credit enhancement agreement
shall be valid and binding from the time such pledge shall be made
without any physical delivery or further act, and the lien of such pledge
shall be valid and binding as against all parties having claims of any kind
in tort, contract or otherwise, irrespective of whether such parties have
notice thereof.

Any such pledge shall be perfected by filing of the trust agreement or
credit enhancement agreement in the records of the authority, and no
filing need be made pursuant to chapter 106. Any such trust agreement or
credit enhancement agreement may establish provisions defining defaults
and establishing remedies and other matters relating to the rights and
security of the holders of the bonds or other secured parties as may be
reasonable and proper, including provisions relating to the establishment
of reserves, acceleration of maturities, restrictions on the individual right
of action by bondholders and covenants setting forth the duties of and
limitations on the authority, and may also regulate the custody, investment and application of monies.

(d) Any such bonds shall be deemed to be investment securities
pursuant to chapter 106, shall be securities in which any public officer,
fiduciary, insurance company, financial institution or investment
company may properly invest funds and shall be securities which may be deposited with any public custodian for any purpose for which the deposit of bonds is authorized by law.

(e) Any such bonds, their transfer and the income therefrom, including profit on the sale thereof, shall at all times be exempt from taxation by and within the commonwealth.

(f) The provisions hereof relating to bonds shall also be applicable to the issuance of notes insofar as such provisions may be appropriate therefore.

(g) Notwithstanding the foregoing, no existing rights of the holders of the bonds issued by the Massachusetts Turnpike Authority pursuant to chapter 81A shall be impaired hereby, and the authority, as successor in interest to the Massachusetts Turnpike Authority, shall maintain the covenants of the trust indentures pertaining to such bonds so long as such bonds shall remain outstanding.

Section 20. The office of the attorney general shall appear for the authority, its divisions, departments, agencies, and officers, but not including the Massachusetts Bay Transportation Authority, the regional transit authorities and the Massachusetts Port Authority and their officers, in all suits and other civil proceedings in which the authority is a party or interested, or in which the official acts and doings of said divisions, departments, agencies and officers are called into question, to the same extent and in the same manner as provided to the commonwealth and state departments, officers and commissions under section 3 of chapter 12. The authority and its divisions, departments and agencies, not including the Massachusetts Bay Transportation Authority, the regional transit authorities and the Massachusetts Port Authority, shall be generally considered to be an agency of the commonwealth for purposes of chapter 12.

Section 21. (a) The authority may take by eminent domain in accordance with the provisions of chapter 79 or any alternative method now or hereafter provided by general law, any public land and any fee simple absolute or lesser interest in private property or part thereof or rights therein as it may deem necessary for carrying out the provisions of this chapter.

(b) Whenever a parcel of private property so taken is used in whole or in part for residential purposes, the owner of such parcel may, within 30 days of the date of the authority’s notice to vacate such parcel, appeal to the authority for a postponement of the date set for such vacating, whereupon the authority shall grant to the owner a postponement of 3
months from the date of such appeal; provided, however, that the appeal for such postponement shall be in the form of a written request to the authority sent by registered mail, return receipt requested; and provided, further, that the provisions of section 40 of said chapter 79 shall govern the rights of the authority and of any person whose property shall be so taken.

(c) The authority shall have power, in the process of constructing, reconstructing, repairing, rehabilitating, improving, policing, using or administering all or any part of the state highway system to take by eminent domain pursuant to chapter 79, such land abutting the state highway system as it may deem necessary or desirable for the purposes of removing or relocating all or any part of the facilities of any public utility, including rail lines, and may thereafter lease the same or convey an easement or any other interest therein to such utility company upon such terms as it, in its sole discretion, may determine. Notwithstanding the provisions of any general or special law to the contrary, the relocation of the facilities of any public utility, including rail lines, in accordance with the provisions of this section shall be valid upon the filing of the plans thereof with the department of telecommunications and energy, if applicable.

Section 22. Except as otherwise provided by law, any sale of real property shall be awarded, after advertisement for bids, to the bidder who is the highest responsible bidder. The authority shall have the right to reject all bids and to read-advertise for bids. Before any real property shall be so sold or conveyed, notice that such real property is for sale shall be publicly advertised in 2 daily newspapers of general circulation published in the city of Boston, and, if such real property is located in any other city or town, in a newspaper of general circulation published in such other city or town, once a week for 3 successive weeks. Such advertisements shall state the time and place where all pertinent information relative to the real property to be sold or conveyed may be obtained and the time and place of opening the bids in answer to such advertisements and that the authority reserves the right to reject any or all such bids. All bids in response to advertisements shall be sealed and shall be publicly opened by the authority. Said authority may require, as evidence of good faith, that a deposit of a reasonable sum, to be fixed by the authority, accompany the proposals. The provisions of this paragraph shall not be applicable to any sale of real property by the authority to the commonwealth or any city, town or public instrumentality nor to a sale...
of real property which is determined by the authority to have a fair market value of $5,000 or less.

The authority may sell the buildings or other structures upon any lands taken by it or may remove the same and shall sell, if a sale be practicable or, if not, shall lease, if a lease be practicable, any lands or rights or interest in lands or other property taken or purchased for the purposes of this chapter, whenever the same shall, in the opinion of the authority, cease to be needed for such purpose.

Notwithstanding any general or special law to the contrary, all counties, cities, towns and other political subdivisions and all public agencies, authorities and commissions of the commonwealth are hereby authorized and empowered to lease, lend, grant or convey to the authority at its request upon such terms and conditions as the proper authorities of such counties, cities, towns, political subdivisions, agencies, authorities and commissions may deem reasonable and fair and without the necessity for any advertisement, order of court or other action or formality, other than the regular and formal action of the authorities concerned, any real property, improvements or personal property which may be necessary or convenient to the effectuation of the authorized purposes of the authority, including public roads, bridges and other real property, improvements or personal property already devoted to public use.

Section 23. Notwithstanding chapters 134 and 147, if money, goods or other property which has been abandoned, mislaid or lost on the premises of the authority comes into the possession of said authority and remains unclaimed for a period of 120 days, the authority may sell the same, excepting money so unclaimed, at public auction after notice of such sale has been published for 3 successive weeks in a newspaper published in the city or town wherein such sale shall occur. The net proceeds of such sale, after deducting the cost of storage and the expenses of the sale, and all money so unclaimed, shall be paid into and become the property of the authority and may be deposited in fund. If such property is in the possession of the authority and remains unclaimed for a period of 120 and is of the value of $3 or less, the authority may donate the same to a charitable organization.

Section 24. The superior court department of the trial court shall have jurisdiction to enforce rights and duties created by the provisions of this chapter, and on complaint of the authority may restrain violations of the authority's regulations and otherwise enforce by any appropriate remedy, including without limiting the generality of the foregoing, injunctive
relief, the regulations, licenses, permits, orders, penalties and charges of
the authority. Penalties and charges established by or under authorization
of this chapter shall be collected for the account of the authority and paid
over to the authority. Except for rights of action expressly conferred
upon the authority, no provision of this chapter shall create private rights
of action in enforcement proceedings.

Section 25. The authority and its corporate existence shall continue
until terminated by law; provided, however, that no such law shall take
effect so long as the authority shall have bonds outstanding without
adequate provision for the complete payment or satisfaction thereof.
Upon termination of the authority, the title to all funds and other
properties owned by it which remain after the payment or satisfaction of
all bonds of the authority shall vest in the commonwealth. The
obligations, debts and liabilities of the authority shall be assumed by and
imposed upon the commonwealth.

Section 26. (a) All state, county and municipal agencies,
instrumentalities, commissions and authorities of the commonwealth
may undertake activities, programs and projects in conjunction with the
authority in furtherance of the purposes of this chapter, including without
limiting the generality of the foregoing, to join in investigations and
studies, and to grant applications and applications for project approvals.

(b) Except with respect to real property acquired or held for purposes
described in Article XCVII of the Amendments to the Constitution, all
local bodies and all public agencies, instrumentalities, commissions and
authorities of the commonwealth, are hereby authorized and empowered
to lease, lend, grant or convey to the authority upon such terms and
conditions as the proper authorities of such public bodies, public
agencies, instrumentalities, commissions and authorities of the
commonwealth may deem appropriate and without the necessity of any
action or formality other than the regular and formal action of said public
bodies, agencies, instrumentalities, commissions and authorities of the
commonwealth any interest in any real or personal property which may
be necessary or convenient to effect the purposes of the authority.

(c) In order to determine, as a basis for legislative action, whether or
not barrier tolls are the best practice in collecting transportation
revenues, there is hereby established a commission which shall be known
as the Commonwealth Toll Collection Commission, for the purpose of
conducting a study on whether or not barrier free tolling is a more
effective way to collect revenues and the cost of establishing such a
system.
Section 27. The secretary, undersecretaries, commissioners, and directors of the department shall be sworn to the faithful performance of their official duties. Each secretary, undersecretary, commissioner, and director shall conduct themselves in a manner so as to render decisions that are fair and impartial and in the public interest; avoid impropriety and the appearance of impropriety in all matters under their jurisdiction; avoid all prohibited communications; require staff and personnel subject to their direction and control to observe the same standards of fidelity and diligence; disqualify themselves from proceedings in which their impartiality might reasonably be questioned; refrain from financial or business dealings which would tend to reflect adversely on impartiality, although the secretary, undersecretaries, commissioners, and directors may hold and manage investments which are not incompatible with the duties of their office or the provisions of this section; conform to such additional rules as may be prescribed by the secretary from time to time.

Section 28. Chapter 12A shall apply to the authority.

Section 29. The books of the authority shall be subject to a biennial audit by the auditor of the commonwealth.

Section 30. (a) The authority shall, in addition to any other reports required pursuant to this chapter, annually submit to the governor, the chairman of the senate ways and means committee, the chairman of the house ways and means committee, the secretary of administration and finance, and the comptroller within 90 days after the end of its fiscal year a complete and detailed report which shall include, without limitation: audited financial statements by an independent accounting firm relating to the operations, properties, and capital facility expenditures, including costs of land acquisitions, of the authority maintained in accordance with generally accepted accounting principles so far as applicable, and audited by an independent certified public accountant firm.

(b) Every 5 years thereafter, the authority shall submit to the governor, the president of the senate, the speaker of the house of representatives, the chairman of the senate committee on ways and means, the chairman of the house committee on ways and means and the chairmen of the joint committee on transportation a progress report on the authority's attainment of its statutory purposes. Each such 5-year progress report shall be prepared by the authority with the assistance of an independent citizen panel which shall include persons selected by the authority and approved by the respective advisory boards who are experienced in environmental protection, civil engineering and public management and finance. Said reports shall include recommendations.
concerning the future activities of the authority including, but not limited
to, changes in this act or the authority's administrative procedures
necessary or desirable for improving the delivery of services. The costs
of preparing the reports of said authority shall be provided for in the
current expense budgets of said authority.

Section 31. (a) The exercise of the powers granted by this chapter
shall be in all respects for the benefit of the people of the commonwealth
and for the improvement of their health and living conditions and as the
operation and of the authority shall constitute the performance of
essential governmental functions, the authority shall not be required to
pay any taxes or assessments, except as otherwise provided by this
chapter and the notes or bonds issued under this chapter, their transfer
and the income therefrom, including any profit made on the sale thereof,
at all times shall be free from taxation by and within the commonwealth.

(b) The lands and tangible personal property of the authority shall be
deemed to be public property used for essential public and governmental
purposes and shall be exempt from taxation and from betterments and
special assessments.

Section 32. (a) There shall be within the authority a department of
transportation and infrastructure which shall be under the supervision,
direction and control the secretary. The secretary shall be appointed by
the governor pursuant to paragraph 2 of section 2. The secretary shall be
the executive and administrative head of the department and shall be
responsible for administering and enforcing the provisions of law relative
to the department and to each administrative unit thereof. The secretary
shall act as the executive officer in all matters pertaining to the
administration, management, operation, regulation, planning, fiscal and
policy development functions and affairs of the departments, agencies,
commissions, offices, boards, divisions, and other agencies within the
executive office. The secretary shall serve at the pleasure of the board,
shall receive such salary as may be determined by law, and shall devote
his full time to the duties of his office. In the case of an absence or
vacancy in the office of the secretary, or in the case of disability as
determined by the board, the board may designate an acting secretary to
serve as secretary until the vacancy is filled or the absence or disability
ceases. The acting secretary shall have all the powers and duties of the
secretary and shall have similar qualifications as the secretary.

(b) The department shall contain the following administrative units:
the highway division, the mass transit division, the aeronautics division,
the division of constituent and municipal services; and the division of
motor vehicles, to be known as the registry of motor vehicles.

(c) The secretary shall, notwithstanding the provisions of chapter 30
and section 9A of chapter 31 and subject to the approval of the governor,
appoint 5 undersecretaries: 1 of whom shall be the undersecretary for
highways and shall be a person of skill and experience in the fields of
highway management and public works; 1 of whom shall be the
undersecretary for mass transit and shall be a person of skill and
experience in the fields of rail transportation or mass transit; 1 of whom
shall be the undersecretary for aeronautics and shall be a person of skill
and experience in the field of aeronautics; 1 of whom shall be the
undersecretary for constituent and municipal services who shall be a
person of skill and experience in management; and 1 of whom shall be
the undersecretary for motor vehicle enforcement, who shall be known as
the registrar of motor vehicles and shall be a person of skill and
experience in management and motor vehicle law. Each undersecretary
shall receive such salary as the secretary shall determine, subject to the
approval of the board, and shall devote his full time to the duties of his
office.

(d) Subject to appropriation and consistent with subsection (e), the
secretary may appoint such persons as he shall deem necessary to
perform the functions of the department; provided, however, that section
9A of chapter 30 and chapter 31 shall not apply to any person holding
any such appointment. Every person so appointed to any position in the
department shall have experience and skill in the field of such position.
So far as practicable in the judgment of the secretary, appointments to
such positions in the executive office shall be made by promoting or
transferring employees of the commonwealth serving in positions which
are classified under said chapter 31, and such appointments shall at all
times reflect the professional needs of the administrative unit affected. If
an employee serving in a position which is classified under said chapter
31 or in which an employee has tenure by reason of said section 9A of
said chapter 30 shall be appointed to a position within this office which
is not subject to the provisions of said chapter 31, the employee shall
upon termination of his service in such position be restored to the
position which he held immediately prior to such appointment; provided,
however, that his service in such position shall be determined by the civil
service commission in accordance with the standards applied by said
commission in administering said chapter 31. Such restoration shall be
made without impairment of his civil service status or tenure under said
section 9A of said chapter 30 and without loss of seniority, retirement or other rights to which uninterrupted service in such prior position would have entitled him. During the period of such appointment, each person so appointed from a position in the classified civil service shall be eligible to take any competitive promotional examination for which he would otherwise have been eligible.

Section 33. (a) The department of transportation shall serve as the principal agency of the executive department for the following purposes:

1. developing, coordinating, administering and managing transportation policies, planning and programs related to design, construction, maintenance, operations and financing;
2. supervising and managing the organization and conduct of the business affairs of the divisions, agencies, commissions, offices, boards, divisions, and other entities within the department to improve administrative efficiency and program effectiveness and to preserve fiscal resources;
3. developing and implementing effective policies and programs to assure the coordination and quality of roadway, transit, airport and port infrastructure and security provided by the secretary and all of the divisions, agencies, commissions, offices, boards, divisions, authorities and other entities within the department.

(b) The following state agencies shall be within the department of transportation: the highway division, including the government center commission established by section 1 of chapter 635 of the acts of 1960, the mass transit division, the aeronautics division, the division of constituent and municipal services, the registry of motor vehicles division and all other state agencies within the department, except the division of motorboats and the division of waterways. The Massachusetts Bay Transportation Authority, the Massachusetts Port Authority, the Massachusetts Turnpike Authority and any regional transportation authorities established under chapter 161 or 161B shall also be within the jurisdiction of the department.

(d) Subject to the approval of the board the secretary may:
1. operate and administer the programs of roadway design, construction, repair, maintenance, capital improvement, development, and planning through the division of highways and other agencies within the department, as appropriate;
2. coordinate and supervise the administration of the department and its agencies to promote economy and efficiency and to leverage federal funding;
3. develop, in consultation with the commonwealth development coordinating council, and administer a long-term state-wide transportation plan for the commonwealth that
includes planning for intermodal and integrated transportation; (4) develop, based on a public hearing process, procedures to be used for transportation project selection; (5) establish criteria for project selection to be used in the procedures developed pursuant to clause (4); (6) enter into agreements with commissions, offices, boards, divisions, authorities and other entities within the department to improve divisions, agencies, administrative efficiency and program effectiveness and to preserve fiscal resources; (7) pursuant to chapter 30A, make, amend and repeal rules and regulations for the management and administration of the department and agencies within the department; (8) execute all instruments necessary for carrying out the business of the department and its agencies; (9) acquire, own, hold, dispose of, lease and encumber property in the name of the department and its agencies; (10) enter into agreements and transactions with federal, state and municipal agencies and other public institutions and private individuals, partnerships, firms, corporations, associations and other entities on behalf of the department or its agencies; and (11) apply for and accept funds, including grants, on behalf of the commonwealth in accordance with applicable law. The secretary may delegate any of the foregoing powers to an officer having charge of a division, office, division or other administrative unit within the executive office.

(f) The secretary shall collaborate with other state agencies to reduce greenhouse gas emissions to achieve the greenhouse gas emission limits established in chapter 21N.

Section 34. (a) The secretary may from time to time, subject to appropriation, establish within the department such administrative units as may be necessary for the efficient and economical administration of the department, and when necessary for such purpose, may abolish any such administrative unit, or may merge any 2 or more units, as the secretary deems advisable. The secretary shall prepare and keep current a statement of the organization of the department, of the assignment of its functions to its various administrative units, offices and employees, and of the places at which and the methods whereby the public may receive information or make requests. Such statement shall be known as the department’s description of organization. A current copy of the description of organization shall be kept on file in the office of the secretary of state and in the office of the secretary of administration.

Section 35. The secretary shall apply for, accept and expend, subject to appropriation, on behalf of the commonwealth, any gift, loan or grant-in-aid from the federal government, or any agency or instrumentality
thereof for demonstration projects and programs as may become
available to the commonwealth for the purpose of energy conservation
for improved transportation management systems or for improved
transportation management systems.

Section 36. There shall be established within the authority a healthy
transportation compact. The secretary and the secretary of health and
human services shall work cooperatively to adopt best practices to
increase efficiency to achieve positive health outcomes through the
coordination of land use, transportation and public health policy. The
compact shall consist of the secretary or his designee, the secretary of
health and human services or his designee, the secretary of energy and
environmental affairs or his designee, the undersecretary of
transportation for highways or his designee, the undersecretary of
transportation for mass transit or his designee, and the commissioner of
public health or his designee.

The secretary and the secretary of health and human services, or their
designees, shall serve as co-chairpersons of the compact. The
chairpersons shall convene and preside at meetings of the compact,
determine the agenda of the compact, direct its work and, as appropriate
to particular subject matters, establish and direct subgroups of the
compact, which shall consist exclusively of the compact’s members. The
compact shall: (i) promote inter-secretariat cooperation and the
establishment of a healthy transportation policy, including appropriate
mechanisms to minimize duplication and overlap of state and federal
programs and services; (ii) develop a healthy transportation framework
that increases access to healthy transportation alternatives that reduce
greenhouse gas emissions, improves access to services for persons with
mobility limitations and increases opportunities for physical activities;
(iii) develop methods to increase bicycle and pedestrian travel,
incorporate the principles, findings and recommendations of the
Massachusetts bicycle transportation plan and establish a framework for
implementation of the Bay State Greenway Network; (iv) develop and
implement, in consultation with the bicycle and pedestrian advisory
board established in section 11A of chapter 21A, administrative and
procedural mechanisms, including the promulgation of rules and
regulations, consistent with the most current edition of the Project
Development and Design Guide, or its successor, to encourage the
construction of complete streets, designed and operated to enable safe
access for pedestrians, bicyclists, motorists and bus riders of all ages to
safely move along and across roadways in urban and suburban areas; (v)
establish methods to implement the use of health impact assessments to
determine the effect of transportation projects on public health and
vulnerable populations; (vi) facilitate access to the most appropriate,
cost-effective transportation services within existing resources for
persons with mobility challenges; (vii) expand service offerings for the
Safe Routes to Schools program; (viii) explore opportunities and
encourage the use of public-private partnerships with private and
nonprofit institutions; (ix) seek to establish an advisory council with
private and nonprofit advocacy groups as the compact sees fit; (x)
institute a health impact assessment for use by planners, transportation
administrators, public health administrators and developers; and (xi)
develop and implement a method for monitoring progress on achieving
the goals of this section and provide any other recommendations that
would, in the judgment of the compact, advance the principles set forth
in this section.

Section 37. There shall be established by the department a
Massachusetts mobility compact, which shall be headed and coordinated
by the secretary. The department, and all state and independent agencies
shall be members of the compact. The compact shall improve the
delivery of transportation services in the commonwealth by
communicating regularly and more effectively and by adopting a
cooperative and coordinated approach to transportation planning, design,
construction, operation and maintenance aimed principally at: (i)
increasing mobility for people and goods within and through the
commonwealth in a safe, secure, environmentally sustainable and
efficient manner; (ii) promoting and adopting administrative efficiency
and program improvement initiatives between and among transportation
agencies and authorities; and (iii) sharing best practice techniques for
implementation across transportation modes.

Members of the compact may issue purchase or work orders and
execute contracts between and among themselves for the purpose of
accomplishing the objectives of this section without regard to any
procurement requirements; provided, however, that nothing in this
section shall exempt the department or an independent or state agency
from the public construction bidding statutes including, but not limited
to, chapter 30, chapter 149 and chapter 149A.

The secretary shall conduct regular meetings of the members of the
compact.

Section 38. (a) The department shall utilize life-cycle cost modeling
for all projects. Life-cycle costs shall mean all relevant costs of a
transportation asset’s lifespan including, but not limited to, planning, study, design, purchase or lease, operation, maintenance, repair, replacement and disposal. The department shall utilize life-cycle cost modeling during the project planning and selection process for all of its constituent agencies, as defined in subsection (b) of section 19.

(b) Life-cycle cost information shall be presented as part of the public disclosure process in all project planning documents in equal proportion to initial delivery cost estimates. Project planning shall include the identification of funding to minimize life-cycle costs throughout the life of each asset.

Section 39. The secretary shall annually submit a complete and detailed report of the department’s activities within 90 days after the end of the fiscal year to the clerk of the house of representatives, the clerk of the senate, the chairs of the joint committee on transportation and the chairs of the house and senate committees on ways and means.

Section 40. As used in sections 40 to 51, inclusive, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

‘Department’, the department of transportation.
‘Division’, the division of highways.
‘Secretary’, the secretary of the department of transportation.
‘Undersecretary’, the undersecretary of transportation for highways.

Section 41. There shall be within the department a Massachusetts division of highways, which shall perform such functions as the secretary may determine in relation to the administration, implementation, and enforcement of the department’s authority over state highways. The division shall be under the supervision and control of the undersecretary. The undersecretary shall be the executive and administrative head of the division and shall be responsible for administering and enforcing the provisions of law relative to the division and to each administrative unit thereof. The duties given to the undersecretary in this chapter and in any other general or special law shall be exercised and discharged subject to the direction, control and supervision of the secretary.

