

An Act Authorizing and Accelerating Transportation Investment
Section by Section Description

- SECTION 1. Provides for a capital outlay program to support the Commonwealth's transportation infrastructure, address deferred maintenance, modernize and improve the system.
- SECTION 2. Provides \$5.6 billion in capital spending authorization for projects on the federal highway roadway system, including an approximately 80% match from the Federal-aid Highway Program (FAHP).
- SECTION 2A. Provides \$3.25 billion in capital spending authorizations for road and bridge projects that are not part of the FAHP, including:
- \$2.75 billion for various roadway projects that are not part of the FAHP
 - \$350 million for the planning, design, and reconstruction of the transportation infrastructure associated with the approaches to the Bourne Bridge and Sagamore Bridge. (The U.S. Army Corps of Engineers is responsible for the capital maintenance of the Cape bridges, but not the approaches or associated roadway networks, which are state owned and maintained. This authorization is for the state-owned portions of the projects, to complement anticipated federal investment in the Cape bridges.)
 - \$150 million for the new Pavement Improvement Program, to improve surface conditions of state numbered routes and municipal roadways
- SECTION 2B. Provides various capital spending authorizations to support municipal transportation projects:
- \$70 million reauthorization for the Municipal Small Bridge Program
 - \$50 million for a new Local Bottleneck Reduction Program \$100 million for a new Municipal Pavement Partnership Program
 - \$20 million reauthorization for the Complete Streets Program
 - \$200 million for FY2021 authorization of the Chapter 90 Program
 - \$50 million for a new Transit Infrastructure Partnership Program
- SECTION 2C. Provides \$1.25 billion in capital spending authorization for a new bridge preservation and improvement program called the Next Generation Bridge Financing Program, which is expected to be supported by the issuance of Federal Highway Grant Anticipation Notes.
- SECTION 2D. Provides \$790 million in capital spending authorization to make improvements to the network of rail assets owned by MassDOT, including:
- \$400 million for general rail improvements, including the Industrial Rail Access Program.
 - \$330 million in authorization for the Commonwealth's 15 Regional Transit Authorities

- \$60 million for the Mobility Assistance Program

- SECTION 2E. Provides \$5.695 billion in capital spending authorization for the Massachusetts Bay Transportation Authority (MBTA) system through the reauthorization of the Rail Enhancement program, including:
- \$3.4 billion for a wide variety of improvements to and modernization of MBTA infrastructure, including the continued implementation of the Better Bus Project, the purchase of low- and zero-emission vehicles, feasibility and planning studies for pilot services and climate change adaptation projects.
 - \$300 million for direct capital support to the MBTA to fund improvements to the reliability, condition, and safety of MBTA infrastructure.
 - Also includes capital spending authorizations to complete the South Coast Rail project (Phase I); to complete the Green Line Extension project; improvements to Boston South Station; purchase of new coaches and locomotives and piloting of new service models on the Commuter Rail system; and rail projects between Springfield and Worcester, Boston and Cape Cod, and Pittsfield and New York City.
- SECTION 2F. Provides \$150 million in capital spending authorization for the Aeronautics Division.
- SECTION 2G. Provides \$725 million for planning and implementing multimodal transportation infrastructure and investments, including:
- \$475 million for climate change resiliency and the reduction of carbon emissions, including \$100 million to implement the Statewide Bicycle and Pedestrian Plans and \$25 million for matching grants to municipalities to support water transportation.
 - \$250 million for planning and early action work in connection with the Allston Multimodal Project.
- SECTION 2H. Provides \$50 million in capital spending authorization for MassDOT information technology projects.
- SECTION 3. Provides the MBTA and MassDOT with the authority to enter into competitively procured real estate deals or other projects with private parties that include mitigation and the private construction of facilities that will be owned by the agency. This will expedite the provision of the public benefits of these types of projects.
- SECTION 4. Removes duplication in the real estate review and appraisal processes – already governed by state and federal guidelines – by eliminating the Real Estate Appraisal Review Board.

