

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

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Joseph F. Wagner**

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

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

An Act relative to the chapter 90 program.

PETITION OF:

NAME:

Joseph F. Wagner

DISTRICT/ADDRESS:

8th Hampden

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 3677 OF 2007-2008.]

## The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine

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### AN ACT RELATIVE TO THE CHAPTER 90 PROGRAM.

*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. Clause (2) of the first paragraph of section 34 of chapter 90 of the General Laws, as  
2 appearing in the 2006 Official Edition, is hereby amended by striking out the introductory paragraph and  
3 subdivision (a) and inserting in place thereof the following:-  
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5 Not less than 90 per cent of the balance then remaining shall be used exclusively-  
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7 (a) For expenditure, under the direction of the department, for maintaining, repairing, improving and  
8 constructing town and county ways and bridges, sidewalks adjacent to the ways and bridges, bikeways  
9 and for design and engineering expenses, together with any money which any town or county may  
10 appropriate for such purposes. The ways, bridges, bikeways and sidewalks shall remain town and  
11 county ways, bridges, bikeways and sidewalks. The remaining 10 per cent of the balance may be used in  
12 a manner and for the purposes described above or may be used for expenditures, under the direction  
13 and approval of the department, for other projects eligible for funding as a transportation enhancement  
14 project as described in the Intermodal Surface Transportation Efficiency Act of 1991, P.L. 102-240, salt  
15 storage sheds, public use off-street parking facilities related to mass transportation, expenses related to  
16 highway transportation enhancement and mass transportation purposes, for care, repair, storage,  
17 replacement, purchase and long-term leasing of road building machinery, equipment and tools, for the  
18 erection and maintenance of direction signs and warning signs and for necessary or beneficial  
19 improvements to unpaved town and county ways together with any money which a town or county may  
20 appropriate for such purposes to be used on the same ways, sheds, bikeways, bridges, machinery,  
21 equipment, tools and facilities. The department shall send written notification to each town advising of

22 the funds apportioned to said town for eligible projects no later than April 1 of each year. Each town  
23 shall submit to the members of the general court a written plan outlining the projects for which such  
24 funds shall be applied no later than April 15 of each year, and further, each town shall submit to the  
25 members of the general court a written report explaining how funds authorized pursuant to this chapter  
26 were spent and advising as to the amount, if any, of any unexpended funds no later than December 15  
27 of each year. No revenue credited to the Highway Fund shall be transferred from said fund to any other  
28 fund for any other purpose; provided, however, that such revenue shall be transferred in order to cover  
29 fringe benefit costs pursuant to section 5D or subsection (f) of section 6B of chapter 29. The  
30 department shall withhold or withdraw the unexpended balance of any funds assigned by it under this  
31 subdivision if a town fails to comply with the official standards for traffic control established by the  
32 department or with any traffic control agreement negotiated between the department and a town, as  
33 required by the United States Secretary of Commerce under 23 U.S.C. 109. In this subdivision, the word  
34 "town" shall include city; provided, that towns with a population of less than 10,000 persons according  
35 to the 2000 United States Census shall be allowed to petition said department for a waiver in the  
36 department's discretion from the percentage limitation.