Section 42. The division shall be responsible for the administration and enforcement of chapter 81, and for the administration and management of the state highway system. The division shall: (1) administer the design, construction, reconstruction, repair, rehabilitation, improvement, operation, and maintenance of roads and bridges within the commonwealth; (2) enter into any contracts and agreements necessary or desirable to carry out its purposes; (3) make, and from time
to time revise, regulations for the conduct of the business of the division, and all regulations otherwise required by law; (4) collaborate with other agencies and authorities as may be appropriate in fields related to transportation, development, public safety and security; (5) prepare and submit to the governor, the board and the general court an annual report containing in substance the description of the organization of the division, and with the approval of the secretary, reviewing the work of the division, recommending legislation and other action by the governor and the general court, and (6) submit such other reports as the secretary or the general court may require from time to time.

Section 43  The division shall be responsible for the administration and enforcement of chapter 81, and for the administration and management of the state highway system and the Maurice J. Tobin Memorial Bridge. The division shall: (1) administer the design, construction, reconstruction, repair, rehabilitation, improvement, operation, and maintenance of roads and bridges within the commonwealth; (2) enter into any contracts and agreements necessary or desirable to carry out its purposes; (3) make, and from time to time revise, regulations for the conduct of the business of the division, and all regulations otherwise required by law; (4) collaborate with other agencies and authorities as may be appropriate in fields related to transportation, development, public safety and security; (5) prepare and submit to the governor, the board and the general court an annual report containing in substance the description of the organization of the division, and with the approval of the secretary, reviewing the work of the division, recommending legislation and other action by the governor and the general court, and (6) submit such other reports as the secretary or the general court may require from time to time.

Section 44.  (a) The undersecretary may from time to time, subject to appropriation and the approval of the secretary, establish within the division such administrative units, district or other offices as may be necessary for the efficient and economical administration of the division, and when necessary for such purpose, may abolish any such administrative unit, or may merge any 2 or more units, as the undersecretary deems advisable; provided, however, that the undersecretary shall establish the following units: highway engineering, highway construction, and highway maintenance. Each such unit shall be under the direction, control, and supervision of the undersecretary. The undersecretary shall assign to all officials, agents, and employees of the units their respective duties. The undersecretary shall prepare and keep
current a statement of the organization of the division, of the assignment
of its functions to its various administrative units, offices and employees,
and of the places at which and the methods whereby the public may
receive information or make requests. Such statement shall be known as
the division’s description of organization. A current copy of the
description of organization shall be kept on file in the office of the
secretary of state and in the office of the secretary of administration.

(b) The undersecretary may appoint and remove without regard to
chapter 31, but with the approval of the secretary, a chief engineer; 5
deputy chief engineers; an assistant chief engineer; a highway and
structures engineer; a bridge engineer; highway engineers; district
highway engineers; a general counsel to serve in the office of the
commissioner; a director to serve in the division of administrative
services; 4 executive assistants to the commissioner; a personnel
director; a director of the right of way bureau; and a director of public
information. The total number of appointments to be made by the
commissioner under this paragraph shall not exceed 35. No person
holding an appointment under this paragraph shall be subject to section
9A of chapter 30 or chapter 31. Nothing in this section shall be deemed
to exempt the positions named herein from sections 45 to 50, inclusive,
of said chapter 30. So far as practicable in the judgment of the
commissioner, appointments to said positions not classified under said
chapter 31 shall be made by promoting employees of the commonwealth
serving in positions so classified. Any person appointed to the position of
chief engineer, deputy chief engineer, assistant chief engineer, highway
and structures engineer, bridge engineer, highway engineer or district
highway engineer, shall be a person of experience and skill as an
engineer and shall be: (i) an employee of the division holding an office
or position classified under said chapter 31 with permanent status of
senior civil engineer or higher; (ii) a registered professional engineer; or
(iii) a person who has received the degree of Bachelor of Science in an
appropriate engineering discipline from an accredited college or
university. Where an employee of the commonwealth having permanent
status in a position classified under or having tenure by reason of section
9A of said chapter 30 is so promoted to such unclassified position, upon
termination of service in such unclassified position the employee shall be
restored to the position from which he was promoted; or to a position
equivalent thereto in the salary grade in the same state agency; or if he
had been promoted in accordance with said chapter 31 during promotion
in the unclassified position, to the position to which he was so promoted
or to a position equivalent thereto in salary grade in the same state agency. In cases of restoration under said section 9A of said chapter 30 or said chapter 31, such restoration shall be without impairment of civil service status or tenure under said section 9A of said chapter 30, and without loss of the seniority, retirement and other rights to which uninterrupted service in the position would have entitled the employee; provided, however, that if his service in such unclassified position has been terminated for cause, the employee's right to be restored shall be determined by section 43 of said chapter 31. During the period of such appointment the person so appointed shall be eligible to take any competitive promotional examination for which he would otherwise have been eligible.

Section 45. (a) The undersecretary shall establish a procedure for recommending to the secretary approval or disapproval of all contracts, including specifications, made by the division, and any changes, alterations, amendments, or modifications thereof and for contract appeals of all claims made under any contract with the division with the exception of claims subject to section 39Q of chapter 30. Any person aggrieved by a decision of the secretary acting in regard to contract appeals may bring suit against the commonwealth for recovery of damages based on such claim under chapter 258.

To assist the secretary and undersecretary in performing this function, the governor may appoint and remove a person of legal training and experience, who shall be a member of the bar of the commonwealth, to the position of hearing examiner. The hearing examiner shall devote full time during business hours to the duties of his position. The position shall be classified in accordance with section 45 of chapter 30 and the salary shall be determined in accordance with section 46C of said chapter 30. The secretary may refer any dispute concerning contracts, contract specifications or the execution of contracts not subject to the aforesaid section 39Q of said chapter 30 to the hearing examiner for a report on the matter including a recommendation as to the disposition of the dispute.

The hearing examiner shall hear all claims by contractors from determinations of the division with the exception of claims subject to said section 39Q of said chapter 30; and shall, after hearing, render to the secretary a report of the matter including a recommendation as to the disposition of the claim. Said examiner shall at the request of the contractor or of the division or on his own motion summon witnesses and require the production of books and records and take testimony under
Such reports shall be maintained as public records in a place and form fully accessible to the public.

Section 46. With the approval of the personnel administrator, the commissioner may establish in the department a program of engineering internship and, may recruit qualified persons to serve in the department as highway engineer interns. Every effort shall be made to recruit qualified persons who reflect the diversity of the Commonwealth.

The number of persons employed in the department as highway engineer interns shall at no time exceed 7, nor may such highway engineer interns employed by the department be placed in a salary grade higher than that of a junior civil engineer in the department.

No person shall be appointed or employed as a highway engineer intern except upon requisition made by the commissioner and upon certification by the personnel administrator from an eligible list prepared in accordance with the provisions of chapter 31 and the rules made thereunder; provided, however, that the administrator shall establish such eligible list before June 1 in each calendar year by holding a competitive examination which shall be open only to persons who, as candidates for the degree of Bachelor of Science in engineering are enrolled in at least the junior year as students in any college of the commonwealth, or are Massachusetts residents attending a college of recognized standing outside the commonwealth, and to persons who, within the 4 years next preceding, have been awarded the degree of Bachelor of Science in engineering from a college of recognized standing. The eligible list established each year shall expire upon the establishment of the eligible list in the following year. No person shall be certified for appointment as a highway engineer intern unless he has been awarded the degree of Bachelor of Science in engineering.

Upon appointment as a highway engineer intern, made in accordance with chapter 31 and the rules made thereunder, the appointee shall sign an agreement binding him to serve as highway engineer intern for a minimum of 2 years unless his employment is sooner terminated by the commissioner. It shall be the duty of the commissioner to rotate the assignments of each intern during his period of employment in order that he may acquire diversified experience in the engineering programs of the department.

The names of persons appointed as highway engineer interns shall be entered in order of date of appointment on a list to be known as ‘Highway Engineer Intern List’ in the division of civil service.
Upon completion of 2 years of employment as interns under agreements provided for in this section, persons shall be eligible without further examination for appointment as junior civil engineers providing a vacancy exists in said title in the department and, upon requisition of the commissioner, the names of such persons shall be certified for appointment by the personnel administrator from the Highway Engineer Intern List, in accordance with the rules of the civil service commission, except that the basis of certification shall be the order of appointment to such Highway Engineer Intern List.

Section 47. The commissioner may establish a co-operative engineer program and may enter into agreements with colleges of recognized standing within the commonwealth, including colleges which have summer programs, which have established a curriculum leading to a degree of Bachelor of Science in engineering on a so-called co-operative basis, contemplating regularly rotating work activity in the field of engineering and an equal period of classroom training. He may employ persons enrolled as candidates for the degree of Bachelor of Science in engineering in any such colleges to serve in the department in the position of student engineer; provided, however, that the position of student engineer shall be in a grade lower than that of junior civil engineer in the department; and provided, further, that at no time shall the number of persons employed in the department as student engineers exceed 8. Upon completion of not less than 2 years of employment as student engineer, a person shall be eligible to apply for the examination for highway engineer intern. No person shall be employed as a student engineer for more than 6 years.

Section 48. (a) There shall be within the department a real estate appraisal review board. The board shall consist of not less than 3 nor more than 5 members to be appointed by the governor, 2 of whom shall be certified general real estate appraisers licensed by the board of real estate appraisers pursuant to section 92 of chapter 13. Members of the board shall be appointed for terms of 3 years or until a successor is appointed. Members shall be eligible to be reappointed and may be compensated at a rate to be determined by the department. Members of the board shall be state employees for the purposes of chapter 268A. A chairman of the board shall be elected annually from the membership. The department shall provide administrative support to the council as requested. In the event of a vacancy on the board, the governor shall appoint a new member consistent with this section to fulfill the remainder of the unexpired term.
(b) The department shall not purchase or acquire by eminent domain any real property or any interest in real property with a value in excess of $300,000 without the written approval of the board.

(c) The board shall meet periodically, but not less than twice each year. The board shall keep a public record of all meetings, votes and other business.

(d) The board shall submit an annual report of its activities during the preceding fiscal year not later than September 1 to the governor, the secretary of the executive office of transportation and public works, the commissioner, the chairs of the joint committee on transportation and the chairs of the house and senate committees on ways and means.

Section 48A. The division shall submit to the road and bridge advisory board, pursuant to section 51, all contracts, plans, agreements, requests for proposals and memoranda of understanding relative to land use plans, air rights, zoning restrictions and environmental impacts associated with the development on any land owned by the division within the turnpike and the metropolitan highway system. The road and bridge advisory board shall, within 30 days from receipt of all contracts, plans, agreements and memoranda of understanding submitted by the division for review, provide comments and recommendations to the division. The division shall prepare a written response to the reports of the road and bridge advisory board and shall state the basis for any substantial divergence between the actions of the division and the recommendations contained in such reports of the road and bridge advisory board. The division shall not proceed with the final execution of such contracts, plans, agreements, requests for proposals, and memoranda of understanding prior to the review of the advisory board pursuant to section 51.

Section 48B. (a) There shall be a road and bridge advisory board to the division to consist of 13 members, 5 of whom shall be appointed by the governor, 1 of which shall be a resident of a municipality within the turnpike corridor from the New York state border east to the junction of interchange 8, 1 of which shall be a resident of a municipality within the turnpike corridor from the junction of interchange 8 east to the junction of interchange 14, 1 of which shall be a resident of Essex or Middlesex county provided that the member does not reside in a municipality that is a member of the metropolitan area planning council, 1 of which shall be a resident of Norfolk, Plymouth or Bristol county provided that the member does not reside in a municipality that is a member of the metropolitan area planning council, 2 of whom shall be appointed by the
mayor of the city of Boston, 1 of whom shall be appointed by the commissioner of the division of capital asset management and maintenance, 2 of whom shall be appointed by the metropolitan area planning council, 1 of which shall be a resident of the metrowest subregion of the metropolitan area planning council, 2 of whom shall be appointed by the Massachusetts Association of Planning Directors who shall be a resident of a municipality within the turnpike corridor and 1 of whom shall be appointed by an environmental organization. Each member of the road and bridge advisory board shall have 1 vote. A majority of members shall constitute a quorum and the road and bridge advisory board may act by such majority vote represented in the quorum.

(b) For the conduct of its business, the road and bridge advisory board shall adopt and may revise and amend bylaws. The road and bridge advisory board shall convene its first meeting within 60 days after the transfer of the state highway system to the division and shall thereafter convene regular meetings in accordance with its bylaws.

The road and bridge advisory board shall annually elect a chairperson and vice chairperson and any other officers that the road and bridge advisory board shall determine. Each member of the road and bridge advisory board shall serve for a term of 1 year and shall be eligible for reappointment. In the event of a vacancy, a successor shall be named by the person or organization who originally appointed the vacated member and such successor shall serve for the remainder of the unexpired term. Each member of the road and bridge advisory board shall serve without compensation but may be reimbursed, as an expense of said road and bridge advisory board, for all reasonable expenses incurred in the performance of its duties as approved by the road and bridge advisory board.

(c) The purposes of the road and bridge advisory board shall be:

(i) to review and prepare comments on all documents submitted to it pursuant to section 50 and to make recommendations to the division within 30 days of receipt of such documents;

(ii) to coordinate and share information and best practices in matters of the operation and maintenance of roads and bridges and the development of adjacent land and air rights;

(iii) to make recommendations to the division on tolls for its roads and bridges;

(iv) to hold hearings, which may be held jointly with the division at the discretion of the road and bridge advisory board and the division, on matters relating to the division;
(v) to review the annual report of the division and to prepare comments thereon to the division and the governor, and to make such examinations of the reports on the division’s records and affairs as the road and bridge advisory board deems appropriate; and

(vi) to make recommendations to the governor and the general court respecting the division and its road and bridge programs. The road and bridge advisory board shall have all powers necessary or convenient to carry out and effectuate the foregoing purposes.

(d) The road and bridge advisory board may incur expenses, not to exceed $50,000 annually for expenditures authorized under subsection (b) and for personnel and office expenses. Such expenses shall be paid by the division in the current fiscal year from its operating budget and, for each year thereafter, shall be provided for in the current expense budget of the division.

(e) The road and bridge advisory board shall be deemed to be a governmental body for purposes of, and shall be subject to, section 11A ½ of chapter 30A and shall also be subject to section 10 of chapter 66.

Section 49. (a) The department of highways may provide functional replacement of real property in public ownership whenever the department has acquired such property in whole or in part under this chapter or when such property is significantly and adversely affected as a result of the acquisition of property for a highway or highway-related project and whenever the department determines that functional replacement is necessary and in the public interest. For the purposes of this section, ‘functional replacement’ shall mean the replacement, pursuant to chapter 7, requiring authorization of the general court prior to disposition of real property, including either land or facilities thereon, or both, which will provide equivalent utility, and ‘real property in public ownership’ shall mean any present or future interest in land, including rights of use, now existing or hereafter arising, held by an agency, authority, board, bureau, commission, department, division or other unit, body, instrumentality or political subdivision of the commonwealth. This section shall not constitute authorization by the general court as required by said chapter 7.

(b) Whenever the department determines it is necessary that a utility or utility facility, as defined under federal law, be relocated because of construction of a project which is to be reimbursed federally in whole or in part, then such facility shall be relocated by the department or by the owner thereof in accordance with an order from the department; provided, however, that the commonwealth shall reimburse the owner of
such utility or utility facility for the cost of relocation subject to the
limitations in subsections (e) and (f) and in accordance with the
following formula: (1) for any utility facility that is to be reimbursed
federally in whole or in part, the department shall reimburse the owner to
the extent that the cost of relocating the utility facility is reimbursed by
the federal government; and (2) for the relocation of any utility facility
over $50,000 that does not qualify for federal reimbursement, the
department may reimburse the owner in accordance with the owner’s
ability to meet the following schedule: if the utility performs the
relocation in a manner consistent with the department’s policies and not
later than the target date established by the department for the project,
the department shall reimburse the utility at least 50 per cent but not
more than 80 per cent of the costs of relocating the utility facility. Failure
to comply with an order from the department shall be subject to
enforcement under chapter 81 of the General Laws.

(c) Any relocation of facilities carried out under this section which is
not performed by employees of the owner shall be subject to sections 26
to 27F inclusive of chapter 149 of the General Laws.

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

(e) The total cost to the commonwealth for reimbursements for utility
relocations under this section that are not reimbursed federally in whole
or in part shall not exceed $25,000,000 annually, and shall not be
credited toward the costs of the annual statewide road and bridge
program.

(f) A utility relocation shall be eligible for reimbursement under this
section only if it is completed to the satisfaction of the department within
target dates established by the department and in accordance with design
criteria set forth by the department for the relocation in a manner that
facilitates the timely completion of the affected project.

Section 50. Notwithstanding section 4F or any other general or
special law to the contrary, the commonwealth, through the department
of highways, may reimburse the owner of an underground utility or
utility facility whenever such underground utility or utility facility has
been relocated because of construction of a project which is to be
reimbursed federally in whole or in part. The reimbursement authorized
Section 50A. In addition to any other power the authority may have to make leases, the authority may lease at one time or from time to time for terms not to exceed ninety-nine years, upon such terms and conditions as the authority in its discretion deems advisable, air rights over land owned or held by the authority in connection with the turnpike and the Boston extension portion of the metropolitan highway system, including rights for support, access, utilities, light and air, for such purposes as, in the opinion of the authority, shall not impair the construction, full use, safety, maintenance, repair, operation or revenues of the turnpike or the metropolitan highway system; provided, however, that any such lease for a period of forty years or more shall be subject to the approval of the governor. Any lease granted under this section may, with the consent of the authority, be assigned, pledged or mortgaged and the lien of such pledge or mortgage may be foreclosed by appropriate action.

Use of air rights leased under this section respecting land within the territorial limits of the city of Boston and the construction and occupancy of buildings or other things erected or affixed pursuant to any such lease shall be made in accordance with the provisions of the state building code enacted pursuant to chapter one hundred and forty-three and such other requirements as the authority deems necessary or advisable to promote the public health, convenience and safety of persons and property but shall not be subject to any other building, fire, garage, health or zoning law or any building, fire, garage, health or zoning ordinance, rule or regulation applicable in the city of Boston.

The authority shall not lease any air rights in a particular location unless it shall find that the construction and use of buildings or other things to be erected or affixed pursuant to any such lease shall be in no way detrimental to the maintenance, use and operation of the turnpike or the metropolitan highway system and, in the city of Boston, unless the authority shall also find, after consultation with the mayor that the construction and use of such buildings or other things shall preserve and increase the amenities of the community.

The construction or occupancy of any building or other thing erected or affixed under any lease under this section of air rights respecting land outside the territorial limits of the city of Boston shall be subject to the building, fire, garage, health and zoning laws and the building, fire, garage, health and zoning ordinances, by-laws, rules and regulations herein shall be to the extent that the cost of relocating the facility is reimbursed by the federal government.
applicable in the city or town in which such building or other thing is located.

A copy of all leases granted by the authority under this section shall be filed by the authority with the governor and with the mayor or chairperson of the board of selectmen of the respective city or town and such leases shall be deemed to be public records within the meaning of chapter sixty-six.

Neither such air rights nor any buildings or other things erected or affixed pursuant to any such lease nor the proceeds from any such lease shall be taxed or assessed to the authority under any general or special law; provided, however, that buildings and other things erected or affixed pursuant to any such lease shall be taxed to the lessee thereof or his assigns in the same manner and to the same extent as if such lessee or his assigns were the owners of the land in fee; provided, further, that no part of the value of the land shall be included in any such assessment; and provided, further, that payment of any such taxes shall not be enforced by a lien upon or sale or taking of such land except that the leasehold estate may be sold or taken by the collector of taxes of the city or town wherein such real estate is situated for the nonpayment of any tax assessed as aforesaid in the manner provided by law for the sale or taking of real estate for nonpayment of local taxes. Such collector shall have for the collection of taxes assessed under this section all other remedies provided by the General Laws for the collection of taxes by collectors of cities and towns.

The authority shall include in any lease of such air rights a provision whereby the lessee agrees, in the event that the foregoing tax provision is determined by any court of competent jurisdiction to be inapplicable, to pay annually to the city or town wherein such building or other thing leased is located, a sum of money in lieu of taxes which would otherwise be assessed for such year.

Section 51. As used in sections 51 to 54, inclusive, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

‘Department’, the department of transportation.

‘Division’, the Massachusetts transit division.

‘Secretary’, the secretary of the department of transportation.

‘Undersecretary’, the undersecretary of transportation for mass transit.

Section 52. There shall be within the department a Massachusetts transit division, which shall perform such functions as the secretary may
determine in relation to the administration, implementation, and enforcement of the executive office’s authority over mass transit systems. The division shall be under the supervision and control of the undersecretary. The undersecretary shall be the executive and administrative head of the division and shall be responsible for administering and enforcing the provisions of law relative to the division and to each administrative unit thereof. The duties given to the undersecretary in this chapter and in any other general or special law shall be exercised and discharged subject to the direction, control and supervision of the secretary.

Section 53. The division shall be responsible for overseeing, coordinating, and planning all transit and rail matters throughout the commonwealth. The division shall administer and manage: the freight and rail programs of the department pursuant to chapter 161C and the intercity bus capital assistance program pursuant to chapter 161D. The division shall oversee and coordinate the activities of the Massachusetts Bay Transportation Authority established pursuant to chapter 161A, the regional transit authorities and regional transit authority council established pursuant to 161B. The division shall take such steps as may be necessary to provide for the development, promotion, preservation and improvement of an adequate, safe, efficient and convenient rail system for the movement of passengers. In carrying out the purposes of this section, the division shall seek to encourage and develop rail services which promote and maintain the economic well-being of citizens and which preserve the environment and the natural resources.

Section 54. The undersecretary may from time to time, subject to appropriation and the approval of the secretary, establish within the division such administrative units as may be necessary for the efficient and economical administration of the division, and when necessary for such purpose, may abolish any such administrative unit, or may merge any 2 or more units, as the undersecretary deems advisable; provided, however, that the undersecretary shall establish the following units: highway engineering, highway construction, highway maintenance. Each such unit shall be under the direction, control, and supervision of the director. The director shall assign to all officials, agents, and employees of the units their respective duties. The undersecretary shall prepare and keep current a statement of the organization of the division, of the assignment of its functions to its various administrative units, offices and employees, and of the places at which and the methods whereby the public may receive information or make requests. Such statement shall
be known as the division’s description of organization. A current copy of
the description of organization shall be kept on file in the office of the
secretary of state and in the office of the secretary of administration.

Section 54A. There shall be within the Mass Transit division a
ridership advocate. The ridership advocate shall serve without
compensation and may attend all meetings of the board of the authority,
all meetings of any subsidiary board or committee, and all meetings of
any board or committee within the Massachusetts bay transportation
authority established in chapter 161A. The ridership advocate shall be
granted access to all authority reports and financial documents. The
ridership advocate shall advocate on behalf of the riders of the public
transit system to ensure that the public transit system maintains high
standards of quality and punctuality.

Section 55. As used in sections 55 to 57, inclusive, the following
words shall, unless the context clearly requires otherwise, have the
following meanings:

  ‘Department’, the department of transportation.
  ‘Division’, the division of motor vehicles.
  ‘Secretary’, the secretary of the department of transportation.
  ‘Undersecretary’, the undersecretary of transportation for motor
vehicles.