- SECTION 5. Provides the MBTA and MassDOT with the authority to enter into competitively procured real estate deals or other projects with private parties that include mitigation and the private construction of facilities that will be owned by the agency. This will expedite the provision of the public benefits of these types of projects.
- SECTIONS 6-48. Provides MBTA and MassDOT with clear authority to enter into public-private partnership (P3) arrangements. These proposals include: eliminating the P3 Commission and transitioning its responsibilities to the MBTA Fiscal & Management Control Board and to the MassDOT Board for a more streamlined process; allowing P3s for a broader range of transportation related facilities; allowing the collection of user fees; providing flexibility in project delivery method and contract terms; providing that property taxes do not apply to property covered by P3 projects; and allowing sole-source and unsolicited awards.
- SECTIONS 49-54. Decouples the procurement laws pertaining to architectural, engineering and related professional services for transportation from the designer selection board process, which process is intended to be applicable to public vertical construction and not for transportation infrastructure.
- SECTIONS 55-56. Raises the threshold for required public bidding of construction projects for the MBTA and MassDOT from \$50,000 to \$100,000. This will allow for greater flexibility and efficiency in project delivery for small projects.
- SECTION 57. Aligns state tax code with federal tax code by increasing the value of public transit costs that are allowed to be paid with pre-tax income from \$140/month to \$265/month. This provides a tax benefit to commuters.
- SECTIONS 58-59. Establishes a per-employee tax credit of \$2,000 annually against withholding for any employer who eliminates or substantially reduces commuting as a result of an eligible employer program supporting telecommuting and remote working, in service of reducing congestion, subject to program rules. The credit is capped at \$50 million/year and sunsets after 10 years. This credit will encourage telecommuting to reduce traffic congestion and reduce greenhouse gas emissions.
- SECTION 60. Requires motorists to move their vehicles out of the travel lane following a crash when safe to do so. Motorists who fail to move their vehicles may be subject to a \$100 fine. Provides liability protection for law enforcement agencies and tow companies when moving immobilized vehicles from travel lanes. This will promote timely clearing of traffic after accidents, reduce congestion, and enhance safety and access for emergency personnel and towing operators.

- SECTION 61. Allows permitting for the use of flashing blue lights by MassDOT in highway work zones in connection with maintenance and construction activities, to promote safety and timely completion of maintenance and construction projects.
- SECTION 62. Authorizes the MBTA and MassDOT to use the design/build project delivery method for all construction and repair projects, not just those with budgets over \$5 million. This will allow flexibility in construction methods for small and medium sized projects when appropriate.
- SECTIONS 63-85. Various corrections to the designer selection and design-build process.
- SECTION 86. Provides the MBTA with protection from adverse possession claims.
- SECTIONS 87-89. Allows the MBTA to utilize an alternative project delivery method (Design/Build/Finance/Operate/Maintain), which involves a public entity contracting with a private entity for all aspects of a capital project. This will allow flexibility and efficiency in project delivery when advantageous to the MBTA and the public.
- SECTION 90. Authorizes the MBTA and MassDOT to fine railroads \$3,500/day for failing to provide timely and sufficient flaggers, in order to expedite the delivery of capital projects.
- SECTION 91. Unlocks the remaining 2008 Accelerated Bridge Program authorization for issuance of up to 15-year notes.
- SECTION 92. Unlocks the remaining 2008 Accelerated Bridge Program authorization for issuance of up to 30-year bonds.
- SECTION 93. Updates the original 2014 Rail Enhancement Program authorization for issuance of up to 30-year bonds.
- SECTION 94. The 2014 Transportation Bond Bill provided an exemption from certain permitting requirements for MassDOT and MBTA bridge repairs and replacement projects, where the design was substantially the functional equivalent of, and in similar alignment to, the structure to be reconstructed or replaced. This section extends the current 'footprint bridge' exemption to municipal projects. It will allow cities and towns to deliver bridge repairs and replacements more efficiently and cost effectively.
- SECTION 95. Extends line-item transferability for expenditures from the original Rail Enhancement Program in Sections 2C and 2F of chapter 79 of the acts of 2014 to the additional Rail Enhancement Program authorizations contained in Section 2E of this act.

