

SENATE No. 2746

The Commonwealth of Massachusetts

—
In the One Hundred and Ninety-First General Court
(2019-2020)
—

SENATE, June 8, 2020.

The committee on Senate Ways and Means to whom was referred the House Bill authorizing and accelerating transportation investment (House, No. 4547), - reported, in part, a "Bill financing improvements to municipal roads and bridges" (Senate, No. 2746).

For the committee,
Michael J. Rodrigues

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An Act financing improvements to municipal roads and bridges.

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

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

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

6 SECTION 2.

7 MASSACHUSETTS DEPARTMENT OF TRANSPORTATION

8 6122-2124 For the construction and reconstruction of municipal ways as described in
9 clause (b) of the second paragraph of section 4 of chapter 6C of the General Laws; provided, that
10 a city or town shall comply with the procedures established by the Massachusetts Department of

Transportation; provided further, that a city or town may expend, without further appropriation, for these projects amounts not in excess of the amount provided to the city or town under this item upon preliminary notice of such amount, which shall be provided by the department to the city or town not later than March 1 of each year; and provided further, that the commonwealth shall reimburse a city or town under this item, subject to the availability of funds as provided in section 9G of chapter 29 of the General Laws, within 30 days after receipt by the department of a request for reimbursement from the city or town, which request shall include certification by the city or town that actual expenses have been incurred on projects eligible for reimbursement under this item and that the work has been completed to the satisfaction of the city or town according to the specifications of the project and in compliance with applicable laws and procedures established by the department.....\$300,000,000

SECTION 3. Section 3 of chapter 161A of the General Laws, as appearing in the 2018 Official Edition, is hereby amended by striking out, in lines 2 and 3, the words “board of directors of the Massachusetts Department of Transportation established in chapter 6C” and inserting in place thereof the following words:- Massachusetts Bay Transportation Authority board of directors established in section 7.

SECTION 4. Said section 3 of said chapter 161A, as so appearing, is hereby further amended by striking out, in line 16, the words “secretary of transportation” and inserting in place thereof the following word:- board.

SECTION 5. Said section 3 of said chapter 161A, as so appearing, is hereby further amended by striking out, in line 23, the words “Said secretary” and inserting in place thereof the following words:- The secretary of transportation.

SECTION X. Clause (d) of said section 3 of said chapter 161A, as so appearing, is hereby amended by adding the following sentence:- A vote under this clause relative to the employment status of the general manager shall require the affirmative vote of not less than 5 members of the board if the secretary is not in the voting majority.

SECTION 6. Said section 3 of said chapter 161A, as so appearing, is hereby further amended by striking out, in lines 39 to 41, inclusive, the words “secretary of transportation; and provided further, that said secretary shall notify the secretary of administration and finance of any such approval” and inserting in place thereof the following words:- board; and provided further, that approval of any such agreement shall require the affirmative vote of not less than 5 members of the board if the secretary is not in the voting majority.

SECTION 7. 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. (a) The authority shall be governed and its corporate powers exercised by a Massachusetts Bay Transportation Authority board of directors that shall consist of 7 members.

The secretary of transportation shall be a member and shall serve ex officio.

The governor shall appoint 5 members, 1 of whom shall have experience in transportation operations and safety, 1 of whom shall have experience in public or private finance, 1 of whom shall have experience in transportation or urban planning, 1 of whom shall be a representative of a labor organization and 1 of whom shall have municipal government experience in the service area constituting the authority. At least 1 of the members appointed by the governor shall be a rider as defined in section 1.

54 The advisory board shall appoint 1 member who shall have municipal government
55 experience in the service area constituting the authority. The member appointed by the advisory
56 board shall have experience in transportation operations, transportation planning, housing policy,
57 urban planning or public or private finance.

58 The members appointed with municipal government experience in the service area
59 constituting the authority shall represent not less than 2 of the following service areas: (i) the 14
60 cities and towns; (ii) the 51 cities and towns; or (iii) the other served communities. A vacancy
61 from a member appointed with municipal government experience in the service area constituting
62 the authority who has served for 2 full terms shall be filled with a member with municipal
63 government experience from a different service area of the authority than the departing member.

64 Not less than 2 of the appointed members shall also be members of the board of directors
65 of the Massachusetts Department of Transportation established under section 2 of chapter 6C.

66 In making selections to the Massachusetts Bay Transportation Authority board of
67 directors, the appointing authority shall strive to ensure a board whose diversity and inclusion are
68 reflective of the population served by the authority.