Section 56. There shall be within the department a division of motor
vehicles, to be known as the registry of motor vehicles, which shall
perform such functions as the secretary may determine in relation to the
administration, implementation, and enforcement of the department’s
authority over motor vehicles. The division shall be under the
supervision and control of the undersecretary, who shall be known as the
registrar of motor vehicles. The undersecretary shall be the executive and
administrative head of the division and shall be responsible for
administering and enforcing the provisions of law relative to the division
and to each administrative unit thereof. The duties given to the
undersecretary in this chapter and in any other general or special law
shall be exercised and discharged subject to the direction, control and
supervision of the secretary. The undersecretary shall appoint a deputy
registrar, assistant to the registrar, hearings officers, and supervising
inspectors and may appoint such other officers and employees as may be
necessary to carry out the work of the division. In the event of a vacancy
in the office of registrar, his powers and duties shall be exercised and
performed by the deputy registrar until a registrar is duly qualified.
Section 57. The undersecretary may from time to time, subject to appropriation and the approval of the secretary, establish within the division such administrative units as may be necessary for the efficient and economical administration of the division, and when necessary for such purpose, may abolish any such administrative unit, or may merge any 2 or more units, as the undersecretary deems advisable. The undersecretary shall assign to all officials, agents, and employees of the units their respective duties. The undersecretary shall prepare and keep current a statement of the organization of the division, of the assignment of its functions to its various administrative units, offices and employees, and of the places at which and the methods whereby the public may receive information or make requests. Such statement shall be known as the division's description of organization. A current copy of the description of organization shall be kept on file in the office of the secretary of state and in the office of the secretary of administration.

Section 58. As used in sections 58 to 61, inclusive, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

‘Department’, the department of transportation.
‘Division’, the Massachusetts aeronautics division.
‘Secretary’, the secretary of the department of transportation.
‘Undersecretary’, the undersecretary of transportation for aeronautics.

Section 59. There shall be within the department a Massachusetts aeronautics division, which shall perform such functions as the secretary may determine in relation to the administration, implementation, and enforcement of the executive office’s authority over aviation. The division shall be under the supervision and control of the undersecretary. The undersecretary shall be the executive and administrative head of the division and shall be responsible for administering and enforcing the provisions of law relative to the division and to each administrative unit thereof. The duties given to the undersecretary in this chapter and in any other general or special law shall be exercised and discharged subject to the direction, control and supervision of the secretary.

Section 60. The division shall be responsible for the administration and enforcement of sections 35 through 52, inclusive, of chapter 90 and other laws relating to aeronautics.

Section 61. The undersecretary may from time to time, subject to appropriation and the approval of the secretary, establish within the division such administrative units as may be necessary for the efficient and economical administration of the division, and when necessary for
such purpose, may abolish any such administrative unit, or may merge
any 2 or more units, as the undersecretary deems advisable. The
undersecretary shall assign to all officials, agents, and employees of the
units their respective duties. The undersecretary shall prepare and keep
current a statement of the organization of the division, of the assignment
of its functions to its various administrative units, offices and employees,
and of the places at which and the methods whereby the public may
receive information or make requests. Such statement shall be known as
the division’s description of organization. A current copy of the
description of organization shall be kept on file in the office of the
secretary of state and in the office of the secretary of administration.

Section 62. As used in sections 62 to 69, inclusive, the following
words shall, unless the context clearly requires otherwise, have the
following meanings:-

‘Department’, the department of transportation.
‘Division’, the division of constituent and municipal services.
‘Secretary’, the secretary of the department of transportation.
‘Undersecretary’, the undersecretary of transportation for constituent
and municipal services.

Section 63. There shall be within the department a division of
constituent and municipal services, which shall perform such functions
as the secretary may determine in relation to the administration,
implementation, and enforcement of the department’s authority over, and
outreach to, municipalities and constituents of the department. The
division shall be under the supervision and control of the undersecretary.
The undersecretary shall be the executive and administrative head of the
division and shall be responsible for administering and enforcing the
provisions of law relative to the division and to each administrative unit
thereof. The duties given to the undersecretary in this chapter and in any
other general or special law shall be exercised and discharged subject to
the direction, control and supervision of the secretary.

Section 64. (a) The division shall serve as the principal point of
contact for municipalities and other governmental bodies concerning all
matters under the jurisdiction of the department, including without
limitation, providing advice and technical assistance to municipalities
and other governmental bodies seeking said advice and with any other
matter the secretary may deem appropriate.

(b) The division shall serve as private project ombudsman to assist
municipalities and private entities with the development of projects
critical to the economic development of a community and connecting to
the state transportation system, and to ensure regional equity in the transportation system.

(c) The division shall establish a reasonable fee for the costs of processing, reviewing, and approving a project proposal submitted by a municipality or private entity.

Section 65. The undersecretary may from time to time, subject to appropriation and the approval of the secretary, establish within the division such administrative units as may be necessary for the efficient and economical administration of the division, and when necessary for such purpose, may abolish any such administrative unit, or may merge any 2 or more units, as the undersecretary deems advisable. The director shall assign to all officials, agents, and employees of the units their respective duties. The undersecretary shall prepare and keep current a statement of the organization of the executive office, of the assignment of its functions to its various administrative units, offices and employees, and of the places at which and the methods whereby the public may receive information or make requests. Such statement shall be known as the division’s description of organization. A current copy of the description of organization shall be kept on file in the office of the secretary of state and in the office of the secretary of administration.

Section 66. (a) The undersecretary may, in cooperation with the undersecretary for highways, establish a small town rural assistance program to assist towns with populations of 7,000 or less in undertaking projects to design, construct, reconstruct, widen, resurface, rehabilitate and otherwise improve roads and bridges or for the construction of chemical storage facilities. The program shall provide grant funds to towns for projects authorized by this section, and towns shall be eligible to receive one grant every 5 fiscal years. The amount of the grant shall not exceed $500,000.

(b) The undersecretary shall establish rules and regulations to govern the application and distribution of grants under this section. The rules and regulations shall include provisions for joint applications by 2 or more eligible towns for a single project serving those towns. Funds so distributed may be apportioned to reflect the percentage of the project located in each town. Receipt of a grant which is part of a joint application shall not preclude a town from receiving additional funds under a separate application; provided, however, that the total amount distributed to any 1 town shall not exceed the maximum amount allowed under this section. Any rules or regulations, or any amendment or repeal
of any rules or regulations promulgated pursuant to this section shall be filed with the clerks of the senate and house of representatives.

(c) A town with a population of 7,000 or less, by vote at an annual town meeting or at a special town meeting called for that purpose or, in a municipality having a town council form of government, by the town council, make application to the commissioner for financial assistance in undertaking a project described in this section. The application shall include the proposed cost of the project, the proposed location of the project and any other information specified by the rules or regulations.

(d) In evaluating the project and the level of funding, the undersecretary shall consider, without limitation, the following: (1) the extent to which the project will have a beneficial impact upon the economy and public safety of an applicant town; (2) the availability of funds for the project under other state or federal programs; (3) the likelihood of funding under other state or federal programs; (4) the financial ability of the town to fund the project from its own sources; (5) the ability of the town to enter the capital markets to obtain borrowed funds for the project; and (6) the amount of state and federal highway funds expended or to be expended in the town.

(e) The commissioner shall report annually to the house and senate committees on ways and means and the joint committee on transportation on the status of all small town rural assistance applicants.

Section 67. (a) The undersecretary may, in cooperation with the undersecretary for highways, establish a program to assist municipalities with non-federally-reimbursable public works economic development projects, to design, construct, repair and improve roads, roadways and other related public works facilities, as deemed necessary for economic development by the undersecretary upon the petition of an appropriate local governmental body in accordance with this section and any rules or regulations promulgated by the secretary in accordance with this section. The rules and regulations shall govern the criteria by which the funds shall be distributed and the method by which a municipality may apply for such funds. Any rules or regulations or any amendment or repeal of any rules or regulations shall be filed with the clerks of the senate and house of representatives.

(b) The undersecretary may, upon approval of the board, commit the funds pursuant to this section by executing a grant or other contractual agreement with a municipality and, upon execution, the funds so committed shall be made available as a grant directly to the municipality
which has entered into an agreement without further review or approval of the department. Each agreement shall contain assurances satisfactory to the undersecretary that the municipality will award a construction contract for the project which is the subject of the agreement not later than 180 days after the date of execution of the agreement.

(c) In the event that a contract is not awarded by the municipality within the period provided in subsection (b), the undersecretary may require, by written notification to the municipality, that the funds paid to it by the commonwealth pursuant to the agreement shall be returned forthwith to the commonwealth.

(d) The undersecretary may, through execution of a grant or other contractual agreement as provided in subsection (b), commit an amount of funds up to but not exceeding the aggregate amount of funds returned by municipalities under subsection (c) to any other municipality which has otherwise complied with the applicable requirements for such projects, including the terms and conditions provided in this section.

(e) The undersecretary shall report annually to the house and senate committees on ways and means and the joint committee on transportation on the status of all public works economic development applicants.

Section 68. (a) The undersecretary shall establish a gateway cities assistance program to assist cities and towns with more than 35,000 inhabitants but fewer than 225,000 inhabitants where (1) the unemployment rate is higher than the statewide average, (2) the median income of the city or town is less of the state median income, (3) the per capita income is below the state average per capita income, and (4) the percentage of the city or town’s population having attained at least a bachelor’s degree is below the state percentage of population having attained at least a bachelor’s degree, in undertaking projects to design, construct, reconstruct, widen, resurface, rehabilitate and otherwise improve roads, bridges, railways, airports, seaports, intermodal transit facilities and other related public works facilities as deemed necessary for economic development by the department upon the petition of an appropriate local governmental body in accordance with this section and any rules or regulations promulgated by the secretary in accordance with this section. The rules and regulations shall govern the criteria by which the funds shall be distributed and the method by which a municipality may apply for such funds.

(b) The undersecretary may, subject to appropriation, commit the funds pursuant to this section by executing a grant or other contractual agreement with a municipality and, upon execution, the funds so
committed shall be made available as a grant directly to the municipality
which has entered into an agreement without further review or approval
of the division. Each agreement shall contain assurances satisfactory to
the director that the municipality will award a construction contract for
the project which is the subject of the agreement not later than 180 days
after the date of execution of the agreement.

(c) In the event that a contract is not awarded by the municipality
within the period provided in subsection (b), the undersecretary may
require, by written notification to the municipality, that the funds paid to
it by the commonwealth pursuant to the agreement shall be returned
forthwith to the commonwealth.

(d) The undersecretary may, through execution of a grant or other
contractual agreement as provided in subsection (b), commit an amount
of funds up to but not exceeding the aggregate amount of funds returned
by municipalities under subsection (c) to any other municipality which
has otherwise complied with the applicable requirements for such
projects, including the terms and conditions provided in this section.

Section 69. (a) The undersecretary shall establish a regional mobility
assistance program to assist cities and towns in geographic regions of the
commonwealth with public works improvements and enhancements for
transportation-related projects as deemed necessary by the department
for the (1) development, rehabilitation, and improvement of tourism
expansion corridors, (2) protection of historic centers, (3) promotion of
improved mobility and access from neighboring states, and (4)
promotion of local economic growth and reliability for transportation
facilities in rural and less accessible regions of the commonwealth. The
undersecretary may promulgate rules or regulations or implement such
other procedures in accordance with this section, which shall govern the
criteria by which the funds shall be distributed and the method by which
a regional project shall be selected.

(b) The undersecretary may, subject to appropriation, commit the
funds pursuant to this section through projects to be undertaken by the
highway division or by executing a grant or other contractual agreement
with a municipality and, upon execution, the funds so committed shall be
made available as a grant directly to the municipality which has entered
into an agreement without further review or approval of the department.
Each agreement shall contain assurances satisfactory to the secretary that
the municipality will award a construction contract for the project which
is the subject of the agreement not later than 180 days after the date of
execution of the agreement.
(c) In the event that a contract is not awarded by the municipality within the period provided in subsection (b), the undersecretary may require, by written notification to the municipality, that the funds paid to it by the commonwealth pursuant to the agreement shall be returned forthwith to the commonwealth.

(d) The undersecretary may, through execution of a grant or other contractual agreement as provided in subsection (b), commit an amount of funds up to but not exceeding the aggregate amount of funds returned by municipalities under subsection (c) to any other municipality which has otherwise complied with the applicable requirements for such projects, including the terms and conditions provided in this section.

SECTION 7. Said chapter 6C, inserted by section 6, is hereby amended by striking out section 3 and inserting in place thereof the following section:

Section 3. (a) The authority shall have all powers necessary or convenient to carry out and effectuate its purposes, including, without limiting the generality of the foregoing, the power:

1. to adopt and amend by-laws, regulations and procedures for the governance of its affairs and the conduct of its business for the administration and enforcement of this chapter; provided, however, that regulations adopted by the authority shall be adopted pursuant to chapter 30A;

2. to adopt an official seal and a functional name;

3. to delegate to the department any powers granted to the authority by this chapter necessary for the commonwealth to be in compliance with 23 U.S.C section 302;

4. to maintain offices at places within the commonwealth as it may determine and to conduct meetings of the authority in accordance with the by-laws of the authority and the second paragraph of section 59 of chapter 156B;

5. to direct, operate, administer, and implement the programs of roadway, general aviation, rail and transit, and vehicular registration and regulation, and, in cooperation with the department for the design, construction, repair, maintenance, capital improvement, development, and planning of the transportation facilities throughout the department, as appropriate;

6. to direct, coordinate, and supervise the administration of the department to promote economy and efficiency and to leverage federal funding and private sector investment;
to develop and administer a long-term state-wide transportation plan for the commonwealth that includes planning for intermodal and integrated transportation;

(8) to develop and administer procedures to be used for transportation project selection;

(9) to establish criteria, including criteria that will result in the reduction of greenhouse gases, for project selection to be used in the procedures developed pursuant to clause (7);

(10) to enter into agreements and transactions with federal, state and municipal agencies and other public institutions and private individuals, partnerships, firms, corporations, associations and other entities on behalf of the department;

(11) to institute and administer the Massachusetts Transportation and Infrastructure Fund, the Massachusetts Mobility Fund and the Deferred Maintenance Trust Fund for the purposes of making appropriations, allocations, grants or loans to leverage development and investments in transportation investment; and

(12) to administer, without further appropriation, the Massachusetts Transportation and Infrastructure Fund, the Massachusetts Mobility Fund and the Deferred Maintenance Trust Fund;

(13) to sue and be sued in its own name, plead and be impleaded;

(14) to own, construct, maintain, repair, reconstruct, improve, rehabilitate, use, police, administer, control and operate the state highway system, the metropolitan highway system and the turnpike, or any part thereof; provided, however, that the provisions of chapter 91 shall not apply to the authority, except for any parts or areas thereof subject to said chapter 91 on March 1, 1997;

(15) to acquire sites abutting the state highway system, the metropolitan highway system or the turnpike, and to construct or contract for the construction of buildings and appurtenances for gasoline stations, restaurants, parking facilities, tourist information centers and other services and to lease such facilities in such manner and under such terms as it may determine;

(16) to issue notes or bonds for any of its corporate purposes related to the turnpike payable solely from turnpike revenues or portions thereof pledged for their payment and to refund its notes or bonds pertaining to the turnpike or any part thereof or payable from such revenues, as provided in this chapter;

(17) to issue notes or bonds for any of its corporate purposes related to the metropolitan highway system payable solely from the metropolitan
highway system revenues or portions thereof pledged for their payment
and to refund its notes or bonds pertaining to the metropolitan highway
system or any part thereof or payable from such revenues, as provided in
this chapter;
(18) to issue bonds, notes and other evidences of indebtedness as
provided in this chapter;
(19) to fix and revise from time to time and charge and collect tolls
for transit over the metropolitan highway system and the turnpike;
provided, however, that it shall furnish upon request to a user of the
metropolitan highway system and turnpike a toll receipt showing the
amount of toll paid, the classification of the vehicle, the date of payment
and place of exit from said metropolitan highway system and turnpike;
provided, further, that the authority shall convene at least 2 public
hearings, each to be held in a community within the turnpike corridor, at
least 30 days prior to the effective date of any proposed change in toll
structure on the turnpike and shall allow for a 1 week comment period,
after each such hearing, during which written testimony and comments
shall be accepted;
(20) to appoint officers and employees and to engage accountants,
architects, attorneys, engineers, planners, real estate experts and other
consultants as may be necessary in its judgment to carry out the purposes
of this act and fix their compensation;
(21) to acquire real and personal property, or any interest in real or
personal property, by gift, purchase, transfer, foreclosure, lease or
otherwise including rights or easements; to hold, sell, assign, lease,
encumber, mortgage or otherwise dispose of any real or personal
property, or any interest therein, or mortgage any interest owned by it or
under its control, custody or in its possession; to release or relinquish any
right, title, claim, lien, interest, easement or demand however acquired,
including any equity or right of redemption in property foreclosed by it;
to take assignments of leases and rentals, proceed with foreclosure
actions, or take any other actions necessary or incidental to the
performance of its corporate purposes;
(22) to place and maintain or grant permission by easement or
otherwise to any public utility, corporation or person to place and
maintain on or under or within the state highway system, the
metropolitan highway system or the turnpike, or any part thereof, ducts,
pipes, pipelines, mains, conduits, cables, wires, towers, poles or other
structures to be so located as not to interfere with the safe and convenient
operation and maintenance of the state highway system, the metropolitan
highway system or the turnpike, and to contract with any such public
utility, corporation or person for such permission on such terms and
conditions as may be fixed by the authority;
(23) to designate the locations and establish, limit and control such
points of ingress to and egress from the state highway system, the
metropolitan highway system or the turnpike, as may be necessary,
convenient or desirable in the judgment of the authority to insure the
proper operation and maintenance of the state highway system, the
metropolitan highway system or the turnpike, and to prohibit entrance to
the state highway system, the metropolitan highway system or the
turnpike, from any point or points not so designated;
(24) to (i) construct grade separations at locations where the state
highway system, the metropolitan highway system or the turnpike,
intersect with or abut public highways or rail lines and to change and
adjust the lines and grades of such highways or rail lines so as to
accommodate the same to the design of such grade separation; and (ii)
change the location of any portion of any public highway or rail line
which intersects or abuts the state highway system, the metropolitan
highway system or the turnpike, in order to improve the safety or
efficiency of the state highway system, the metropolitan highway system
or the turnpike; provided, however, that if the authority shall find it
necessary to change the location of a public highway, it shall reconstrut
the same in as good a condition as the original highway and at such
location as the authority deems most favorable; provided, however, that
all costs incident to construction, realignment or reconstruction
conducted pursuant to this clause shall be borne by the authority;
(25) to enter upon any lands, waters and premises in the
commonwealth, after 30 days' notice by registered or certified mail and
without the necessity of any judicial orders or other legal proceedings,
for the purpose of making surveys, soundings, drillings and examinations
as the authority may deem necessary, convenient or desirable for
carrying out the purposes of this chapter and such entry shall not be
deemed a trespass nor shall an entry for such purposes be deemed an
entry under any condemnation proceedings which may be then pending;
provided, however, that the authority shall provide reimbursement for
any actual damage resulting to such lands, waters and premises as a
result of such activities; and provided, further, that the commonwealth
hereby consents to the use of all lands owned by it, including lands lying
underwater, which are deemed by the authority to be necessary,
convenient or desirable for the construction, operation or maintenance of
the state highway system, the metropolitan highway system or the
turnpike;

(26) to make and enter into all contracts and agreements necessary,
convenient or desirable in the performance of its duties and the execution
of its powers under this chapter; provided, however, that sections 26 to
29, inclusive, and sections 44A to 44J, inclusive, of chapter 149 and
sections 39F to 39M, inclusive, of chapter 30 shall apply to contracts of
the authority to the same extent and in the same manner as they are
applicable to the commonwealth; provided, however, that
notwithstanding the provisions of this clause, the authority may, with the
approval of the secretary of the executive office of administration and
finance, without competitive bids and notwithstanding the provisions of
any general or special law to the contrary, award a contract, otherwise
subject to this section, limited to the performance of emergency repairs
necessary to preserve the safety of persons or property;

(27) to invest any funds held in reserves or sinking funds, or the
Massachusetts Transportation Infrastructure Fund, or any funds not
required for immediate disbursement, in such investments as may be
provided in any financing document relating to the use of such funds, or,
if not so provided, as the board may determine;

(28) to review and recommend changes in laws, rules, programs,
and policies of the state and its agencies and subdivisions to further
transportation financing, infrastructure and development within the
commonwealth;

(29) to appear in its own behalf before boards, commissions,
departments or other agencies of municipal, state or federal government;

(30) to obtain insurance;

(31) to apply for and accept subventions, grants, loans, advances
and contributions from any source of money, property, labor or other
things of value, to be held, used and applied for its corporate purposes;

(32) to adopt a fiscal year to conform with the fiscal year of the
commonwealth;

(33) to receive and apply its revenues to the purposes of the
authority without appropriation or allotment by the commonwealth or
any political subdivision thereof;

(34) to enter into agreements with other parties, including, without
limiting the generality of the foregoing, government agencies,
municipalities, authorities, private transportation companies, railroads,
and other concerns, providing (i) for construction, operation and use of
any mass transportation facility and equipment held or later acquired by
the authority; provided, however, that any agreement entered into by the authority for the construction or acquisition of mass transportation facilities or equipment of more than $1,000,000, which is financed in whole or in part from the proceeds of bonds the debt service payments on which are assisted by the commonwealth or made from the dedicated revenue source, shall not become effective until approved by the secretary of the executive office of administration and finance; (ii) for joint or cooperative operation of any mass transportation facility and equipment with another party; (iii) for operation and use of any mass transportation facility and equipment for the account of the authority, for the account of another party or for their joint account; or (iv) for the acquisition of any mass transportation facility and equipment of another party where the whole or any part of the operations of such other party takes place within the area constituting the authority; provided, further, that any such other party may enter into any such agreements, subject to such provisions of law as may be applicable; and provided, further, that any agreement with a private company under this chapter which is to be financed from the proceeds of bonds or bond anticipation notes and which provides for the rendering of transportation service by such company and for financial assistance to such company by subsidy, lease or otherwise shall include such service quality standards for such service as the authority may deem appropriate and shall not bind the authority for a period of longer than 1 year from its effective date, but this shall not prohibit agreements for longer than 1 year if the authority’s obligations thereunder are subject to annual renewal or annual cancellation by the board’s authority; and provided, further, that such agreements may provide for cash payments for services rendered, but not more than will permit any private company a reasonable return; 

(35) to establish transit facilities and related infrastructure, including terminals, stations, access roads, and parking, pedestrian access facilities and bicycle parking and access facilities as may be deemed necessary and desirable; and provided, further, that the authority may charge reasonable fees for the use of such facilities as it may deem desirable;

(36) to lend money to and to acquire or hold obligations issued by public bodies or other users at such prices and in such manner as the authority shall deem advisable and sell such bonds acquired or held by it at prices without relation to cost and in such manner as the authority shall deem advisable and to secure its own issues of bonds with such obligations held by it;
(37) to act, through the department, as the central entity and
coordinating organization for transportation initiatives on behalf of the
commonwealth and to work in collaboration with governmental entities,
resources, centers, institutes and facilities to advance the commonwealth's
interests and investments in transportation;
(38) to enter into agreements with public and private entities that
deal primarily with transportation and infrastructure development, in
order to distribute and provide leveraging of monies or services for the
purposes of furthering transportation development in the commonwealth
and promoting overall economic growth within the commonwealth by
fostering collaboration and investments in transportation initiatives in the
commonwealth;
(39) to provide and pay for such advisory services and technical
assistance as may be necessary or desired to carry out the purposes of
this chapter;
(40) to establish and collect such fees and charges as the
authority without further appropriation shall determine to be reasonable and
consistent with this chapter; and to receive and apply revenues from fees
and charges to the purposes of the authority or allotment by the
commonwealth or any political subdivision thereof;
(41) to disburse, appropriate, grant, loan or allocate funds for the
purposes of investing in transportation initiatives as directed in this
chapter;
(42) to provide assistance to local entities, local authorities, public
bodies and private corporations for the purposes of maximizing
opportunities for transportation and development initiatives in the
commonwealth;
(43) to prepare, publish and distribute, with or without charge, as
the authority may determine, such studies, reports and bulletins and other
material as the authority deems appropriate;
(44) to exercise any other powers of a corporation organized under
chapter 156B;
(45) to take any actions necessary or convenient to the exercise of
any power or the discharge of any duty provided for by this chapter;
(46) to enter into agreements or other transactions with any person,
including without limitation any public entity or other governmental
instrumentality or agency in connection with its powers and duties under
this chapter; and
(47) to delegate any of the foregoing powers to an undersecretary or
to a director having charge of an administrative unit within the
department.