- SECTION 96. Authorizes job order contracting for both MBTA and MassDOT capital projects under a \$500,000 threshold. This will allow flexibility and efficiency in project delivery for small projects.
- SECTION 97. Authorizes MBTA and MassDOT to use ‘A+B bidding,’ a procurement method that considers both cost and schedule when evaluating contract bids. This will allow the MBTA and MassDOT to have greater flexibility and control over timing and economic, traffic, and public convenience impacts of construction projects where appropriate.
- SECTION 98. Authorizes MassDOT to create new job titles related to highway maintenance work that are exempt from traditional labor service requirements but still subject to a veterans preference. This will help MassDOT to fill job openings more quickly and improve highway maintenance project delivery capacity.
- SECTION 99. Authorizes the State Treasurer, upon receipt of a request by the Governor, to sell bonds of the Commonwealth to meet the state’s share of expenditures necessary in carrying out Section 2.
- SECTION 100. Authorizes the State Treasurer, upon receipt of a request by the Governor, to sell bonds of the Commonwealth to meet the expenditures necessary in carrying out Sections 2A and 2B.
- SECTION 101. Authorizes the State Treasurer, upon receipt of a request by the Governor, to sell bonds of the Commonwealth to meet the expenditures necessary in carrying out Section 2C.
- SECTION 102. Authorizes the State Treasurer, upon receipt of a request by the Governor, to sell bonds of the Commonwealth to meet the expenditures necessary in carrying out Section 2D.
- SECTION 103. Authorizes the State Treasurer, upon receipt of a request by the Governor, to sell bonds of the Commonwealth to meet the expenditures necessary in carrying out Section 2E.
- SECTION 104. Authorizes the State Treasurer, upon receipt of a request by the Governor, to sell bonds of the Commonwealth to meet the expenditures necessary in carrying out Section 2F.
- SECTION 105. Authorizes the State Treasurer, upon receipt of a request by the Governor, to sell bonds of the Commonwealth to meet the expenditures necessary in carrying out Section 2G.

- SECTION 106. Authorizes the State Treasurer, upon receipt of a request by the Governor, to sell bonds of the Commonwealth to meet the expenditures necessary in carrying out Section 2H.
- SECTION 107. Authorizes bonds issued under Sections 99, 100, 102, 104 and 105 to be either general obligation or Commonwealth Transportation Fund bonds, depending on market conditions.
- SECTION 108. Authorizes bonds issued under Sections 101 and 103 to be either Commonwealth Transportation Fund bonds or Grant Anticipation Notes, depending on market conditions.
- SECTION 109. Sets a 10-year period for expenditure of funds authorized by Sections 2-2H, which is consistent with the parameters of the last major Transportation Bond Bill, Chapter 79 of the Acts of 2014.
- SECTION 110. Authorizes MassDOT to enter into contracts with other federal, state, local or regional public agencies to carry out the act.
- SECTION 111. Provides limitations for expenditure of funds authorized by Sections 2-2C and Section 2G.
- SECTION 112. Requires MassDOT to take all necessary actions to secure federal highway or transportation assistance funding.
- SECTION 113. Authorizes up to 50% of funds collected through future market-based compliance mechanisms established to reduce greenhouse gas emissions from the transportation sector to be deposited into the Commonwealth Transportation Fund, upon direction from the Secretaries of MassDOT, Administration and Finance, and Energy and Environmental Affairs.
- SECTION 114. Extends various unexpended balances of capital authorizations in previous legislation to allow them to be used for future spending.
- SECTION 115. Provides an effective date for changes to the transit pass tax deduction.
- SECTION 116. Provides an effective date for the telecommuting tax credit.