69 (b) The term of each member, except for the secretary of transportation, shall be 4 years;
70 provided, however, that 3 of the members appointed by the governor, not including the secretary
71 of transportation, shall serve for terms that are coterminous with the governor. A member shall
72 be eligible for reappointment; provided, however, that a member shall not serve more than 2
73 terms. A member appointed to fill a vacancy in the board shall serve only for the unexpired
74 portion of the term of the former member but may be appointed to serve 2 full terms thereafter.

75 (c) The governor shall designate 1 member to serve as chair and the board shall elect 1
76 member to serve as vice-chair; provided, however, the secretary of transportation shall not serve
77 as chair or vice-chair.

78 (d) Four members of the board shall constitute a quorum and the affirmative vote of a
79 majority of members present at a duly called meeting, if a quorum is present, shall be necessary
80 for any action taken by the board; provided however, that a vote under clause (d) or (f) of section
81 3 shall require the affirmative vote of not less than 5 members if the secretary is not in the voting
82 majority if provided for in said clauses (d) and (f) of said section 3. Any action required or
83 permitted to be taken at a meeting of the board may be taken without a meeting if all of the
84 members consent in writing to such action and such written consent is filed with the records of
85 the minutes of the board. Such consent shall be treated for all purposes as a vote at a meeting.

86 (e) The board shall be afforded all the powers, responsibilities and obligations under this
87 chapter. The board may delegate any powers, responsibilities and obligations specifically
88 afforded to it to the general manager unless otherwise prohibited by this section. The board shall
89 adopt a written policy providing for the delegation of any of its powers and duties.

90 (f) The members of the board, except for the secretary of transportation, shall receive a
91 stipend of \$12,000 per year for the discharge of their official duties.

92 (g) Meetings of the board and its subcommittees shall be subject to sections 18 to 25,
93 inclusive, of chapter 30A. Records of the board shall be subject to section 10 of chapter 66.

94 (h) The board shall meet at least 1 time per month and not less than 20 times per calendar
95 year.

(i) Each member shall make full disclosure of 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 the member has a financial interest, unless otherwise permissible under chapter 268A. Chapters 268A and 268B shall apply to the secretary of transportation in the secretary's capacity as an ex officio member. Said chapters 268A and 268B shall apply to all other members of the board, except that the board may purchase from, sell to, borrow from, loan to, contract with or otherwise deal with any person with which any member of the board has an interest or involvement; provided, however, that: (i) such interest or involvement is disclosed in advance to the members of the board and recorded in the minutes of the board; and (ii) no member having such interest or involvement may participate in a decision of the board relating to such interest or involvement. Employment by the commonwealth or service in any agency thereof shall not be deemed to be such an interest or involvement.

(j) Members shall not be liable to the commonwealth, the authority, or any other person as a result of their activities related to their duties as members of the board, whether ministerial or discretionary, except for willful dishonesty or intentional violations of law. The board may purchase liability insurance for members, officers and employees of the board and may indemnify such persons against the claims of others.

SECTION 8. Section 20 of said chapter 161A is hereby amended by striking out, in line 5, the word "secretary" and inserting in place thereof the following word:- authority.

SECTION 9. Said section 20 of said chapter 161A is hereby further amended by striking out, in line 29, the word "secretary" and inserting in place thereof the following word:- authority.

117 SECTION 10. Chapter 46 of the acts of 2015 is here by amended by striking out sections
118 199 to 208, inclusive.

119 SECTION 11. Notwithstanding any general or special law to the contrary, in making
120 initial appointments to the Massachusetts Bay Transportation Authority board of directors
121 established under section 7 of chapter 161A of the General Laws, the governor shall appoint the
122 governor's 2 members whose terms are not coterminous with the term of the governor to the
123 following initial terms: 1 member shall be appointed for a term of 1 year and 1 member shall be
124 appointed for a term of 3 years.

125 SECTION 12. To meet the expenditures necessary in carrying out section 2, the state
126 treasurer shall, upon request of the governor, issue and sell bonds of the commonwealth in an
127 amount to be specified by the governor from time to time but not exceeding, in the aggregate,
128 \$300,000,000. All bonds issued by the commonwealth as aforesaid shall be designated on their
129 face "Commonwealth Transportation Improvement Act of 2020" and shall be issued for a term
130 not exceeding 30 years as the governor may recommend to the general court under section 3 of
131 article LXII of the Amendments to the Constitution of the Commonwealth. All such bonds shall
132 be payable not later than June 30, 2055. All interest and payments on account of principal on
133 these obligations shall be payable from the General Fund. Notwithstanding any other general or
134 special law to the contrary, bonds issued under this section and interest thereon shall be general
135 obligations of the commonwealth.