SECTION 8. Section 22B1/2 of chapter 7 of the General Laws, as
appearing in the 2006 Official Edition, is hereby amended by striking
out, in line 31, the word ‘Turnpike’ and inserting in place thereof the
following words:– Transportation and Infrastructure.

SECTION 9. Section 22G of said chapter 7, as so appearing, is
hereby amended by striking out, in line 62, the word ‘Turnpike’ and
inserting in place thereof the following words:– Transportation and
Infrastructure.

SECTION 9A. Chapter 7 of the General
Laws is hereby amended by
adding the following 14 sections:–

Section 57. As used in sections 57 to 70, inclusive, the following
words shall have the following meanings, unless the context clearly
requires otherwise:–

(a) ‘Affected jurisdiction’, any city or town, or other unit of
government within the commonwealth in which all or part of a
transportation facility is located or any other public entity directly
affected by the transportation facility.

‘Architectural and engineering services’;: (1) professional services of
an architectural or engineering nature, as defined by applicable state law,
which are required to be performed or approved by a person licensed,
registered or certified to provide such services as described in this
definition; (2) professional services of an architectural or engineering
nature performed by contract that are associated with research, planning,
development, design, construction, alteration or repair of real property;
and (3) such other professional services of an architectural or engineering
nature, or incidental services, which members of the architectural and
engineering professions and employees thereof may logically or
justifiably perform, including: studies, investigations, surveying,
mapping, tests, evaluations, consultations, comprehensive planning,
program management, conceptual designs, plans and specifications,
value engineering, construction phase services, soils engineering,
drawing reviews, preparation of operating and maintenance manuals and
other related services.

‘Authority’, the Massachusetts Transportation and Infrastructure
Authority.

‘Construction’, the process of building, altering, repairing, improving
or demolishing any transportation facility, including any structure,
building or other improvements of any kind to real property.

‘Construction’ shall not include the routine operation, routine repair or routine maintenance of any existing transportation facility, including structures, 393 buildings or real property.

‘Force majeure’, an uncontrollable force or natural disaster not within the power of the operator or the commonwealth.

‘Contract’, any agreement, including a public-private agreement for the procurement, operation or disposal under sections 57 to 70, inclusive, of a transportation facility by the authority.

‘Contract modification’, any written alteration in specifications, delivery point, rate of delivery, period of performance, price, quantity or other provisions of any contract accomplished by mutual action of the parties to the contract.

‘Contractor’, any person having a contract with the authority under sections 57 to 70, inclusive.

‘Cooperative purchasing’, procurement conducted by, or on behalf of, an affected jurisdiction.

‘Design-build-finance-operate-maintain’, a project delivery method in which the authority enters into a single contract for design, construction, finance, maintenance and operation of a transportation facility over a contractually defined period. No public funds shall be appropriated to pay for any part of the services provided by the contractor during the contract period.

‘Design-building-operate-maintain’, a project delivery method in which the authority enters into a single contract for design, construction, maintenance and operation of a transportation facility over a contractually defined period. All or a portion of the funds required to pay for the services provided by the contractor during the contract period shall either be appropriated by the commonwealth or by the authority prior to award of the contract or secured by the commonwealth or by the authority through fare, toll or user charges.

‘Design requirements’, the written description of the transportation facility or service to be procured under sections 57 to 70, inclusive, including:

1. required features, functions, characteristics, qualities and properties required by the authority;
2. the anticipated schedule, including start, duration and completion; and
3. estimated budgets as applicable to the specific procurement for design, construction, operation and maintenance; provided, however, that
design requirements may, include drawings and other documents illustrating the scale and relationship of the features, functions and characteristics of the project.

Independent peer reviewer services”, additional architectural and engineering services provided to the authority in design-build-operate-maintain or design-build-finance-operate-maintain procurements to confirm that the key elements of the professional engineering and architectural design provided by the contractor are in conformance with the applicable standard of care.

‘Maintenance’, includes routine operation, routine maintenance, routine repair rehabilitation, capital maintenance, maintenance replacement and any other categories of maintenance that may be designated by the authority.

‘Material default’, failure of a contractor to perform any duties under a public-private agreement which jeopardizes delivery of adequate service to the public and remains unsatisfied after a reasonable period of time and after the operator has received written notice from the authority of the failure.

‘Operate’, any action to operate, maintain, repair, rehabilitate, improve, equip or modify a transportation facility, including the design and construction of repairs, improvements or modifications to a transportation facility.

‘Operator’, a private entity that has entered into a public-private agreement to provide design-build-finance-operate-maintain or design-build-operate-maintain services under sections 57 to 70, inclusive.

‘Private entity’, a natural person, corporation, general partnership, limited liability company, limited partnership, joint venture, business trust, public benefit corporation, nonprofit entity or other business entity.

‘Proposal development documents’, drawings and other design related documents that are sufficient to fix and describe the size and character of a transportation facility as to architectural, structural, mechanical and electrical systems, materials, and such other elements as may be appropriate to the applicable project delivery method.

‘Public-private agreement’, the contract between a private entity and the authority that relates to the development, financing, maintenance or operation of a transportation facility subject to sections 57 to 70, inclusive.
‘Request for proposals’, all documents, whether attached to or incorporated by reference, utilized for soliciting proposals for a transportation facility under sections 57 to 70, inclusive.

‘Responsible bidder or offeror’, a person who has the capability in all respects to fully perform the contract requirements, and the integrity and reliability to assure good faith performance.

‘Responsive bidder’, a person who has submitted a bid which conforms 461 in all material respects to the invitation for bids.

‘Transportation facility’, new or existing highway, road, bridge, tunnel, overpass, ferry, airport, public transportation facility, terminal facility, vehicle parking facility, seaport facility, rail facility, intermodal facility or similar facility open to the public and used for the transportation of persons or goods, and any building, structure or networks of buildings, structures, pipes, controls and equipment that provide transportation services, including rolling stock and equipment, and any building, structure, parking area, appurtenances or other property needed to operate such facility that is subject to a public-private agreement.

‘User fees’, the rate, toll, fee or other charges imposed by an operator or by the authority for use of all or part of a transportation facility.

‘Utility’, a privately, publicly or cooperatively owned line, facility or system for producing, transmitting or distributing communications, cable television, power, electricity, light, heat, gas, oil, crude products, water, steam, waste, storm water not connected with highway drainage, or any other similar commodity, including any fire or police signal system or street lighting system, which directly or indirectly serves the public.

Section 58. (a) Notwithstanding any general or special law to the contrary, the board of directors of the authority, in conjunction with the special public-private partnership infrastructure oversight commission established in section 70, may solicit proposals enter into contracts for design-build-finance-operate-maintain or design-building-operate-maintain services with that responsible and responsive offeror submitting the proposal that is most advantageous to the authority through the sale, lease, operation and maintenance of a transportation facility within the commonwealth; provided, however, that such proposal shall be in full compliance with all applicable requirements of federal, state and local law, including section 484 26 to 27H, inclusive, of chapter 149; provided further, that any such contract shall not be subject to the competitive bid requirements set forth in sections 38A½ to 38O, inclusive, section 39M of chapter 30, or sections 44A to 44M, inclusive, of chapter 149; and
provided further, that each such contract shall be awarded pursuant to chapter 30B except for clause (3) of paragraph (b) and paragraphs (e) and (g) of section 6, clause (4) of section 13 and section 16 of said chapter 30B.

(b) (1) In soliciting and selecting a private entity with which to enter into a public-private agreement for design-build-finance-operate-maintain or design-building-operate-maintain services, the authority shall utilize the following competitive sealed proposals procurement approach:

(2) each request for proposals for design-building-operate-maintain and design-build-finance-operate-maintain services:

(A) shall include design requirements;

(B) shall solicit proposal development documents; and

(C) may, if the authority determines that the cost of preparing proposals is high, considering the size, estimated price and complexity of the procurement:

(i) prequalify offerors by issuing a request for qualifications in advance of the request for proposals; and

(ii) select a short list of responsible offerors prior to discussions and evaluations, provided that the number of proposals that will be shortlisted is stated in the request for proposals and prompt public notice is provided to all offerors as to which proposals have been shortlisted; Or

(iii) pay stipends to unsuccessful offerors; provided, however, that the amount of such stipends and the terms under which such stipends shall be paid shall be included in the request for proposals;

(3) adequate public notice of the request for proposals shall be provided;

(4) proposals shall be opened so as to avoid disclosure of contents to competing offerors during the process of negotiation and a register of proposals shall be prepared by the authority and shall be open for public inspection after contract award; and

(5) (A) The request for proposals shall state the relative importance of price and other factors and sub-factors, if any. (B) Each request for proposals for design-building-operate-maintain and design-build-finance-operate-maintain: (i) shall state the relative importance of:

(1) demonstrated compliance with the design requirements;

(2) offeror qualifications;

(3) financial capacity;

(4) project schedule;

(5) elimination of existing public debt with respect to the transportation facility;
(6) lowest user charges or price over the term of the design-building-operate-maintain and design-build-finance-operate-maintain contract; and

(7) other factors, if any;

(ii) shall, if the contract price is estimated to exceed $10,000,000, if the contract period of operations and maintenance is 5 years or longer, or if circumstances established by the authority, require each offeror to identify an independent peer reviewer whose competence and qualifications to provide such services shall be an additional evaluation factor in the award of the contract; and

(iii) shall not include, as an evaluation factor in the award of the contract, the amount, if any, paid by a contractor to the authority for procurement using design-building-operate-maintain and design-build-finance-operate-maintain.

(6) As provided in the request for proposals, and under regulations issued by the authority, discussions may be conducted with responsible offerors who submit proposals determined to be reasonably susceptible of being selected for award for the purpose of clarification to assure full understanding of, and responsiveness to, the solicitation requirements. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals, and such revisions may be permitted after submissions and prior to award for the purpose of obtaining best and final offers. In conducting discussions, there shall be no disclosure of any information derived from proposals submitted by competing offerors.

(7) Award shall be made to the responsible offeror whose proposal conforms to the solicitation and is determined in writing to be the most advantageous to the acquiring agency, taking into consideration the price and the evaluation factors set forth in the request for proposals. No other factors or criteria shall be used in the evaluation. The contract file shall contain the basis upon which the award is made. Written notice of the award of a contract to the successful offeror shall be promptly provided to all offerors.

(8) The authority may provide debriefings that furnish the basis for the source selection decision and contract award.

(c) (1) A private entity may request a review, prior to submission of a solicited proposal, by the authority of information that the private entity has identified as confidential or proprietary to determine whether such information is subject to disclosure under section 10 of chapter 66 or clause twenty sixth of section 7 of chapter 4.
(2) The authority shall take appropriate action to protect confidential or proprietary information that a private entity provides as part of a solicited proposal and that is exempt from disclosure under said section 10 of chapter 66 and said clause twenty sixth of said section 7 of aid chapter 4.

Section 59. (a) The request for proposals shall contain the proposed form of contract or Public-private agreement to be executed between the successful offeror and the authority upon award, and shall have been approved as to content and form by the special public-private infrastructure oversight commission and by the authority before the request for proposals is issued, pursuant to section 58. The inspector general and the attorney general shall have 30 days from the receipt of a draft of the proposed form of contract to notify the special public-private infrastructure oversight commission in writing of any material objections to the draft form of contract. Before issuing any request for proposal, the authority shall prepare a written response to reports submitted to it by the special public-private infrastructure oversight commission which response shall state the basis for any substantial divergence between the actions of the authority and the recommendations contained in such reports of said commission. The authority and the successful offeror shall only make nonmaterial changes in the content and form of the public private agreement contained in the request for proposals.

(b) (1) After selecting a solicited or unsolicited proposal for a public-private initiative, the authority shall enter into the public-private agreement for the subject transportation facility with the selected private entity.

(2) An affected jurisdiction may be a party to a public-private agreement entered into by the authority and a selected private entity or combination of private entities.

(c) A public-private agreement under sections 57 to 70, inclusive, 571 shall provide for the following:

(1) the planning, acquisition, engineering, financing, development, design, construction, reconstruction, replacement, improvement, maintenance, management, repair, leasing or operation of a transportation facility including provisions for the replacement and relocation of utility facilities;

(2) the term of the public-private agreement, which shall not exceed 50 years without written approval of the governor;

(3) the type of property interest, if any, the private entity shall have in the transportation facility;
(4) a description of the actions the authority may take to ensure proper maintenance of the transportation facility;

(5) whether user fees will be collected on the transportation facility and the basis by which such user fees shall be determined and modified;

(6) compliance with applicable Federal, state and local laws;

(7) grounds for termination of the public-private agreement by the authority or operator;

(8) procedures for amendment of the agreement by mutual agreement and for changes in the agreement by written order from the authority.

(9) review and approval by the authority of the operator’s plans for the development and operation of the transportation facility;

(10) inspection by the authority and the independent peer reviewer of the design and construction of, or improvements to, the transportation facility;

(11) maintenance by the operator of a policy of liability insurance or self-insurance reasonably acceptable to the authority;

(12) filing by the operator, on a periodic basis, of appropriate financial statements in a form acceptable to the authority;

(13) filing by the operator, on a periodic basis, of traffic reports, service quality standards as defined in section 3 of chapter 81D, ridership reports, on time performance reports, or other reports identified by the authority, in a form acceptable to the authority;

(14) financing obligations of the operator and the authority;

(15) apportionment of expenses between the operator and the authority;

(16) the rights and duties of the operator, the authority, and other state and local governmental entities with respect to use of the transportation facility;

(17) the rights and remedies available in the event of default or delay;

(18) the terms and conditions of indemnification of the operator by the authority, as required by applicable law;

(19) assignment, subcontracting or other delegation of responsibilities of the operator or the authority under the agreement to third parties, including other private entities and other state agencies;

(20) sale or lease to the operator of private property related to the transportation facility;

(21) if, and how, the parties shall share costs of development of the project;

(22) if, and how, the parties shall allocate financial responsibility for cost overruns;
(23) liability for nonperformance;
(24) any incentives for performance;
(25) any accounting and auditing standards to be used to evaluate progress on the project;
(26) the operator’s plans to obtain a labor and material payment bond, in accordance with section 29 of chapter 149 of the General Laws, covering all construction, reconstruction, or maintenance, including capital maintenance, work of the project and require the payment of prevailing wages for labor performed on the project in accordance with sections 26 to 27H, inclusive, of said chapter 149;
(27) the operator’s plans for labor harmony for the entire term of the agreement, including construction, reconstruction and capital and routine maintenance and adequate remedies to address the operator’s failure to maintain labor harmony which shall include, but not be limited to, assessment of liquidated damages and contract termination.
(28) traffic enforcement and other policing issues, subject to section 66 including any reimbursement by the private entity for such services; and
(29) other terms and conditions.

Section 60. Upon the end of the term of the public-private agreement or in the event of termination of the public-private agreement, the authority and duties of the operator shall cease, except for any duties and obligations that extend beyond the termination as provided in the public-private agreement, and all the rights, title and interest in such transportation facility shall revert to the authority and shall be dedicated to the authority for public use.

Section 61. (a) Upon the occurrence and during the continuation of a material default by an operator, not caused by an event of force majeure, and upon the failure by the contractor or its financing institution on the contractor’s behalf, to cure such material default within 30 days of written notice of such default by the authority, the authority may:
(1) elect to take over the transportation facility, including the succession of all right, title and interest in the transportation facility; and
(2) terminate the public-private agreement and exercise any other rights and remedies available.

(b) In the event that the authority elects to take over a transportation facility under subsection (a), the authority:
(1) shall make interim payments, on behalf of the contractor and for the contractor’s account, of any amounts subject to a mechanics lien law of the commonwealth;
may develop and operate the transportation facility, impose user
fees for the use of the transportation facility, and comply with any
service contracts; and
(3) may solicit proposals for the maintenance and operation of the
transportation facility under section 58.
Section 62. (a) (1) The authority may issue and sell bonds or notes of
the authority for the purpose of providing funds to carry out sections 57
to 70, inclusive, with respect to the development, financing or operation
of a transportation facility or the refunding of any bonds or notes,
together with any costs associated with the transaction.
(2) Any bond or note issued under this section:
(A) constitutes the corporate obligation of the authority;
(B) shall not constitute a debt of the commonwealth within the
meaning or application of the constitution of the commonwealth; and
(C) shall be payable solely as to both principal and interest from:
(i) the revenues from a lease to the authority, if any;
(ii) proceeds of bonds or notes, if any;
(iii) investment earnings on the proceeds of bonds or notes; or
(iv) other funds available to the authority for such purpose.
(b) (1) For the purpose of financing a transportation facility, the
authority and operator may apply for, obtain, issue and use private
activity bonds available under any Federal law or program.
(2) Any bonds, debt, other securities or other financing issued for the
purposes of sections 57 to 70, inclusive, shall not be considered a debt of
the commonwealth or any political subdivision thereof state or a pledge
of the faith and credit of the state or any political subdivision of the
commonwealth.
(c) Nothing in this section shall limit a local government or any
authority of the commonwealth to issue bonds for transportation projects.
Section 63. (a) (1) The authority may accept from the United States or
any of its agencies funds that are available to the commonwealth for
carrying out sections 57 to 70, inclusive, whether the funds are made
available by grant, loan or other financial assistance.
(2) The authority may enter into agreements or other arrangements
with the United States or any of its agencies as may be necessary for
carrying out the purposes of sections 57 to 70, inclusive.
(b) The authority may accept from any source any grant, donation,
gift, or other form of conveyance of land, money, other real or personal
property, or other item of value made to the commonwealth or the
authority for carrying out the purpose of sections 57 to 70, inclusive.
(c) Any transportation facility may be financed in whole or in part by contribution of any funds or property made by any private entity or affected jurisdiction that is party to a public private agreement under sections 57 to 70, inclusive.

(d) The authority may combine Federal, state, local and private funds to finance a transportation facility under sections 57 to 70, inclusive.

Section 64. (a) Section 9 of 685 chapter 81B shall apply to: (1) a transportation facility; and

(2) tangible personal property used exclusively with a transportation facility that is:

(A) owned by the authority and leased, licensed, financed or otherwise conveyed to an operator; or

(B) acquired, constructed or otherwise provided by an operator on behalf of the authority.

Section 65. The authority may exercise the power of eminent domain to acquire property, rights of way or other rights in property for transportation projects that are part of a public-private agreement for design-build-finance-operate-maintain or design-build-operate-maintain services.

Section 66. (a) Law enforcement officers of the commonwealth and of an affected local jurisdiction shall have the same powers and jurisdiction within the limits of a transportation facility as they have in their respective areas of jurisdiction and access to the transportation facility at any time for the purpose of exercising such powers and jurisdiction.

(b) The traffic and motor vehicle laws of the commonwealth and, if applicable, any local By laws or ordinances shall apply to a transportation facility.

Section 67. An operator under sections 57 to 70, inclusive, and any utility whose facility is to be crossed or relocated shall cooperate fully in planning and arranging the manner of the crossing or relocation of the utility facility. This section shall not limit or otherwise affect the right of such utility to compensation for such relocation to the extent provided by law.

Section 68. Nothing in sections 57 to 70, inclusive, shall limit any waiver of the sovereign immunity of the commonwealth or any officer or employee of the commonwealth with respect to the participation in or approval of all or any part of the transportation facility or its operation.

Section 69. The authority may adopt rules and regulations to carry out sections 57 to 70, inclusive.
Section 70. There shall be established a special public-private partnership infrastructure oversight commission to comment on and approve all requests for proposals for design-build-finance-operate-maintain or design-building-operate-maintain services, pursuant to section 59.

The commission shall have 9 members, none of whom shall be employees of the executive branch, members of the General Court, nor employees of the Legislature, including the following: 4 members who shall reside in different geographic regions of the commonwealth, to be appointed by the governor to service terms of 2 years; 1 member, who shall not be a member of the general court, to be appointed by the president of the senate to serve a term of 2 years; 1 member, who shall not be a member of the general court, to be appointed by the speaker of the house of representatives to serve a term of 2 years; 1 member who shall not be an employee of the department of the state treasurer, to be appointed by the treasurer, to serve a term of 2 years; the state auditor, or his designee; and 1 representative from the Massachusetts Organization of State Engineers and Scientists, to serve a term of 2 years. Each of the members of the commission shall be an expert with experience in the fields of transportation law, public policy, public finance, management consulting, transportation, or organizational change. One of the members appointed by the governor shall be an expert in the field of public finance. One of the members appointed by the governor shall be an expert in the field of management consulting or organizational change. One of the members appointed by the governor shall be an expert in the field of transportation. One of the members shall be appointed by the governor to serve as chairperson of the commission.

The members appointed by the governor may be eligible for reappointment, provided however that no member appointed by the governor may serve more than three terms. The members of the commission shall be appointed no later than August 30, 2009. No member shall have served as a legislative agent for the period of 5 years prior to his appointment. No director shall have been a registered legislative agent, as defined in section 39 of chapter 3 for a period of at least 5 years prior to his appointment, no director shall have been a member or employee of the general court or an employee of the executive branch for a period of 2 years prior to his appointment, and no director shall have been employed by an organization that has business before the authority, or any predecessor agency or authority, for a period of at least 2 years prior to his appointment. Whenever the authority
notifies the commission of its intent to issue a request for proposal for
design-build-finance-operate-maintain or design-building-operate-
maintain services, the authority shall submit a draft of the request for
proposal to the commission for its review and approval. As provided in
section 58, no request for proposal shall be issued by the authority for a
public-private agreement for design-build-finance-operate-maintain or
design-build-operate-maintain services without the commission’s written
approval. The commission shall provide an initial written response to the
request for proposal within 15 days. For each request for proposal for
design-build-finance-operate-maintain or design-building-operate-
maintain services, the commission shall report on issues surrounding the
request for proposal, including, but not limited to: (1) the status of
current employees; (2) the policy and regulatory structure for overseeing
a privately operated transportation facility and ongoing legislative
oversight; (3) issues of taxation, profitsharing and resolution of new
revenue producing ideas; (4) advertising and marketing; (5) use of new
technologies; (6) lease terms and termination clauses; (7) additional
responsibilities by both the private infrastructure operator and the
commonwealth during the lease period; (8) the financial valuation of the
commonwealth transportation facility; and (9) the anticipated advantages
of entering into the anticipated public private agreement for design-
build-finance-operate-maintain or design-building-operate-maintain
services.

The report shall be delivered within 30 days of the commission’s
approval of a request for proposal for design-build-finance-operate-
maintain or design-building-operate-maintain services to the secretary
for administration and finance, the house committee on ways and means,
the senate committee on ways and means, the chairmen of the joint
committee on transportation, and the state auditor.

In order to submit the commission’s written approval of a request for
proposal for design build finance operate maintain or design build
operate maintain services to the state auditor, the commission’s process
shall be sufficient to satisfy the requirements of sections 52 to 55,
inclusive.

Whenever the comments and recommendations of the state auditor
are required for any action by the authority, under sections 52 to 55,
inclusive, of chapter 7, that approval shall be deemed to have been
granted within 30 days of submission thereof, unless the state auditor has
communicated his disapproval to the authority, in writing. The state
auditor’s report shall include reasons why such proposed request for
Any research, analysis or other staff support that the commission reasonably requires shall be provided by the Massachusetts Transportation and Infrastructure Authority.

SECTION 10. Section 53 of said chapter 7, as so appearing, is hereby amended by inserting, the first time it appears, after the word ‘Turnpike’, in line 6, the following words:- the Massachusetts Transportation and Infrastructure.

SECTION 11. Section 9A of chapter 10 of the General Laws, as so appearing, is hereby amended by striking out, in line 5, the word ‘Turnpike’ and inserting in place thereof the following words:- Transportation and Infrastructure.

SECTION 12. Section 63 of chapter 10 of the General Laws is hereby repealed.

SECTION 13. Section 63A of said chapter 10, inserted by section 4 of chapter 303 of the acts of 2008, is hereby repealed.

SECTION 14. Section 69A of said chapter 10 of the General Laws is hereby repealed.

SECTION 15. Sections 1 to 14 of chapter 16 of the General Laws are hereby repealed.

SECTION 16. Section 11A of chapter 21A of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out, in line 1, the words ‘executive office’ and inserting in place thereof the following word:- department.

SECTION 17. Said section 11A of said chapter 21A, as so appearing, is hereby further amended by striking out, in line 6, the words ‘the commissioner of highways’ and inserting in place thereof the following words:- the undersecretary of the division of highways.

SECTION 17A. Subparagraph (C) of section 2 of chapter 21J of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking the sentence contained in lines 41-43, inclusive, and inserting in place there of the following:- The department shall deposit all receipts collected pursuant to this section as follows: (i) an amount appropriated by the legislature for reimbursements rendered pursuant to this chapter shall be deposited into the General Fund; and (ii) the remainder of the receipts shall be deposited into the Capital Employees Transition Fund, established pursuant to section 2AAAA of chapter 29.

SECTION 18. Section 13A of chapter 22 of the General Laws, as so appearing, is hereby amended by striking out, in line 198, the word
‘Turnpike’ and inserting in place thereof the following words:-
Transportation and Infrastructure.

SECTION 19. Section 29 of Chapter 22C of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking, in lines 1 and 2, the words ‘Massachusetts Turnpike Authority’; and inserting in place thereof the words ‘Massachusetts Transportation and Infrastructure Authority’.

Said chapter of said section is hereby further amended by inserting, in line 3, after the word ‘authority’ the following words ‘on the Turnpike and the Metropolitan Highway System’.

Said chapter of said section is hereby further amended by striking, in line 28, the word ‘chairman’ and inserting in place thereof the word:-
Secretary.

SECTION 19A. Section 61 of Chapter 22C of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking, in lines 1 and 2, the words ‘Massachusetts Turnpike Authority’ and inserting in place thereof the words:- Massachusetts Transportation and Infrastructure Authority.

SECTION 20. Section 61 of said chapter 22C is hereby repealed.

SECTION 21. Section 13C of chapter 23A of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out, in line 44, the word ‘Turnpike’ and inserting in place thereof the following words:- Transportation and Infrastructure.

SECTION 22. Section 3I of said chapter 23A, as so appearing, is hereby amended by striking out, in line 5, the words ‘executive office’ and inserting in place thereof the following word:- department.

SECTION 23. Section 59 of said chapter 23A, is hereby further amended by striking out, in line 25, the word ‘Turnpike’ and inserting in place thereof the following words:- Transportation and Infrastructure.

NO SECTION 24.

SECTION 25. Section 1 of chapter 29 of the General Laws, as so appearing, is hereby amended by striking out, in line 99, the word ‘Turnpike’ and inserting in place thereof the following words:- Transportation and Infrastructure.

SECTION 26. Section 2E of said chapter 29 is hereby repealed.

SECTION 27. Said chapter 29 is hereby amended by striking out section 2O, as amended by section 3 of chapter 233 of the acts of 2008, and inserting in place thereof the following section:-

Section 2O. When authorized by a vote, taken by the yeas and nays, of two-thirds of each house of the general court present and voting
thereon, including any authorization in effect as of July 1, 2009, the state
treasurer, upon the request of the governor, is hereby authorized to issue
bonds of the commonwealth as hereinafter provided. Any such bonds
shall be special obligations of the commonwealth payable solely from
monies credited to the Commonwealth Transportation Fund established
pursuant to section 2ZZZ of chapter 29; notwithstanding any general or
special law to the contrary, including without limitation section 60A of
chapter 29, such bonds shall not be general obligations of the
commonwealth. Bonds may be issued in such manner and on such terms
and conditions as the state treasurer may determine in accordance with
the provisions of this paragraph and, to the extent not inconsistent with
the provisions hereof, provisions of general law for the issuance of bonds
of the commonwealth. Bonds may be secured by a trust agreement
entered into by the state treasurer, with the concurrence of the secretary
of administration and finance and the secretary of transportation, on
behalf of the commonwealth, which trust agreement may pledge or
assign all or any part of monies credited to the Commonwealth
Transportation Fund and rights to receive the same, whether existing or
coming into existence and whether held or thereafter acquired, and the
proceeds thereof. The state treasurer is also authorized, with the
concurrence of the secretary of administration and finance and the
secretary of transportation, to enter into additional security, insurance or
other forms of credit enhancement which may be secured on a parity or
subordinate basis with the bonds. A pledge in any such trust agreement
or credit enhancement agreement shall be valid and binding from the
time such pledge shall be made without any physical delivery or further
act, and the lien of such pledge shall be valid and binding as against all
parties having claims of any kind in tort, contract or otherwise,
irrespective of whether such parties have notice thereof. Any such pledge
shall be perfected by filing of the trust agreement or credit enhancement
agreement in the records of the state treasurer, and no filing need be
made under chapter 106. Any such trust agreement or credit
enhancement agreement may establish provisions defining defaults and
establishing remedies and other matters relating to the rights and security
of the holders of the bonds or other secured parties as determined by the
state treasurer, including provisions relating to the establishment of
reserves, the issuance of additional or refunding bonds, whether or not
secured on a parity basis, the application of receipts, monies or funds
pledged pursuant to such agreement, hereinafter referred to as ‘pledged
funds’, and other matters deemed necessary or desirable by the state
treasurer for the security of such bonds, and may also regulate the
custody, investment and application of monies. Any such bonds shall be
deemed to be investment securities under chapter 106, shall be securities
in which any public officer, fiduciary, insurance company, financial
institution or investment company may properly invest funds and shall be
securities which may be deposited with any public custodian for any
purpose for which the deposit of bonds is authorized by law. Any such
bonds, their transfer and the income therefrom, including profit on the
sale thereof, shall at all times be exempt from taxation by and within the
commonwealth.

The provisions hereof relating to bonds shall also be applicable to the
issuance of notes insofar as such provisions may be appropriate
therefore.

In order to increase the marketability of any such bonds or notes
issued by the commonwealth, and in consideration of the acceptance of
payment for any such bonds or notes, the commonwealth covenants with
the purchasers and all subsequent holders and transferees of any such
bonds or notes that while any such bond or note shall remain
outstanding, and so long as the principal of or interest on any such bond
or note shall remain unpaid, (i) no pledged funds shall be diverted from
the Commonwealth Transportation Fund, (ii) in any fiscal year of the
commonwealth, unless and until an appropriation has been made which
is sufficient to pay the principal, including sinking fund payments, of and
interest on all such bonds and notes of the commonwealth and to provide
for or maintain any reserves, additional security, insurance or other form
of credit enhancement required or provided for in any trust agreement
securing any such bonds or notes, no pledged funds shall be applied to
any other use and (iii) so long as such revenues are necessary, as
determined by the state treasurer in accordance with any applicable trust
agreement or credit enhancement agreement, for the purposes for which
they have been pledged, and notwithstanding the provisions of any
general or special law to the contrary, the rates of the fees collected
pursuant to section 33 and 34 of chapter 90 and of the excises imposed in
chapters 64A, 64E, and 64F shall not be reduced below the amount in
effect at the time of issuance of any such bond or note. The
implementation by the commonwealth of a program of imposing
roadway use fees in lieu of any tax on motor vehicle fuel imposed under
chapter 64A shall be permitted and not constitute in any way a violation
of the covenants contained in this paragraph or in any trust agreement or
credit enhancement agreement pursuant to which special obligation
bonds may be issued in accordance with this section, but only to the
extent that an amount of roadway use fees equal to the amount of tax
imposed under chapter 64A that is either refunded or not collected as a
result of such program are applied under any applicable trust agreement
or credit enhancement agreement in lieu of such taxes.

SECTION 28. Section 2DD of said chapter 29 is hereby repealed.

SECTION 29. Said chapter 29 is hereby further amended by
inserting after section 2YYY the following section:-

Section 2ZZZ. There shall be established and set up on the books of
the commonwealth a separate fund to be known as the Commonwealth
Transportation Fund, hereinafter called the fund, which shall be used
exclusively for financing transportation-related purposes. There shall be
credited to the fund all fees received by the registrar of motor vehicles
pursuant to section 34 of chapter 90, all receipts paid into the treasury of
the commonwealth and directed to be credited to the Commonwealth
Transportation Fund pursuant to chapter 64A, 64E, 64F, or any other
applicable general or special law, and all amounts appropriated into the
fund by the general court. The fund shall be subject to appropriation and
shall be used for transportation related expenses of the authority,
including to pay or to reimburse the General Fund for payment of debt
service on bonds issued by, or otherwise payable pursuant to a lease or
other contract assistance agreement by, the commonwealth previously
issued for transportation purposes.

Notwithstanding the foregoing, the crediting of receipts from the tax
imposed pursuant to chapter 64A to the fund shall not affect in any way
the obligations of the commonwealth relating to notes issued pursuant to
sections 9 to 10D, inclusive, of chapter 11 of the acts of 1997 and the
pledge of receipts from the portion of the tax per gallon imposed
pursuant to said chapter 64A equal to 10 cents per gallon, to secure the
payment of such bonds under the circumstances described in the trust
agreements relating to such notes is hereby ratified and confirmed in all
respects and shall remain in full force and effect as long as any such
notes issued as of July 1, 2009 remain outstanding in accordance with
their terms and secured by funds in the fund.

SECTION 29A. Chapter 29 of the General Laws, as so appearing, is
hereby amended by inserting after section 2ZZZ the following section:-

Section 2AAAA. There shall be established and set upon the books of
the commonwealth a separate fund to be known as the Capital
Employees Transition Fund, hereinafter referred to as the fund, which
shall be administered by the department of transportation. There shall be credited to the fund: (a) 60 percent of all receipts collected pursuant to section 2 of chapter 21J; and (b) any appropriations authorized by the general court. Amounts credited to the fund shall be expended by the department, in addition to any revenues appropriated by the general court from the Commonwealth Transportation Fund, for the purpose of paying for a portion of the department’s operating costs that would have otherwise been paid by bond proceeds. Operating costs may include, but shall not be limited to, the full-time personnel expenses of the department, as well as any expenses incurred by the department as part of its normal operations. The comptroller shall certify payments, including payments during the accounts payable period, in anticipation of revenues from the fund for the purpose of making authorized expenditures; provided however, that no expenditure shall cause the fund to be in deficit at the end of a fiscal year.

SECTION 30. Section 23 of said chapter 29, as appearing in the 2006 Official Edition, is hereby amended by striking out, in lines 11 and 12, the word ‘Turnpike’ and inserting in place thereof the following words: Transportation and Infrastructure.

SECTION 31. Section 64 of said chapter 29, as so appearing, is hereby amended by striking out, in line 27, the word ‘Turnpike’ and inserting in place thereof the following words: Transportation and Infrastructure.

SECTION 32. Section 64A of said chapter 29, as so appearing, is hereby further amended by striking out, in line 47, the word ‘Turnpike’ and inserting in place thereof the following words: Transportation and Infrastructure.

SECTION 33. Chapter 30 of the General Laws is hereby amended by inserting after section 39S the following section:

Section 39T. Notwithstanding section 8 of chapter 268A, and in addition to any other existing statutory authorizations, the following agencies and authorities may, in their discretion, evaluate and implement competitively procured owner controlled insurance programs, and may permit the use of contractor controlled insurance programs, on projects having estimated construction costs equal to or greater than $50,000,000: (a) the division of capital asset management and maintenance, (b) the department of transportation, (c) the department of conservation and recreation, (d) the Massachusetts Port Authority, (e) the Massachusetts Water Resources Authority, (f) the Massachusetts State Colleges Building Authority, and (g) the University of Massachusetts Building Authority.
Authority; provided, however, that in the case of the department of transportation, the statewide road and bridge program shall be considered to be 1 project on which an owner controlled insurance program may be instituted.

SECTION 34. Section 1 of chapter 32 of the General Laws is hereby amended by striking out, in line 203, as so appearing, the word ‘Turnpike’ and inserting in place thereof the following words:- Transportation and Infrastructure.

SECTION 35. Said section 1 of said chapter 32 is hereby further amended by inserting after the word ‘connector’, in line 211, as appearing in the 2006 Official Edition, the following words:- , the Massachusetts Transportation and Infrastructure Authority.

SECTION 36. Section 2 of said chapter 32, as so appearing, is hereby further amended by striking out, in lines 29 and 30, the word ‘Turnpike’ and inserting in place thereof, in each instance, the following words:- Transportation and Infrastructure.

SECTION 37. Section 5 of said chapter 32, as so appearing, is hereby amended by striking out, in line 40, the word ‘Turnpike’ and inserting in place thereof the following words:- Transportation and Infrastructure.

SECTION 38. Section 7 of said chapter 32, as so appearing, is hereby amended by striking out, in line 208, the word ‘Turnpike’ and inserting in place thereof the following words:- Transportation and Infrastructure.

SECTION 39. Section 11 of said chapter 32, as so appearing, is hereby amended by striking out, in lines 177 and 184, the word ‘Turnpike’ and inserting in place thereof, in each instance, the following words:- Transportation and Infrastructure.

SECTION 40. Section 14 of said chapter 32, as so appearing, is hereby amended by striking out, in line 9, the word ‘Turnpike’ and inserting in place thereof the following words:- Transportation and Infrastructure.

SECTION 41. Section 15 of said chapter 32, as so appearing, is hereby amended by striking out, in line 21, the word ‘Turnpike’ and inserting in place thereof the following words:- Transportation and Infrastructure.

SECTION 42. Section 20 of said chapter 32, as so appearing, is hereby further amended by striking out, in lines 334, 336, and in line 815, the word ‘Turnpike’ and inserting in place thereof, in each instance, the following words:- Transportation and Infrastructure.
SECTION 43. Said section 20 of said chapter 32, as so appearing, is hereby amended by striking out subsection (4 1/2).

SECTION 44. Subdivision (7) of section 22 of said chapter 32 is hereby amended by striking out paragraph (e).

SECTION 45. Section 23 of said chapter 32, as so appearing, is hereby amended by striking out, in lines 10 and 19, the word ‘Turnpike’ and inserting in place thereof the following words: Transportation and Infrastructure.

SECTION 46. Section 24 of said chapter 32, as so appearing, is hereby amended by striking out, in line 9, the word ‘Turnpike’ and inserting in place thereof the following words: Transportation and Infrastructure.

SECTION 47. Section 25 of said chapter 32, as so appearing, is hereby amended by striking out, in line 96, the word ‘Turnpike’ and inserting in place thereof the following words: Transportation and Infrastructure.

SECTION 48. Section 28 of said chapter 32, as so appearing, is hereby amended by striking out, in line 233, the word ‘Turnpike’ and inserting in place thereof the following words: Transportation and Infrastructure.

SECTION 49. Said section 28 of said chapter 32, as so appearing, is hereby further amended by striking out, in lines 234, 247, 250, 254 and 258, the word ‘Turnpike’ and inserting in place thereof, in each instance, the following words: Transportation and Infrastructure.

SECTION 50. Section 102 of said chapter 32, as so appearing, is hereby amended by striking out, in lines 76 and 77, the word ‘Turnpike’ and inserting in place thereof the following words: Transportation and Infrastructure.

SECTION 51. Section 2 of chapter 32A of the General Laws is hereby amended by inserting after the word ‘authority’, in line 12, as so appearing, the following words: the Massachusetts Transportation and Infrastructure Authority, the Massachusetts Bay Transportation Authority, the Massachusetts Turnpike.

SECTION 52. Section 24 of chapter 40B of the General Laws, as so appearing, is hereby amended by striking out, in line 14, the word ‘Turnpike’ and inserting in place thereof the following words: Transportation and Infrastructure.

SECTION 53. Section 10 of chapter 63 of the General Laws is hereby repealed.
SECTION 54. Section 5 of chapter 59 of the General Laws is hereby amended by striking out clause thirty-eighth, as so appearing, and inserting in place thereof the following clause:-

Thirty-eighth, In determining the valuation, for city and town tax purposes, of any privately owned airport, the value of any improvements on or to the landing area shall not be included, so long as the owner grants free use of said landing area to the general public for the landing, taking off and taxiing of aircraft; provided, however, that said airport meets the minimum requirements set forth by the aeronautics division in rules and regulations issued pursuant to section 39 of chapter 90, and is certified by the aeronautics division to be included within the needs of civil aeronautics as established by the state airport plan prepared pursuant to section 30A of said chapter 90, and is approved for commercial operation by the aeronautics division.

SECTION 55. Section 7 of chapter 64A of the General Laws, as so appearing, is hereby amended by striking out, in line 12, the word "Turnpike" and inserting in place thereof the following words:- Transportation and Infrastructure.

SECTION 56. Chapter 64A of the General Laws is hereby amended by striking out section 13, as amended by section 4 of chapter 233 of the acts of 2008, and inserting in place thereof the following section:-

Section 13. All sums received from the excise imposed on aviation fuel, and related penalties, forfeitures, interest, costs of suits and fines, less all amounts for reimbursement under sections 7 and 7A, shall be credited to the Commonwealth Transportation Fund and may be used for airport development projects approved and carried out at airports and landing facilities under 49 U.S.C. App. s 2210; and all other sums received under the excise imposed in section 4, and relative penalties, forfeitures, interest, costs of suits and fines, less all amounts for reimbursement under said sections 7 and 7A, shall be credited as follows: (i) 99.85 percent shall be credited to the Commonwealth Transportation Fund to be used for transportation-related purposes; and (ii) 0.15 percent shall be credited to the Inland Fisheries and Game Fund, established by section 2C of chapter 131.

SECTION 57. Section 5 of chapter 64E of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out, in line 8, the word "Turnpike" and inserting in place thereof the following words:- Transportation and Infrastructure.
SECTION 58. Said chapter 64E is hereby further amended by striking out section 13, as so appearing, and inserting in place thereof the following section:-

Section 13. All sums received under this chapter as excises, penalties, forfeitures, interest, costs of suits and fines shall be credited to the Commonwealth Transportation Fund to be used for transportation-related purposes.

SECTION 59. Section 3 of chapter 64F of the General Laws, as so appearing, is hereby amended by striking out, in line 10, the word ‘Turnpike’ and inserting in place thereof the following words:- Transportation and Infrastructure.

SECTION 60. Said chapter 64F is hereby further amended by striking out section 14, as so appearing, and inserting in place thereof the following section:-

Section 14. All sums received under this chapter as excises, penalties, forfeitures, interest, costs of suits and fines shall be credited to the Commonwealth Transportation Fund to be used for transportation-related purposes.

SECTION 61. Section 25A of chapter 64H of the General Laws, as so appearing, is hereby amended by striking out, in line 3, the word ‘commission’ and inserting in place thereof the following word:- division.

SECTION 62. Section 26A of chapter 64I of the General Laws, as so appearing, is hereby amended by striking out, in line 3, the word ‘commission’ and inserting in place thereof the following word:- division.

SECTION 63. Section 1 of chapter 81 of the General Laws, as so appearing, is hereby amended by striking out, in line 1, the word ‘department’ and inserting in place thereof the following word:- division.

SECTION 64. Chapter 81A of the General Laws is hereby repealed.

SECTION 65. Section 7A of chapter 85 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out, in line 34, the word ‘Turnpike’ and inserting in place thereof the following words:- Transportation and Infrastructure.

SECTION 66. Section 1 of chapter 90 of the General Laws, as so appearing, is hereby amended by striking out the definition of ‘Department’ and inserting in place thereof the following definition:-

‘Department’, the division of highways.

SECTION 67. Section 1A of said chapter 90 is hereby amended by striking out the words ‘or by the Massachusetts Turnpike Authority, the
Massachusetts Bay Transportation Authority or the Massachusetts Port Authority’, inserted by section 16 of chapter 303 of the acts of 2008, and inserting in place thereof the following words:– the Massachusetts Transportation and Infrastructure Authority, the Massachusetts Bay Transportation Authority or the Massachusetts Port Authority.

SECTION 68. Section 7A of said chapter 90, as so appearing, is hereby amended by striking out, in line 94, the words ‘Highway Fund’ and inserting in place thereof the following words:– Commonwealth Transportation Fund, established under section 2ZZZ of chapter 29.

SECTION 69. Section 20G of said chapter 90, is hereby amended by striking out, in line 2, the word ‘Turnpike’ and inserting in place thereof the following words:– Transportation and Infrastructure.

SECTION 70. Said chapter 90 is hereby amended by striking out section 34, as most recently amended by section 15 of chapter 302 of the acts of 2008, and inserting in place thereof the following section:–

Section 34. The fees received under the preceding sections, together with all other fees received by the registrar or any other person under the laws of the commonwealth relating to the use and operation of motor vehicles and trailers shall be disposed of as follows: (i) an amount equal to the costs associated with the administration and enforcement of laws relative to the use and operation of motor vehicles and trailers and the operation of the division of motor vehicles shall be deposited into the General Fund; (ii) $2 from every motorcycle registration issued pursuant to section 2 shall be deposited into the General Fund and used solely for the purpose of promoting and advancing motorcycle safety; (iii) all fees from the issuance of veterans plates pursuant to section 2, in excess of the fees set for the registration of the motor vehicle, shall be deposited into the General Fund; and (iv) any amount remaining after compliance with clause (i), (ii) and (iii) shall be deposited into the Commonwealth Transportation Fund established pursuant to section 2ZZZ of chapter 29.

SECTION 71. Section 34½ of said chapter 90 is hereby repealed.

SECTION 72. Section 35 of said chapter 90, as appearing in the 2006 Official Edition, is hereby amended by striking out, in line 74, the word ‘commission’ and inserting in place thereof the word:– division.

SECTION 73. Said section 35 of said chapter 90, as so appearing, is hereby further amended by striking out, in lines 75 and 76, the words ‘the director of aeronautics employed by the commission’ and inserting in place thereof the following words:– the undersecretary for aeronautics.

SECTION 74. Section 50 of said chapter 90, as so appearing, is hereby amended by striking out, in line 5, the words ‘chairman of the
commission’ and inserting in place thereof the following words:-
undersecretary for aeronautics.

SECTION 75.  Section 1 of chapter 90C of the General Laws, as
appearing in the 2006 Official Edition, is hereby amended by striking
out, in line 59, the word ‘Turnpike’ and inserting in place thereof the
following words:- Transportation and Infrastructure.

SECTION 76.  Section 1 of chapter 90E of the General Laws, as so
appearing, is hereby amended by striking out, in line 16, the word
‘department’ and inserting in place thereof the following word:- division.

SECTION 77.  Said section 1 of said chapter 90E, as so appearing, is
hereby further amended by striking out, in line 17, the words
‘commissioner of’ and inserting in place thereof the following words:-
undersecretary for.

SECTION 78.  Section 1 of chapter 90H of the General Laws, as so
appearing, is hereby amended by striking out, in line 4, the word
‘department’ and inserting in place thereof the following word:- division.

SECTION 79.  Said section 1 of said chapter 90H, as so appearing, is
hereby further amended by striking out, in line 5, the words
‘commissioner of’ and inserting in place thereof the following words:-
undersecretary for.

SECTION 80.  The first paragraph of section 35 of chapter 92 of the
General Laws, as so appearing, is hereby amended by adding the
following sentence:- The commission shall submit its plans for any such
connection to the secretary of transportation and the undersecretary for
highways so that it may be included in their capital plans.

SECTION 81.  Section 251 of chapter 112 of the General Laws, as
appearing in section 2 of chapter 232 of the acts of 2008, is hereby
amended by striking out the second sentence and inserting in place
thereof the following sentence:- Such instrumentalities shall include, but
not be limited to, the Massachusetts Transportation and Infrastructure
Authority, the Massachusetts Bay Transportation and the Massachusetts
Water Resources Authority, and all plans for sheet metal work in such
buildings and shall be subject to the approval of the board.

SECTION 82.  Section 1A of chapter 119A of the General Laws, as
appearing in the 2006 Official Edition, is hereby amended by striking
out, in line 82, the word ‘Turnpike’ and inserting in place thereof the
following words:- Transportation and Infrastructure.

SECTION 83.  Section 40A of chapter 131 of the General Laws, as so
appearing, is hereby amended by striking out, in line 95, the word
‘commission’ and inserting in place thereof the following words:-

SECTION 84. Section 45 of said chapter 131, as so appearing, is hereby amended by striking out, in line 36, the word ‘commission’ and inserting in place thereof the following words:- division.

SECTION 85. Section 21 of chapter 142 of the General Laws is hereby amended by striking out, in line 5, the word ‘Turnpike’ and inserting in place thereof the following words:- Transportation and Infrastructure.

SECTION 86. Section 3A of chapter 143 of the General Laws, as so appearing, is hereby amended by striking out in line 27, the word ‘Turnpike’ and inserting in place thereof the following words:- Transportation and Infrastructure.

SECTION 87. Section 94 of said chapter 143, as so appearing, is hereby amended by striking out, in line 10, the word ‘Turnpike’ and inserting in place thereof the following words:- Transportation and Infrastructure.

SECTION 88. Section 73 of said chapter 152, as so appearing, is hereby amended by striking out, in line 5, the word ‘Turnpike’ and inserting in place thereof the following words:- Transportation and Infrastructure.

SECTION 89. Said section 73 of said chapter 152, as so appearing, is hereby further amended by striking out, in line 9, the words ‘any police officer of’.

SECTION 90. Said section 73 of said chapter 152, as so appearing, is hereby further amended by inserting after the first sentence the following sentence:- Notwithstanding the provisions of any general or special law to the contrary, any present and former Massachusetts bay transportation authority employee or retiree entitled to compensation under section 31, 34, 34A, 35, 35A or 36 and who is also entitled to a pension by reason of the same injury shall elect whether he will receive such compensation or such pension, and shall not receive both, except in the manner and to the extent provided by section 14 of chapter 32; provided, further, that the requirement to make said election shall apply to all former Massachusetts bay transportation authority employees or retirees presently receiving or entitled to receive benefits under section 31, 34, 34A, 35, 35A or 36 and who are also receiving or entitled to a pension by reason of the same injury.

SECTION 91. Section 1 of chapter 159A of the General Laws, as so appearing, is hereby amended by striking out, in line 12, the word
‘Turnpike’ and inserting in place thereof the following words:-

Transportation and Infrastructure.

SECTION 92.  Section 1 of chapter 161A of the General Laws, as so appearing, is hereby amended by striking out the definition of ‘Department’ and inserting in place thereof the following definition:-

‘Department’, the Massachusetts transit division within the department of transportation.

SECTION 93.  Said section 1 of said chapter 161A, as so appearing, is hereby further amended by striking out the definition of ‘Secretary’ and inserting in place thereof the following definition:-

‘Secretary’, the undersecretary of transportation for mass transit within the department of transportation.

SECTION 94.  Section 3 of said chapter 161A, as so appearing, is hereby amended by striking out, in lines 12 to 16, inclusive, the words ‘; provided, however, the authority may bind itself by contract to employ not more than five senior officers but no such contract shall be for a period of more than five years’.

SECTION 94A.  Section 3 of chapter 161A of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out, in line 83, the word ‘chapter’ and inserting in place thereof the following words:- chapter; provided, however, that such facilities shall comply with local zoning ordinances and regulations with respect to any commercial, above ground sign advertising in or on such facilities and equipment, unless such sign (i) receives approval by the local governing body (ii) does not exceed the dimensions of the building or transit station or stop to which it is affixed (iii) is solely related to mass transportation services and operations or (iv) is affixed to a mobile transit vehicle.

SECTION 94B.  Said section 3 of said chapter 161A of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out subsection (n) and inserting in place thereof the following subsection:-

(n) To sell, lease or otherwise contract for advertising in or on the facilities of the authority; provided, however, that that such facilities shall comply with local zoning ordinances and regulations with respect to any commercial, above ground sign advertising in or on such facilities, unless such sign (i) receives approval by the local governing body (ii) does not exceed the dimensions of the building or transit station or stop to which it is affixed (iii) is solely related to mass transportation services and operations or (iv) is affixed to a mobile transit vehicle. No structure
shall be constructed with the purpose of circumventing the intent of this paragraph.

SECTION 95. Said chapter 161A is hereby further 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 a board of directors. The authority shall consist of the governor, who shall serve as chairperson, and 4 additional members appointed by the governor for a term of 3 years, 2 of whom shall be experts in the field of public or private transportation finance; 1 of whom shall have practical experience in transportation planning and policy; and 1 of whom shall be a registered civil engineer with at least 10 years experience. 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 member. Any member shall be eligible for reappointment. Any member may be removed from his appointment by the governor for cause. The governor may appoint a designee pursuant to section 6A of chapter 30. A majority of the directors shall constitute a quorum, which shall be required to take any particular action. The directors shall meet monthly; provided, however, that said meeting shall occur no later than the fifteenth day of the month. Each meeting shall provide a sufficient opportunity for public comment.

NO SECTION 96.

SECTION 97. Section 20 of said chapter 161A, as so appearing, is hereby amended by striking out, in line 2, the word ‘March 1’ and inserting in place thereof the following word:- March 15.

SECTION 98. Said section 20 of said chapter 161A, as so appearing, is hereby further amended by striking out, in line 4, the word ‘March 15’ and inserting in place thereof the following word:- April 15.

SECTION 99. Section 38 of said chapter 161A, as so appearing, is hereby amended by striking out, in lines 4 and 5, the words ‘to the same extent as though the authority were a street railway company’.

SECTION 100. Said section 38 of said chapter 161A, as so appearing, is hereby further amended by striking out the second paragraph.

SECTION 101. Section 43 of said chapter 161A, as so appearing, is hereby amended by striking out, in line 7, the words ‘not less than’.

SECTION 102. Said section 43 of said chapter 161A, as so appearing, is hereby further amended by striking out the second paragraph and inserting in place thereof the following paragraph:-
For the purposes of this section, the term ‘railroad’ shall include any person, railroad corporation or other legal entity in the business of providing rail transportation which contracts or enters into a legal agreement with the Massachusetts Bay Transportation Authority for the provision or accommodation of commuter rail services. For the purposes of this section, the term ‘commuter rail services’ shall include all services performed by a railroad pursuant to a contract or any other agreement with the Massachusetts Bay Transportation Authority in connection with the transportation of rail passengers including, but not limited to, the operation of trains, trackage and equipment, or the construction, reconstruction or maintenance of railroad equipment, tracks and any appurtenant facilities or the provision of trackage rights over lines owned by any such railroad.

SECTION 103. Section 1 of chapter 161B of the General Laws, as so appearing, is hereby amended by striking out the definition of ‘Department’ and inserting in place thereof the following definition:

‘Department’, the Massachusetts transit division within the department of transportation.

SECTION 104. Said section 1 of said chapter 161B, as so appearing, is hereby further amended by striking out the definition of ‘Secretary’ and inserting in place thereof the following definition:

‘Secretary’, the undersecretary of transportation for mass transit within the department of transportation.

SECTION 105. Section 2 of chapter 161C of the General Laws, as so appearing, is hereby amended by striking out the definition of ‘Executive office’ and inserting in place thereof the following definition:

‘Executive office’, the Massachusetts transit division within the department of transportation.

SECTION 106. Said section 1 of said chapter 161C, as so appearing, is hereby further amended by striking out the definition of ‘Secretary’ and inserting in place thereof the following definition:

‘Secretary’, the undersecretary of transportation for mass transit within the department of transportation.

SECTION 107. Section 2 of chapter 161D of the General Laws, as so appearing, is hereby amended by striking out the definition of ‘Executive office’ and inserting in place thereof the following definition:

‘Executive office’, the Massachusetts transit division within the department of transportation.
SECTION 108. Said section 2 of said chapter 161D, as so appearing, is hereby further amended by striking out the definition of ‘Secretary’ and inserting in place thereof the following definition:-

‘Secretary’, the undersecretary of transportation for mass transit within the department of transportation.

SECTION 109. Section 1 of chapter 218 of the General Laws, as so appearing, is hereby amended by striking out, in line 243, the word ‘Turnpike’ and inserting in place thereof the following words:- Transportation and Infrastructure.

SECTION 110. Section 1 of chapter 258 of the General Laws, as so appearing, is hereby amended by inserting after the word ‘including’, in line 40, the following words:- the Massachusetts Transportation and Infrastructure Authority, the Massachusetts Bay Transportation Authority, any duly constituted regional transit authority, and the Massachusetts Turnpike Authority.

SECTION 111. Said section 1 of chapter 258 of the General Laws, as so appearing, is hereby amended by striking out, in lines 50 to 52, inclusive, the words ‘the Massachusetts Bay Transportation Authority, the Massachusetts Port Authority, the Massachusetts Turnpike’ and inserting in place thereof the following words:- the Massachusetts Port Authority, the Massachusetts Transportation and Infrastructure Authority.

SECTION 112. Said section 1 of said chapter 258, as so appearing, is hereby further amended by adding the following definition:-

‘Serious bodily injury’, bodily injury which results in a permanent disfigurement, or loss or impairment of a bodily function, limb, or organ.

SECTION 113. The first paragraph of section 10 of said chapter 258, as so appearing, is hereby amended by adding the following subsection:-

(k) any claim against the Massachusetts Bay Transportation Authority for a serious bodily injury.

SECTION 114. Section 8 of chapter 268A of the General Laws, as so appearing, is hereby amended by inserting after the word ‘bonds’, in line 13, the following words:- ; provided, further, that this section shall not prohibit any state, county or municipal employee or any person acting on behalf of such employee, or any state, county or municipal agency, with respect to any public building or construction project, from evaluating and implementing an owner controlled insurance program, so called, where such evaluation has resulted in a determination that implementation of an owner controlled insurance program as a risk management tool associated with the public building or construction
contract is in the best interests of the state, county, or municipality issuing and responsible for the public building or construction contract.

SECTION 115. Section 1 of chapter 465 of the acts of 1956 is hereby amended by inserting after subsection (a) the following new subsection:

(a½) The words advisory board shall mean the advisory board established pursuant to section 36 of this act.

SECTION 116. Said chapter 465 is hereby further amended by adding the following section:

Section 36. (a) There shall be an advisory board to the authority consisting of a voting representative of each of the following cities and towns: Braintree, Bedford, Brookline, Cambridge, Chelsea, Cohasset, Concord, Everett, Hingham, Hull, Lexington, Lincoln, Malden, Melrose, Medford, Milton, Nahant, Quincy, Revere, Somerville, Weymouth, and Winthrop, Worcester; provided, further, that the city of Boston shall have 7 voting representatives, 1 of whom shall be a resident of the Beacon Hill or South End sections of the city of Boston, 1 of whom shall be a resident of the East Boston section of the city of Boston, 1 of whom shall be a resident of the Dorchester or Roxbury sections of the city of Boston, 1 of whom shall be a resident of the Charlestown section of Boston, 1 of whom shall be a resident of the South Boston section of the city of Boston, 1 of whom shall be a resident of the Roslindale or Hyde Park sections of the city of Boston, and 1 of whom shall be a resident of the West Roxbury or Jamaica Plain sections of the city of Boston. The members of the advisory board shall consist of the chief executive officer thereof; provided, however, that any chief executive officer, by writing filed with the authority, may appoint a permanent designee to serve in his stead as a member of said advisory board until the expiration of each term of office of the designating chief executive officer or the earlier vacancy of the office of the designating chief executive officer; provided, further, that if the chief executive officer of the city of Boston opts to serve as the representative for the city of Boston to the advisory board, he shall be deemed to represent the foregoing sections of the city of Boston; provided further that a permanent designee shall be versed in at least 1 of the following 3 disciplines: environmental affairs, community/airport relations or public health. For the purpose of this section, the term ‘chief executive officer’ shall mean the person designated as the chief executive officer under the provisions of a local charter or laws having the force of a charter, and otherwise the mayor in every city and the chairman of the board of selectmen or president of the town council, as the case may be, in every town.
(b) Except as otherwise prescribed in this section, each voting representative shall cast 1 vote on the advisory board. Each voting representative of the several sections of the city of Boston as listed in paragraph (a) shall cast 1 vote. Wherein the chief executive officer of the city of Boston shall opt to serve as the representative to the advisory board for the city of Boston, he shall cast 7 votes.

(c) Said advisory board may act at a regular periodic meeting called in accordance with its by-laws; or at a special meeting called by the authority; or if a majority of board members choose to do so. Except as specially provided in paragraph (f), a quorum of the advisory board shall consist of a simple majority of voting members present, and the advisory board may act, except as otherwise provided in paragraph (f), by affirmative casting of a majority of the votes represented in the quorum. The advisory board shall be deemed to be a governing body for the purposes of, and shall be subject to, section 11A½ of chapter 30A of the General Laws.

d) Said advisory board shall annually elect a chairperson, a vice-chairperson, a secretary and such officers as said advisory board might determine. Each officer may be removed by a two-thirds vote of the advisory board without cause. In the event of a vacancy, said board shall fill the vacancy for the unexpired term. Each member of said advisory board shall serve without compensation but may be reimbursed, as an expense of said advisory board, for all reasonable expenses incurred in the performance of his duties as approved by the advisory board.

e) The advisory board shall without limitation: (i) make recommendations to the authority on annual current expense expenditure budgets submitted to the advisory board under paragraph (j); (ii) hold hearings, which may be held jointly with the authority at the discretion of the advisory board and said authority, on matters relating to said authority; (iii) review the annual report of the authority and to prepare comments thereon to the authority and the governor, and to make such examinations of the reports on the authority’s records and affairs as the advisory board deems appropriate; and (iv) make recommendations to the governor and the general court respecting the authority and its programs. The advisory board shall have all powers necessary or convenient to carry out and effectuate the foregoing purposes.

(f) Within 30 days of receiving any proposed current expense budget of the authority or within 15 days of receiving any proposed amended expense budget of the authority, the advisory board shall hold a public hearing on matters relating to said budget for the purpose of ascertaining,
for subsequent report to the authority if necessary, the views of the public thereon.

(g) The advisory board shall appoint an ombudsman who, with the assistance from such staff and consultants as the advisory board may authorize and appoint, shall act for and in the name of the advisory board in the following respects: (i) preparation of analysis for the advisory board of the authority’s current expense budgets, capital expenditure budgets and capital programs and their effect on the charges of said authority; (ii) representation of the advisory board to said authority on all matters pertaining to said authority’s programs, operations, finances and charges; (iii) reporting regularly to the advisory board on the activities of the ombudsman and other staff of the advisory board, on the affairs of the authority, and on the effect of the authority’s program and operations on residents of neighboring communities; (iv) exercising such other duties and responsibilities consistent with the powers of the advisory board as the advisory board may assign from time to time.

(h) The advisory board may incur annual expenses, not to exceed $250,000 for expenses authorized under paragraph (c) and for personnel and office expenses. Said annual expenses shall be paid by the authority.

(i) The authority shall provide any information, including but not limited to, annual current expense expenditure budgets and capital expenditure reports, requested by the advisory board which are necessary for the discharge of its duties; provided, however, that the advisory board shall not be granted access to any information if it be determined by the executive director of the authority and the director of security for the authority that the release of such information would be detrimental to public safety; provided, further, that said determination shall be made in writing and said writing shall be delivered to the advisory board within 2 days; and, provided, further, that said writing shall be signed by the executive director and director of security of said authority under pains and penalties of perjury.

SECTION 117. Section 2 of chapter 634 of the acts of 1971, as most recently amended by section 1 of chapter 364 of the acts of 1990, is hereby further amended by striking out the second paragraph and inserting in place thereof the following paragraph:-

Following acquisition of said bridges by the department, said department shall, in its sole discretion, furnish or otherwise provide for the necessary flag protection on the railroad rights-of-way of the Massachusetts Bay Transportation Authority, which may be required
when the department is performing inspection, maintenance and repair, reconstruction, or replacement of any such bridges.

SECTION 118. Subsection (c) of section 83 of chapter 4 of the acts of 2003, as most recently amended by section 8 of chapter 228 of the acts of 2007, is hereby amended by striking out the words ‘Central Artery and Statewide Road and Bridge Infrastructure Fund established under section 63 of chapter 10 of the General Laws’ and inserting in place thereof the following words: Massachusetts Transportation and Infrastructure Fund established pursuant to section 4 of chapter 6C of the General Laws.

SECTION 119. (a) Notwithstanding the provisions of any general or special law to the contrary, the Massachusetts Transportation and Infrastructure Authority and the Massachusetts Turnpike Authority are hereby authorized and directed to develop and implement a transfer agreement providing for the orderly transfer and provisional appointment of personnel from the turnpike authority to the Massachusetts Transportation and Infrastructure Authority consistent with the provisions contained herein as well as the transfer of all assets, liabilities, obligations, and debt of said authority to Massachusetts Transportation and Infrastructure Authority not later than July 1, 2010; provided, further, that said transfer should be effectuated upon a vote by the Massachusetts Transportation and Infrastructure Authority to assume responsibility for the liabilities, obligations and debts of the former turnpike authority. Upon the assumption of the outstanding liabilities, obligations, and debt of the authority by the Massachusetts Transportation and Infrastructure Authority, said authority shall be dissolved and, without further conveyance or other act, all the assets, liabilities, obligations and debt as well as all rights, powers and duties of the authority shall be transferred to and assumed by Massachusetts Transportation and Infrastructure Authority. Unless specifically provided to the contrary, the terms ‘turnpike,’ ‘Ted Williams tunnel,’ ‘Sumner tunnel,’ and ‘metropolitan highway system’ as used in this section, and elsewhere in this act, shall have the meanings ascribed to them in chapter 81A of the General Laws.

(b) On the date the authority is dissolved, but not later than July 1, 2010: (i) ownership, possession, and control of all personal property, including, but without limitation, all equipment, books, maps, papers, plans, records and documents of whatever description pertaining to the design, construction, use, operation, and general affairs of the turnpike and metropolitan highway system which are in the possession of the Massachusetts Turnpike Authority or any division, unit, officer or
employee thereof shall pass to and be vested in the Massachusetts Transportation and Infrastructure Authority without consideration or further evidence of transfer and shall thereafter be in the possession and control of the highway division; (ii) ownership, possession, and control of all real property, including, without limitation, all land, buildings, highways, bridges, tunnels and other highway elements of whatever description that are owned by the Massachusetts Turnpike Authority or any division or unit thereof shall pass to and be vested in the Massachusetts Transportation and Infrastructure Authority without consideration or further evidence of transfer and shall thereafter be a part of the state highway system under the possession and control of the highway division; provided, however, that prior to such dissolution, the Massachusetts Turnpike Authority shall be authorized to transfer, for nominal consideration, to the Massachusetts Bay Transportation Authority, all of its right title and interest in the land, track and other property comprising the rail line and right of way extending from the South Bay section of the city of Boston to the city of Newton; provided, further, that the authority shall retain any portion of or interest in such rail line and right of way deemed by the authority or the highway division, with the approval of the Massachusetts Transportation and Infrastructure Authority, to be necessary for the operation of the turnpike or the metropolitan highway system; and (iii) all duly existing contracts, leases, or obligations of the Massachusetts Turnpike Authority with respect to the turnpike or metropolitan highway system which remain in force immediately prior to the effective date of the dissolution of the authority, shall be deemed to be the obligations of the Massachusetts Transportation and Infrastructure Authority. No existing right or remedy under this section shall be lost, impaired or affected by this act. The Massachusetts Transportation and Infrastructure Authority shall have authority to exercise all rights and enjoy all interests conferred upon the Massachusetts Turnpike Authority by said contracts, leases, or obligations. In the case of collective bargaining agreements, any obligations under said agreements shall expire on the stated date of expiration of such agreements.

(c) The transfer of the assets, liabilities, obligations, and debt of the Massachusetts Turnpike Authority to the department under this act shall be effective upon dissolution of said authority and shall bind all persons, with or without notice and without any further action or documentation. Without derogating from the foregoing, the department of transportation may, from time to time, execute and record and file for registration with
any registry of deeds or the land court or with the secretary of the
commonwealth, as appropriate, a certificate confirming the
commonwealth’s ownership of any interest in real or personal property
formerly held by the Massachusetts Turnpike Authority and transferred
pursuant to the provisions of this act and establishing and confirming the
limits of state highway so transferred.
(d) This act shall not limit or impair the rights, remedies, or defenses
of the commonwealth, the department of transportation, or the
Massachusetts Turnpike Authority in or to any such action including,
without limitation, the provisions of section 18 of chapter 81 and chapter
258. All actions or proceedings shall be subject to the provisions of said
section 18 of chapter 81 and chapter 258. Except as expressly excepted
by the previous sentence, actions and proceedings against or on behalf of
the Massachusetts Turnpike Authority shall continue unabated and, from
and after the date of dissolution of the authority, may be completed
against or by the department of transportation.
(e) Prior to any transfer of assets owned by the Massachusetts
turnpike authority, the undersecretary of the division of highways, in
consultation with the Treasurer of the commonwealth and the executive
director of the pension reserves investment management board, shall
study and assess current market value of real property under the
ownership, possession, and control of the Massachusetts turnpike
authority, including but not limited to, any land or buildings, and
determine whether such assets are surplus to the operation of the
Turnpike or Metropolitan highway system, as defined by section 1 of
chapter 6C, and whether such assets present the potential to meet the
pension fund’s assumed rate of return for investments. Any such assets
deemed to be both surplus and as presenting the potential to meet the
pension fund’s assumed rate of return for investments, prior to being
transferred to the division, may be purchased at the current market value
by the pension fund, subject to the approval of the undersecretary of the
division of highways and the pension reserves investment management
board. Any proceeds generated from such a sale shall be deposited in the
Massachusetts Transportation and Infrastructure Fund, established
pursuant to section 4 of chapter 6C.

SECTION 120. Notwithstanding any general or special law to the
contrary, any order, rule, or regulation duly promulgated, or any license,
permit, certificate or approval duly granted, by or on behalf of the
Massachusetts Turnpike Authority shall continue in effect from and after
the date of dissolution of the authority and shall be enforced by the department of transportation until superseded, revised, rescinded or cancelled by the department of transportation.

SECTION 121. Notwithstanding any general or special law to the contrary, the department shall, in consultation with the Federal Highway Administration, inventory the requirements for, and assume the responsibilities of, rehabilitating and reconstructing the turnpike and metropolitan highway system in compliance with Title 23 of the United States Code. Said inventory shall include operational and safety considerations associated with direct access to the mainline roadway from (i) maintenance, administration, and state police facilities, (ii) emergency median crossovers, and (iii) adjacent local roadways and service plazas.

SECTION 122. (a) On July 1, 2009, each employee of the Massachusetts Turnpike Authority whose salary is paid out of revenue generated by the authority as defined in section 3 of chapter 81A of the General Laws, and whose salary is accounted for on the books of the Massachusetts Turnpike Authority as arising from revenue generated that authority shall become an employee of the Massachusetts Transportation and Infrastructure Authority, hereinafter referred to as the Authority.

(b) On July 1, 2010, all remaining employees of the Massachusetts Turnpike Authority shall become employees of the Massachusetts Transportation and Infrastructure Authority.

(c) All officers and employees of the Massachusetts Turnpike Authority transferred to the service of the Massachusetts Transportation and Infrastructure Authority shall be transferred without impairment of seniority, civil service status, retirement or other statutory rights of employees, without reduction in compensation or salary grade, notwithstanding any change in job titles or duties, without loss of accrued rights to holidays, sick leave, vacation and other benefits, and without change in union representation, except as otherwise provided in this act. Terms of service of employees of the Massachusetts Turnpike Authority shall not be deemed to be interrupted by virtue of transfer to the Massachusetts Transportation and Infrastructure Authority.

(d) Rights and obligations under collective bargaining agreements with respect to employees transferred from the Massachusetts Turnpike Authority, except to the extent expressly inconsistent with this act, shall be assumed by and imposed upon the Massachusetts Transportation and Infrastructure Authority. Except to the extent expressly inconsistent with this act, any collective bargaining agreement in effect for such
transferred employees immediately before the transfer date shall continue as if the employees had not been so transferred, until the expiration date of such collective bargaining agreement. The Massachusetts Transportation and Infrastructure Authority shall negotiate in good faith pursuant chapter 150E of the General Laws with respect to wages, hours and other terms and conditions of employment to become effective as of the expiration date of such collective bargaining agreement. Any expired collective bargaining agreement covering employees transferred to the Massachusetts Transportation and Infrastructure Authority for which successor contract negotiations are on-going as of March 1, 2009 shall be extended for 6 months after the effective date of the act, unless mutually agreed otherwise by the employees’ exclusive bargaining representative and the Massachusetts Transportation and Infrastructure Authority, to permit the successful completion of successor negotiations. Nothing in this section shall be construed to confer upon any employee any right not held immediately prior to the date of the transfer or to prohibit any reduction of salary or grade, transfer, reassignment, suspension, discharge, layoff or abolition of position not prohibited before such date. (e) Notwithstanding any general or special law to the contrary, an employee of the Massachusetts Turnpike Authority who is hired on or after the effective date of this act shall only be eligible for health care coverage under the group insurance commission, provided that the employee meets the eligibility requirements of the group insurance commission.

SECTION 123. Notwithstanding any general or special law to the contrary, upon the effective date of section 124, the Massachusetts Transportation and Infrastructure Authority established pursuant to chapter 6C shall be the successor to the financial obligations of the Massachusetts Turnpike Authority and shall be deemed to have assumed, without any further action, all rights, duties and obligations of the Massachusetts Turnpike Authority in effect as of said date. Notwithstanding the foregoing, no existing rights of the holders of the bonds issued by the Massachusetts Turnpike Authority under chapter 81A of the General Laws shall be impaired hereby, and the authority, as successor in interest to the Massachusetts Turnpike Authority, shall maintain the covenants of the trust indentures pertaining to such bonds so long as such bonds shall remain outstanding.

SECTION 124. (a) Notwithstanding the provisions of any general or special law to the contrary, employees of the Massachusetts Turnpike Authority who become state employees under this act and who are
eligible for group insurance coverage pursuant to chapter 32A of the General Laws shall receive the full extent of benefits provided to existing state employees. Said employees shall cease to be eligible or insured by the authority. The group insurance commission, hereinafter referred to as the commission, shall provide uninterrupted coverage for group life and accidental death and dismemberment insurance and group general or blanket insurance providing hospital, surgical, medical, dental, and other health insurance benefits pursuant to said chapter 32A.

(b) Notwithstanding the provisions of any general or special law to the contrary, retired employees of the Massachusetts Turnpike Authority and the surviving spouses of active or retired authority employees who are eligible for group insurance coverage pursuant to this section and said chapter 32A shall have said eligibility and coverage transferred to the commission and shall receive the full extent of benefits provided to existing state employees. Said persons shall cease to be eligible or insured by the authority. The commission shall provide uninterrupted coverage for group life and accidental death and dismemberment insurance and group general or blanket insurance providing hospital, surgical, medical, dental, and other health insurance benefits to the extent authorized under the provisions of said chapter 32A. All questions relating to group insurance rights, obligations, costs and payments shall be determined solely by the group insurance commission, and shall include the manner and method for the payment of all required premiums applicable to all such coverage.

(c) The human resources division of the executive office for administration and finance shall assume the obligations of the Massachusetts Turnpike Authority to employees who become state employees and who are covered under a health and welfare trust fund agreement. Any monies in the authority’s employees’ group insurance trust fund shall be transferred to the Group Insurance Commission Trust Fund established pursuant to section 9 of said chapter 32A.

(d) Any monies in the Massachusetts turnpike authority’s claims trust fund shall be transferred to the commission. The Massachusetts turnpike authority’s treasurer shall provide the commission with an accounting of the claims trust fund which shall be for the 1 year period immediately preceding the effective date and shall include a calculation of the employee, retiree and surviving spouse contributions that are in excess of the claims costs and expenses of the plans for which the contributions were made. Said treasurer shall routinely forward to the commission any...
claims for health insurance claims made on behalf of the active
employees and retirees of the authority.

(e) Nothing in this section shall be construed to affect the eligibility
and coverage of retired Massachusetts Turnpike Authority employees
and the surviving spouses of active or retired Massachusetts Turnpike
Authority employees who are eligible for group insurance coverage
under a plan offered by the Massachusetts Turnpike Authority or who are
insured under a plan offered by the Massachusetts Turnpike Authority.

SECTION 125.  (a) Notwithstanding any general or special law to the
contrary: (1) the Massachusetts turnpike authority employees retirement
system shall be abolished and transferred to the state employee
retirement system and shall be managed by the state board of retirement
pursuant to section 18 of chapter 10 of the General Laws, which board
shall have with respect thereto the general powers and duties set forth in
subdivision (5) of section 20 of chapter 32 of the General Laws; (2) the
authority’s employees who retired on or before the effective date of this
act shall be members of the state retirement system, which shall pay the
cost of benefits annually to such retired authority employees and their
survivors; and (3) the assets, liabilities, including all accrued pension and
unfunded liabilities, and all data files, papers, records, and other
materials of the authority’s retirement system shall be transferred from
said authority retirement system to the state retirement system, subject to
paragraph (a) of subsection 8 of section 3 of said chapter 32, and such
other applicable provisions of law; provided, however, that the members
and officers thereof shall continue to be authorized to do all such things
and take all such action as may be necessary or desirable to be done or
taken by them to effectuate the transfers to be made pursuant to this
section.

(b) Effective upon the date of dissolution of the Massachusetts
Turnpike Authority or a default in its obligations under said chapter 32,
the payment of all annuities, pensions, retirement allowances and refunds
of accumulated total deductions and of any other benefits granted under
the provisions of sections 1 to 28, inclusive, of said chapter 32 are hereby
made obligations of the commonwealth in the case of any such payments
from funds of the Massachusetts turnpike authority employees retirement
system.

SECTION 126.  Notwithstanding the provisions of any general or
special law to the contrary, employees of the Massachusetts Turnpike
Authority who are hired after the effective date of this act shall become
members of the state retirement system, and notwithstanding the
provisions of any general or special law to the contrary including, but not
limited to, paragraph (c) of subdivision (8) of section 3 of chapter 32 of
the General Laws, said system shall be responsible for all liability
attributable to the service of such employees. The liabilities attributable
to the service of such employees shall be recoverable by the
commonwealth pursuant to the terms of section 8. Employees hired by
said authorities after the effective date of this act shall not be members of
either authority’s retirement system.

SECTION 127. Notwithstanding the provisions of any general or
special law to the contrary, on and after the effective date of this act, the
Massachusetts Turnpike Authority shall not enter into any contract to
employ a person as an employee or officer beyond July 1, 2010.

SECTION 128. Notwithstanding the provisions of any general or
special law to the contrary, on and after the effective date of this act, the
Massachusetts Turnpike Authority shall not extend the term of any
collective bargaining agreement to a date after July 1, 2010, and shall not
enter into any collective bargaining agreement with an expiration date
after July 1, 2010.

SECTION 129. Notwithstanding any general or special law to the
contrary, all employees of the Massachusetts Bay Transportation
Authority who are hired on or after the effective date of this act shall be
deemed ‘employees’ in accordance with subsection (b) of section 2 of
chapter 32A of the General Laws and shall be subject to all of said
chapter 32A, and shall not be eligible for coverage and shall not receive
benefits under any other plan offered by the Massachusetts Bay
Transportation Authority. The authority’s contribution to the cost of
health insurance coverage for Massachusetts Bay Transportation
Authority employees hired after the effective date of this act shall be the
same as the provisions on the commonwealth’s contributions in said
chapter 32A.

SECTION 130. Notwithstanding any general or special law to the
contrary, an employee of the Massachusetts Bay Transportation
Authority who is employed by the Massachusetts Bay Transportation
Authority on the effective date of this act and who becomes and who is
eligible for group insurance coverage under insurance plans offered by
the authority or who is insured under such a plan, shall have his
eligibility and coverage transferred to the jurisdiction of the group
insurance commission effective July 1, 2010 and such person shall cease
to be eligible or insured under the plans previously offered by the
Massachusetts Bay Transportation Authority.
Upon transfer to the group insurance commission all employees of the Massachusetts Bay Transportation Authority shall be deemed “employees” in accordance with subsection (b) of section 2 of chapter 32A of the General Laws and shall be subject to all of the provisions of said chapter; provided, however, that a Massachusetts Bay Transportation Authority employee who was covered by a collective bargaining agreement on the date of transfer shall continue to receive the group insurance benefits required by his respective collective bargaining agreement until the expiration date of such agreement. If the Massachusetts Bay Transportation Authority has monies in an employee’s group insurance trust fund related to the employees transferred to the group insurance commission, these funds shall be transferred to the group insurance commission trust fund established in section 9 of said chapter 32A.

SECTION 131. Notwithstanding any general or special law to the contrary, the Massachusetts Bay Transportation Authority shall continue to provide the coverage, benefits, premium contribution ratios, and other terms, in effect as of June 30, 2010, applicable to retired employees of the Massachusetts Bay Transportation Authority and the surviving spouses of active or retired employees of the Massachusetts Bay Transportation Authority who are eligible for group insurance coverage under a plan offered by the Massachusetts Bay Transportation Authority and who have retired prior to July 1, 2010; provided, however, that employees retired prior to July 1, 2010 shall be entitled to noncontributory coverage under any health maintenance organization offered by the Massachusetts Bay Transportation Authority as of June 30, 2010.

 SECTION 132. Notwithstanding any general or special law to the contrary, the Massachusetts Bay Transportation Authority or any successor, shall enter into an agreement to establish or amend existing retirement or pension benefits only if any employee hired after the effective date of the agreement or amendment may not receive a retirement or pension benefit prior to the completion of 25 years of credited pension service and attained 55 years of age. The Massachusetts Bay Transportation Authority is not prohibited by this section from permitting retirement prior to attaining age 55; provided, however, that either: (i) the employee is entitled to a disability pension under the Massachusetts Bay Transportation Authority retirement system; or (ii) the employee has earned the maximum percentage allowed under the retirement formula of the Massachusetts Bay Transportation Authority.
retirement system and that the employee waives the ability to collect a
pension and retirement benefit due until attaining age 55.

SECTION 133. Notwithstanding the provisions of any general or
special law to the contrary, the Massachusetts Port Authority, and the
Massachusetts Turnpike Authority, for so long as it shall exist, are
hereby prohibited, upon the effective date of this act, from entering into
any new or amended employment agreements, which fix the
compensation and conditions of employment or otherwise bind said
authorities to designated contract periods.

SECTION 134. (a) As used in sections 136 to 138 the following
words shall, unless the context clearly requires, have the following
meanings:-

‘Authority’, the Massachusetts Port Authority established pursuant to
chapter 465 of the acts of 1956.

‘Bridge’, the Maurice J. Tobin Memorial Bridge, formerly known as
the Mystic River Bridge, constructed and owned by the Massachusetts
Port Authority pursuant to chapter 465 of the acts of 1956.

‘Department’, the department of transportation.

‘Fund’, the Massachusetts Turnpike Authority Revenue Enhancement
Fund established pursuant to section 4.

(b) Notwithstanding any general or special law to the contrary, not
later than July 1, 2009, the authority shall transfer the bridge, owned and
operated by the authority, to the Massachusetts Transportation and
Infrastructure Authority to be under the control of the Massachusetts
Transportation and Infrastructure Authority. Ownership, possession, and
control of the bridge, including, but not limited to, all equipment, books,
maps, papers, plans, records and documents of whatever description
pertaining to the design, construction, use, operation, and general affairs
of the bridge which are in the possession of the authority or any division,
unit, officer or employee thereof shall pass to and be vested in the
Massachusetts Transportation and Infrastructure Authority to be under
the control of the Massachusetts Transportation and Infrastructure
Authority without consideration or further evidence of transfer and shall
thereafter be in the ownership, possession and control of the
Massachusetts Transportation and Infrastructure Authority.

(c) Notwithstanding any general or special law to the contrary, bridge
personnel deemed necessary by the authority for the operation,
management, design, construction, reconstruction, repair, maintenance,
or improvement of the bridge, transferred under subsection (b), shall be
transferred to the Massachusetts Transportation and Infrastructure
Authority. The terms and conditions of any collective bargaining agreement covering bridge personnel that is in effect upon the transfer of such personnel to the Massachusetts Transportation and Infrastructure Authority shall remain in effect until the stated date of expiration of such agreement, at which point the agreement shall expire; provided, however, that upon the effective date of this act, the authority shall not engage in negotiations for future collective bargaining agreements covering such employees.

Notwithstanding any general or special law to the contrary, a bridge employee who is employed by the authority on the effective date of this act and who becomes an employee of the Massachusetts Transportation and Infrastructure Authority on or after July 1, 2009 and who is eligible for group insurance coverage under insurance plans offered by the authority or who is insured under such a plan, shall have his eligibility and coverage transferred to the jurisdiction of the group insurance commission effective July 1, 2009 and such person shall cease to be eligible or insured under the plans previously offered by the Massachusetts Port Authority.

Upon transfer to the group insurance commission all employees of the Massachusetts Transportation and Infrastructure Authority shall be deemed “employees” in accordance with subsection (b) of section 2 of chapter 32A of the General Laws and shall be subject to all of the provisions of said chapter 32A; provided, however, that a Maurice J. Tobin bridge employee who was covered by a collective bargaining agreement on the date of the transfer to the Massachusetts Transportation and Infrastructure Authority shall continue to receive the group insurance benefits required by his respective collective bargaining agreement until the expiration date of such agreement.

If the Massachusetts Port Authority has monies in an employee’s group insurance trust fund related to the bridge employees transferred to the Massachusetts Transportation and Infrastructure Authority, these funds shall be transferred to the group insurance commission trust fund established in section 9 of said chapter 32A.

Nothing in this section shall be construed to affect the eligibility and coverage of retired bridge employees and the surviving spouses of active or retired bridge employees who are eligible for group insurance coverage under a plan offered by the authority or who are insured under a plan offered by the authority.

(d) Notwithstanding any general or special law to the contrary, all duly existing contracts, leases, and obligations of the authority regarding
the bridge shall continue in effect and shall remain the liability of the
authority; provided, however, that all contracts and obligation related to
any collective bargaining agreement shall be assumed by the
Massachusetts Transportation and Infrastructure Authority; and
provided, further, that in the case of collective bargaining agreements,
your obligations assumed by the Massachusetts Transportation and
Infrastructure Authority under said agreements shall expire on the stated
date of expiration of such agreements. No existing right or remedy of any
character shall be lost, impaired, or affected by this act. On and after the
effected date of this act, the authority shall not amend existing or
negotiate any new payment in lieu of tax (PILOT) agreements. Any
PILOT payments that exist as of the effective date shall continue to be
paid by the authority until the transfer of the bridge is completed. Upon
transfer of the bridge, the amount called for in the last payment of any
PILOT still in effect as of the effected date of this act, whether that final
payment was subsequently paid or is still due, shall be the basis for the
conversion of PILOT payments into final, one-time payments calculated
upon the present day value of a twenty-five year schedule of PILOT
payments, and paid by the Massachusetts Transportation and
Infrastructure Authority to the receiving parties of the PILOT
agreements. Once the final, one-time PILOT payments are made, the
Massachusetts Transportation and Infrastructure Authority shall not be
required to enter into any new PILOT agreements.

(e) On and after the effective date of this act, the authority shall not
increase its net workforce of employees working primarily on the bridge.

SECTION 135. Notwithstanding any general or special law to the
contrary, the department may, in accordance with section 3B of chapter 7
of the General Laws, fix and revise by regulation from time to time and
charge and collect tolls, rates, fees, rentals, and other charges for transit
over or through the Maurice J. Tobin Memorial Bridge.

The department shall convene at least 2 public hearings, to be within
the metropolitan Boston area for proposed changes in the toll structure
on the bridge. Said public hearings shall be at least 30 days prior to the
effective date of any proposed change in toll structure and shall allow for
a 1 week comment period, after each such hearing, during which written
testimony and comments shall be accepted.

The department shall not charge or collect a toll for transit by official
emergency vehicles of the commonwealth or any municipality, political
subdivision or instrumentality thereof over or through the Maurice J.
Tobin Memorial Bridge.
SECTION 136. Notwithstanding any general or special law to the contrary, all revenues collected by the department from fares, fees, tolls, or any other revenue sources, including, but not limited to, from federal sources from the operation of the Maurice J. Tobin Memorial Bridge shall be deposited in the Massachusetts Transportation and Infrastructure Fund established pursuant to section 4 of chapter 6C of the General Laws.

NO SECTION 137.

NO SECTION 138.

SECTION 139. (a) The secretary of transportation shall make such plans and arrangements as may be necessary to ensure the efficient transfer of: (i) the Massachusetts turnpike authority’s functions, assets, liabilities, and obligations; (ii) the Maurice J. Tobin Memorial Bridge owned and operated by the Massachusetts Port Authority; and (iii) the vehicular bridges and appurtenances under the control of the department of conservation and recreation, to the department pursuant to this act.

The secretary shall have the authority to promulgate new rules and regulations as deemed necessary to effectuate the purposes of the transfers.

Any order, rule or regulation duly promulgated by or on behalf of the department of highways, the Massachusetts aeronautics commission, the registry of motor vehicles, and the Massachusetts Turnpike Authority, shall continue in full force and effect to the extent consistent with this act and the laws of the commonwealth, and shall continue to be enforced, until superseded, revised, rescinded or cancelled by the secretary of transportation.

SECTION 140. (a) Notwithstanding the provisions of any general or special law to the contrary, the department of transportation shall facilitate the orderly transfer of the employees, proceedings, rules and regulations, property, and legal obligations of the following functions of state government from the transferor agency to the transferee agency, defined as follows: (1) the functions of the department of highways, as the transferor agency, to the Massachusetts department of transportation, highway division, as the transferee agency; (2) the functions of the registry of motor vehicles, as the transferor agency, to the Massachusetts department of transportation, motor vehicles division, as the transferee agency; (3) the functions of the aeronautics commission, as the transferor agency, to the Massachusetts department of transportation, aeronautics division, as the transferee agency.
(b) The employees of each transferor agency, including those who immediately before the effective date of this act hold permanent appointment in positions classified under chapter 31 of the General Laws or have tenure in their positions as provided by section 9A of chapter 30 of the General Laws or do not hold such tenure, or hold confidential positions, are hereby transferred to the respective transferee agency, without interruption of service, without impairment of seniority, retirement or other rights of the employee, and without reduction in compensation or salary grade, notwithstanding any change in title or duties resulting from such reorganization, and without loss of accrued rights to holidays, sick leave, vacation and benefits, and without change in union representation or certified collective bargaining unit as certified by the state division of labor relations or in local union representation or affiliation. Any collective bargaining agreement in effect immediately before the transfer date shall continue in effect and the terms and conditions of employment therein shall continue as if the employees had not been so transferred. The reorganization shall not impair the civil service status of any such reassigned employee who immediately before the effective date of this act either holds a permanent appointment in a position classified under chapter 31 of the General Laws or has tenure in a position by reason of section 9A of chapter 30 of the General Laws. Notwithstanding the provisions of any general or special law to the contrary, all such employees shall continue to retain their right to collectively bargain pursuant to chapter 150E of the General Laws and shall be considered employees for the purposes of said chapter 150E. Nothing in this section shall be construed to confer upon any employee any right not held immediately before the date of said transfer, or to prohibit any reduction of salary grade, transfer, reassignment, suspension discharge layoff or abolition of position not prohibited before such date.

(c) All petitions, requests, investigations and other proceedings appropriately and duly brought before each transferor agency or duly begun by each transferor agency and pending before it before the effective date of this act, shall continue unabated and remain in force, but shall be assumed and completed by the department of transportation.

(d) All orders, rules and regulations duly made and all approvals duly granted by each transferor agency, which are in force immediately before the effective date of this act, shall continue in force and shall thereafter be enforced, until superseded, revised, rescinded or canceled, in accordance with law, by the department of transportation.
(e) All books, papers, records, documents, equipment, buildings, facilities, cash and other property, both personal and real, including all such property held in trust, which immediately before the effective date of this act are in the custody of each transferor agency shall be transferred to the department of transportation.

(f) All duly existing contracts, leases and obligations of each transferor agency shall continue in effect but shall be assumed by the respective transferee agency. No existing right or remedy of any character shall be lost, impaired or affected by this act.

SECTION 141. Notwithstanding any general or special law to the contrary, the secretary of administration and finance shall establish an office of transition management for transportation within the executive office for administration and finance to accomplish the purposes of this act. Agencies from within that executive office including, but not limited to, the human resources division and the division of capital asset management and maintenance, as well as the executive office of transportation and public works and the department of labor shall staff the office.

The office shall monitor compliance with this act, recommend to the secretary of transportation rules and regulations not inconsistent with this act to facilitate the orderly, expeditious transfer of assets and functions from the executive office of transportation and public works, the Massachusetts Turnpike Authority, the Massachusetts Port Authority, the department of conservation and recreation and the department of highways to the Massachusetts Transportation and Infrastructure Authority, developing administrative processes to assure continuity of employment and operations during the transitions, identifying opportunities for potential efficiencies and cost savings and recommending legislation to realize such savings and efficiencies, resolve issues or assist government agencies with the transition of transportation agencies.

Ninety days after the effective date of this act and quarterly thereafter until such transition period is complete, the secretary of transportation shall submit a report to the governor, the secretary of administration and finance, the joint committee on transportation, the senate and house committees on ways and means and the clerks of the senate and the house of representatives, relative to the progression of the incorporation of the agencies and authorities into the Massachusetts Transportation and Infrastructure Authority.
The report shall include, but shall not be limited to, plans for the assignment and reassignment of resources including personal, equipment and supplies into the Massachusetts Transportation and Infrastructure Authority. The reports shall also include the status of the transition of roads, bridges, parkways and any other transportation assets of the Massachusetts Turnpike Authority, the Massachusetts Port Authority, the department of conservation and recreation and the department of highways and shall further include approximate schedules for the completion of the transition.

SECTION 142. (a) Notwithstanding the provisions of chapter 30B of the General Laws or any other general or special law to the contrary, the city of Worcester may, within 1 year of the effective date of this act, transfer to the Massachusetts Port Authority the Worcester regional airport, subject to the following terms and conditions: (i) the Worcester regional airport shall be transferred to the Massachusetts port authority for fair compensation which may be paid in installments and which shall be reduced by the actual amount of any expenditures, subsidies, and operational costs assumed or provided to date to or for the Worcester regional airport by said Massachusetts Port Authority, in addition to any other federal and state funding and grant assistance, and (ii) the right, title, and interest of said city in the Worcester regional airport shall be conveyed within 1 year of the effective date of this act. If the parties fail to agree to the amount of fair compensation within 6 months of the effective date of this act, the secretary of transportation and the undersecretary of transportation for aeronautics shall establish such compensation in consultation with the executive director of the Massachusetts Port Authority and the city manager of the city of Worcester; provided, however, that the terms and conditions of any such transfer, and the amount of any such compensation to be paid, shall be subject to the prior approval of the board of the authority.

(b) Upon the transfer of the airport by the city of Worcester to the Massachusetts Port Authority pursuant to this section, the Massachusetts Port Authority shall be responsible for the ownership, operation, and maintenance of the Worcester regional airport and, except as otherwise agreed to by the parties, the city shall cease to be responsible for such ownership, operation, and maintenance. All warranties and all contract and indemnification rights and obligations arising out of the design, construction, operation, and maintenance of the airport shall remain in full force and effect following such transfer. The provisions of this section shall not limit or in any way impair the rights, remedies or
defenses of the city of Worcester or the Massachusetts Port Authority in
or to any such action.

SECTION 143. The secretary of the department of transportation, in
consultation with the secretary of the executive office of labor and
workforce development and director of workforce development shall
institute a workforce retraining initiative to mitigate potential impacts to
employees displaced by the organizational efficiencies and agency
restructuring directed by this act. The secretary of transportation and the
secretary of labor and workforce development, or their designees, shall
establish a committee to coordinate the workforce retraining initiative
and adopt policies that identify and categorize displaced employees,
while advancing workforce development opportunities for said
employees whose lack of skills may prevent or limit their successful
employment. Said committee shall include representatives from labor
unions likely to be affected by this act, representatives from the business
industry, and representatives from the human resources division of the
executive office for administration and finance. The procedures shall
outline and recommend various retraining programs available to
employees identified as being displaced by this act, establish eligibility
criteria and base skills requirements for the administration of these
programs, promote program accountability and job placement through
the division of career services and one stop career centers, identify
available professional development and technical assistance needs and
resources, and encourage economic diversification and industry growth
through technology-focused training.

The director of workforce development together with agencies and
other entities that provide employment or training services in the
commonwealth, shall utilize existing state and federal grant funding,
including funding for workforce retraining programs at existing
institutions, community colleges, labor organizations, and administrative
entities to implement the workforce retraining initiative. Where
applicable, the director may utilize any funds received pursuant to the
2801, as amended, to provide additional funding for the workforce
retraining initiative.

In the event an employee displaced by the operation of this act does
not have severance or other termination benefits, the department of
transportation shall pay, for a period not to exceed 2 months following
the date of termination of employment, the then current salary for such
employee.
SECTION 144. Notwithstanding the provisions of sections 9, 9A, and 10 of chapter 161B of the General Laws, or any other general or special law to the contrary, all regional transit authorities established in said chapter 161B shall move to a forward funded budgeting system. The secretary of the executive office for administration and finance is hereby directed to develop a plan and timetable for accomplishing this conversion to forward funding and to seek the necessary appropriations to implement the plan. The secretary is further authorized to promulgate rules and regulations to effectuate the purposes of this section.

SECTION 145. Notwithstanding any general or special law to the contrary, the highway division of the department of transportation shall enter into an agreement with the Massachusetts Bay Transportation Authority to assume all bridge inspection responsibilities for any bridges owned and operated by said authority over the roads of the commonwealth.

SECTION 146. Notwithstanding section 31 of chapter 15 of the acts of 1988 or the provisions of any other general or special law to the contrary, the Massachusetts Bay Transportation Authority is hereby authorized and approved to sell, convey, mortgage, pledge, lease, exchange, abandon or otherwise dispose of the public parking garage constructed and operated by the authority and the land acquired by the authority pursuant to such law.

SECTION 147. Notwithstanding any general or special law to the contrary, the bureau for environmental health within the department of public health shall conduct a comprehensive baseline study of the health effects of particulate air pollution from surface and air transportation in Massachusetts. The study shall focus on understanding the health impacts from fine and ultrafine particulate matter upon populations that are located within 500 feet of any roadway with 50,000 or more motor vehicle trips per day, or any rail line regularly used by diesel locomotives or within 1 mile of any airport with more than 500 enplanements per week as reported between January 1, 2007 and January 1, 2008 or within one mile of the Port of Boston; provided, further, that said study may include, but shall not be limited to, examining respiratory and cardiovascular disease and cancer incidence that may be affected by exposure to traffic-related particles. The following departments and agencies of the commonwealth shall provide information to the bureau relevant to this study: the department of environmental protection, the Massachusetts Transportation and Infrastructure Authority, the department of transportation, the division of aeronautics and the central...
transportation planning staff of the Boston metropolitan planning organization. The bureau shall report its findings together with legislation, if any, to the house and senate committees on ways and means not later than June 30, 2010.

SECTION 148. Notwithstanding any general or special law to the contrary, any employee who retires from the executive office of transportation, the highway department, the registry of motor vehicles, the Massachusetts Turnpike Authority, the Massachusetts Port Authority, the Massachusetts Bay Transportation Authority, the Massachusetts Aeronautics Commission, or the Massachusetts Transportation and Infrastructure Authority shall not be employed by the agency or authority from which the employee retired or any successor agency or authority to the agency or authority from which the employee retired, within 1 year.

SECTION 149. The office of the state auditor shall perform a close out audit of each agency or authority admitted to the Massachusetts Transportation Infrastructure Authority. Said audit shall include a catalogue of any issues relating to the agency or authority’s current and future finances and operations, current and future revenues or debt structure, and internal policies and procedures, that he believes are not within Financial Accounting Board Standards of practice or may violate other laws, rules and procedures of the General Laws.

SECTION 150. Notwithstanding any other provision of this act or any other general or special law to the contrary, commencing on July 1, 2009, all amounts of any kind received by the commonwealth which are derived from or related to the operation of the state highway system, as defined in chapter 81B of the General Laws, shall be deemed to be held in trust for and shall be transferred and paid over to the Massachusetts Transportation and Infrastructure Authority when received without further appropriation to be applied to the purposes of the authority. All amounts of any kind received by the Massachusetts Turnpike Authority which are derived from the operation of the turnpike, as defined in said chapter 81B, shall be deemed to be held in trust for and shall be transferred and paid over to the authority when received without further appropriation to be applied to the purposes of the authority.

SECTION 151. The secretary of transportation shall submit a report on the progress and all expenditures related to state transportation infrastructure projects undertaken through use of federal funds received under the American Recovery and Reinvestment Act of 2009 to the clerks of the senate and house of representatives, the chairs of the senate and house committees on ways and means, the senate and house chairs of
the joint committee on transportation and the chairs of the senate and
house committees on bonding, capital expenditures and state assets. The
report shall include, but not be limited to: the total estimated cost of each
project; the amount expended for the planning and design of each project
up to the time the report is filed; the amount expended on construction of
each project up to the time the report is filed; the timeline from
advertisement through contract award and from the start of actual design
and construction by the design build team to project completion; the time
saved, if any, by employing the design build procurement method; and
the estimated lifetime maintenance schedule and cost of each project, the
original estimated completion date of each project and the current
anticipated completion date of each project. The report shall also include
the total number of employees and outside contractors and amount
expended on the salaries and benefits for such employees and outside
contractors that are specifically working on projects to be carried out as
part of projects funded through said American Recovery and
Reinvestment Act of 2009. The report shall be submitted on December
31 of each year until the culmination of any project constructed with
funds authorized by said American Recovery and Reinvestment Act of
2009.

SECTION 152. All uncommitted and unexpended funds and
authorizations, which have been appropriated from time to time to the
executive office of transportation and public works, including any
agency and authority within said executive office, including but not
limited to, funds authorized in chapter 15 of the acts of 1988, chapter 33
of the acts of 1991, chapter 102 of the acts of 1994, chapter 273 of the
acts of 1994, chapter 28 of the acts of 1996, chapter 113 of the acts of
1996, chapter 205 of the acts of 1996, chapter 11 of the acts of 1997,
chapter 55 of the acts of 1999, chapter 87 of the acts of 2000, chapter
235 of the acts of 2000, chapter 246 of the acts of 2002, chapter 40 of the
acts of 2003, chapter 291 of the acts of 2004, chapter 27 of the acts of
2007, chapter 86 of the acts of 2008, chapter 233 of the acts of 2008, and
chapter 303 of the acts of 2008, shall be transferred to the department of
transportation for use by the department or any of its divisions for
purposes consistent with such authorizations.

SECTION 153. (a) When all payments due on account of the
turnpike and the metropolitan highway system, both as defined in chapter
81B of the General Laws, shall have been made, and when all bonds
issued under chapter 81A of the General Laws and the interest thereon
shall have been paid or a sufficient amount of the payment of all such
bonds and the interest thereon to the maturity thereof shall have been set 
aside in trust for the benefit of the bondholders, and contributions shall 
have been made to the several funds of the Massachusetts Turnpike 
Authority employees' retirement system established under sections 1 to 
28, inclusive, of chapter 32 of the General Laws such as are sufficient, in 
the opinion of the actuary, as defined in section 1 of said chapter 32, to 
provide for the payment of all amounts payable by the system after that 
date with respect to all persons then receiving allowances from the 
Massachusetts Turnpike Authority employees' retirement system and 
with respect to all persons who are then employees, as defined in said 
section 1, of the Massachusetts Turnpike Authority, whether or not any 
such amount is or becomes payable to any such person or the spouse or 
other beneficiary of any such person, such opinion to be based upon the 
assumption, among others, that such persons who are then employees are 
then or thereafter become entitled to receive retirement allowances in the 
amounts then provided by sections 5, 6 and 7 of said chapter 32 on the 
basis of the regular compensation received by, and the years of creditable 
service of, such persons at such date, all projects then under the control 
of the Massachusetts Turnpike Authority shall be operated and 
maintained by the division of roads and bridges of the Massachusetts 
Transportation and Infrastructure Authority.

(b) Upon the transfer provided in subparagraph (a) the members of 
the Massachusetts Turnpike Authority employees' retirement system on 
the effective date of the dissolution of the authority who do not then 
transfer to or enter service in a governmental unit in which a contributory 
retirement system established under the provisions of sections 1 to 28, 
inclusive, of said chapter 32, or under corresponding provisions of earlier 
laws or any special law, shall continue to be members of the 
Massachusetts Turnpike Authority employees' retirement system and 
shall then be entitled to apply for and receive retirement allowances from 
such system in the amounts, upon the terms, subject to the conditions and 
with all of the related rights provided by and under sections 6, 7, 10 and 
12 of said chapter 32.

(c) Effective upon the date of dissolution of the Massachusetts 
Turnpike Authority (1) the Massachusetts Turnpike Authority 
employees' retirement system shall continue under the provisions of 
sections 1 to 28, inclusive of said chapter 32; (2) the management of the 
Massachusetts Turnpike Authority employees' retirement system shall be 
transferred to the state board of retirement provided for in section 18 of 
chapter 10 of the General Laws which board shall have with respect
thereto the general powers and duties set forth in subdivision (5) of section 20 of said chapter 32; (3) all data, files, papers and records and other materials of the retirement board provided for in paragraph (b) of subdivision (41/2) of said section 20 shall be transferred to and held by the state board of retirement; (4) the funds of the Massachusetts turnpike authority employees' retirement system in the custody of the secretary-treasurer of the authority shall be transferred to the state treasurer who shall thereafter be and perform the duties of the treasurer-custodian of such funds which shall then be held by him for the exclusive benefit and use of the members of the Massachusetts turnpike authority employees' retirement system and their beneficiaries; and (5) the retirement board provided for in said paragraph (b) of subdivision (41/2) shall be abolished; provided, however, that the members and officers thereof shall continue to be authorized to do all such things and take all such action as may be necessary or desirable to be done or taken by them to effectuate the transfers to be made pursuant to this section.

(d) Effective upon the date of dissolution of the Massachusetts Turnpike Authority or a default in its obligations under chapter 32 of the General Laws, the payment of all annuities, pensions, retirement allowances and refunds of accumulated total deductions and of any other benefits granted under the provisions of sections 1 to 28, inclusive, of said chapter 32 are hereby made obligations of the commonwealth in the case of any such payments from funds of the Massachusetts turnpike authority employees' retirement system.

SECTION 154. Notwithstanding any general or special law to the contrary, in making initial appointments to the board of the Massachusetts Transportation and Infrastructure Fund, the governor shall appoint 4 additional members 1 of whom shall be appointed for a term of 1 year; 1 of whom shall be appointed for a term of 2 years; and 2 of whom shall be appointed for a term of 3 years.

SECTION 155. Notwithstanding any general or special law to the contrary, the secretary of administration and finance may enter into such contracts or agreements with the Massachusetts Transportation and Infrastructure Authority and may transfer proceeds of the bonds and notes of the commonwealth issued for transportation purposes to the Massachusetts Transportation and Infrastructure Authority as it deems necessary to carry out the purposes of the statutory provisions authorizing such bonds or notes.

SECTION 156. Notwithstanding any general or special law to the contrary, any existing or future balance in the Infrastructure Fund,
established pursuant to said section 2O, shall be credited to the Transportation Fund established pursuant to section 2ZZZ of chapter 29 of the General Laws, provided that such crediting shall not affect in any way the obligations of the commonwealth relating to special obligation bonds issued pursuant to said section 2O, and the pledge of pledged funds, as defined in said section 2O, to secure the payment of such bonds is hereby ratified and confirmed in all respects and shall remain in full force and effect as long as any such special obligation bonds issued as of July 1, 2009 remain outstanding in accordance with their terms and secured by funds in the fund.

SECTION 157. Notwithstanding any general or special law to the contrary, the comptroller shall transfer the balance of the Highway Fund established pursuant to section 34 of chapter 90 of the General Laws to the Commonwealth Transportation Fund established pursuant to section 2ZZZ of chapter 29 of the General Laws.

SECTION 158. Notwithstanding any general or special law to the contrary, the comptroller shall transfer the balance of the fund to the Commonwealth Transportation Fund established under section 2ZZZ of chapter 29 of the General Laws; provided, further, that any monies owed to the fund, including any monies to be paid in connection with the settlement of any claims involving the Central Artery/Tunnel project, shall be deposited in the Commonwealth Transportation Fund.

SECTION 159. Notwithstanding any general or special law to the contrary, the comptroller shall transfer the balance of the Transferred Deferred Maintenance Trust Fund to the Commonwealth Transportation Fund established pursuant to section 2ZZZ of chapter 29 of the General Laws.

SECTION 160. Notwithstanding any general or special law to the contrary, any project or phase thereof that has received an opinion of the secretary of the executive office of energy and environmental affairs that it is not subject to the jurisdiction of the secretary pursuant chapter 30 of the General Laws shall be governed by the regulations and procedures in effect prior to the effective date of this act; and any project or phase thereof that has received prior to the effective date of this regulation any one or more of a variance, special permit, comprehensive permit, certificate of occupancy, or building permit followed within 5 years thereafter by a certificate of occupancy, or the developer of which has entered into an agreement with any of the department of conservation and recreation or the applicable executive office secretary to fund traffic improvements or traffic mitigation, shall in any such case be governed by
the regulations and procedures in effect prior to the effective date of
these regulations so long as the applicable variance, permit or certificate
continues in force and effect or, if applicable, so long as such agreement
has not been duly terminated on account of the failure of the project
developer to meet its obligations under such agreement; in any case
unless the applicant elects, in writing, to be governed by this regulation
and the procedures hereunder.

SECTION 160A. Notwithstanding any general or special law to the
contrary, the comptroller shall transfer the balance of the Central Artery
and Statewide Road and Bridge Infrastructure Fund to the
Commonwealth Transportation Fund established pursuant to section
2ZZZ of chapter 29 of the General Laws.

SECTION 161. The provisions of this act shall not be deemed in
derogation of any powers conferred upon the department and its
constituent divisions and authorities by existing laws; provided, however,
that insofar as the provisions of this act are inconsistent with the
provisions of any general or special law, administrative order or
regulation, the provisions of this act shall be controlling.

SECTION 161A. Notwithstanding any general or special law to the
contrary, the Massachusetts Turnpike Authority, or any successor
authority or agency, shall conduct an audit of its records of the electronic
toll collection system and repay an account holder who has been
overcharged during the period commencing as far back as records are
kept whether the holder has requested payment. Pending said audit, the
Massachusetts Turnpike Authority, or any successor authority or agency
shall extend the time permissible for an account holder to dispute an
overcharge of the electronic toll collection system to a period of 3 years
from the time of the overcharge unless the Turnpike authority, or any
successor authority or agency, chooses to extend the disputing time
frame longer than 3 years.

SECTION 162. Section 4 of chapter 6C of the General Laws,
inserted by section 6 shall take effect on July 1, 2009.

SECTION 163. Section 14 of chapter 6C of the General Laws,
inserted by section 6 shall take effect on July 1, 2010, or upon agreement
of the Massachusetts Turnpike Authority and the Massachusetts
Transportation and Infrastructure Authority.

SECTION 164. Section 30 of chapter 6C of the General Laws,
inserted by section 6 shall take effect on July 1, 2011.

SECTION 165. Section 42 of chapter 6C of the General Laws,
inserted by section 6 shall take effect on July 1, 2009.
SECTION 166. Section 43 of chapter 6C of the General Laws, inserted by section 6 shall take effect on July 1, 2009 and shall expire on July 1, 2010.

SECTION 167. Section 143 shall expire on November 1, 2110.

SECTION 168. Section 44 of chapter 6C of the General Laws, inserted by section 6 shall take effect on July 1, 2010.

SECTION 169. Sections 12, 14, 29, 51, 70, 124, 125, 137 and 159 shall take effect on July 1, 2009.

SECTION 170. Sections 1A, 7, 19, 64, 130 and 131 shall take effect in July 1, 2010.

SECTION 171. Sections 43 and 44 shall take effect on January 1, 2013.

SECTION 172. Section 182, Chapter 149 of the General Laws as so appearing, is hereby amended by inserting the following paragraph at the end thereof:-

A special commission, to consist of 3 members of the senate, 3 members of the house of representatives, the secretary of state or his designee, the state auditor or his designee, the inspector general or his designee, the secretary of the executive off for administration and finance or her designee and the attorney general or her designee, is hereby established for the purpose of making an investigation and study of quasi-public agencies in the commonwealth, including but not limited to, the Massachusetts Turnpike Authority, Massachusetts Bay Transit Authority, Massachusetts Port Authority and the Massachusetts Transportation and Infrastructure Authority. Said commission shall examine the administrative, managerial and fiscal systems and the accountability of such agencies. Said commission shall consider issues of quasi-public agency governance, financial management practices, accounting, controls, and whether policies and procedures are in place to assure the integrity of quasi-public agency operations, expectations in law and general accepted accounting and management standards applicable to quasi-public agencies in the commonwealth. Said commission shall consider issues of accountability of quasi-public agencies to the commonwealth, including the executive and legislative branches and to the public. 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 senate on or before July 31, 2009.
SECTION 173. Chapter 90 Section 8 is hereby amended by adding after the words ‘expire on March first’ in line 197 the following sentence:— The Registrar shall notify the license holder of the expiration date 30-60 days prior to the expiration of said license. The Registrar will send notice by United States mail to the last known mailing address of said individual.

SECTION 174. The Massachusetts Transportation and Infrastructure Authority shall annually, not later than September 1, report to the chairs of the house and senate committees on ways and means on the efficiencies realized as a result of the implementation of this act, including without limitation, efficiencies realized pursuant to the provision of core services by the authority.

SECTION 175. Sections 110, 111, 112 and 113 shall apply only to causes of action arising on or after July 1, 2009.

SECTION 176. Chapter 6C of the General Laws is hereby amended by inserting the following new section at the end of the Chapter:—

Real property of the authority if leased, used, or occupied in connection with a business conducted for profit, shall, at the discretion of the municipality for the privilege of such lease, use or occupancy, be valued, classified, assessed and taxed annually as of January first to the lessee, user or occupant in the same manner and to the extent as if such lessee, user or occupant were the owner thereof in fee. No tax assessed under this section shall be a lien upon the real estate to which it is assessed nor shall any tax be enforced by any sale or taking of such real estate but the interest of any lessee therein may be sold or taken by the collector of the city or town in which the real estate lies for the nonpayment of such taxes in the manner provided by law for the sale or taking of real estate for nonpayment of annual taxes. Such collector shall have for the collection of taxes under this section all other remedies provided by chapter sixty for the collection of annual taxes upon real estate.

SECTION 177. Section 17A and 29A of this act shall take effect on July 1, 2010.

SECTION 178. Notwithstanding any general or special law to the contrary, when all notes and bonds issued by the Massachusetts turnpike authority relating to the turnpike and payable from turnpike revenues, as defined by section 1 of chapter 6C, have been paid or a sufficient amount for the payment of all such notes or bonds and the interest thereon, to the maturity thereof, shall have been set aside in trust for the benefit of the holders of such notes or bonds and the turnpike is deemed to be in good
condition and repair to the satisfaction of the division of highways and
upon a 2/3 vote of the General Court, the turnpike shall thereafter be
operated and maintained by the highway department free of tolls.”.