

By Mr. Galvin of Boston, petition of the Board of Directors of the Massachusetts Bay Transportation Authority and William F. Galvin for legislation to provide for reduced electric power costs for the Massachusetts Bay Transportation Authority. Government Regulations.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety.

AN ACT PROVIDING FOR REDUCED ELECTRIC POWER COSTS FOR THE MASSACHUSETTS BAY TRANSPORTATION AUTHORITY.

1 *Whereas*, The deferred operation of this Act would tend to
2 defeat its purpose, which is to permit the Massachusetts Bay
3 Transportation Authority to secure a more economical and
4 reliable source of electric power for the mass movement of
5 persons, it is hereby declared to be an emergency law, necessary
6 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. Notwithstanding any contrary provision of any
2 general or special law or limitation imposed by any corporate or
3 municipal charter, the Massachusetts Bay Transportation
4 Authority may enter into the New England Power Pool
5 Agreement and may participate within and without the Common-
6 wealth in such New England Power Pool so created in the manner
7 and with all rights and privileges attendant therewith subject to
8 the conditions set forth in Chapter 164A.

1 SECTION 2. Chapter 164A, Section 1 of the General Laws is
2 hereby amended by striking out the definition of "Domestic
3 Electric Utility" and inserting in place thereof the following:
4 "Domestic Electric Utility", an electric utility organized under

5 the laws of, or having its principal place of business in the Com-
6 monwealth, including the Massachusetts Bay Transportation
7 Authority as organized under Chapter 161A of the General Laws.

1 SECTION 3. Section 1 of Chapter 161A of the General Laws
2 is hereby amended by striking out the definition of “Equipment”,
3 as appearing therein and inserting in place thereof the following
4 new definition:

5 “Equipment”, all rolling stock, and other conveyances, vehicles,
6 rails, signal and control systems, electric power facilities, including
7 lighting, heating and power generation, transportation,
8 transmission and distribution systems, fences, station equipment,
9 fare collection equipment, incidental apparatus and other tangible
10 personal property, whether or not affixed to realty, required or
11 convenient for the mass movement of persons.

1 SECTION 4. Said Section 1 of said Chapter 161A is hereby
2 further amended by inserting after the definition of “Equipment”
3 the following definition:

4 “Electric Power Facility” or “Electric Power Facilities” shall
5 mean any system or facilities for the generation, transformation,
6 transmission or distribution of electric power and energy by any
7 means whatsoever.

1 SECTION 5. Said Section 1 of said Chapter 161A is hereby
2 further amended by striking out the definition of “Mass
3 Transportation Facilities” appearing therein and inserting in place
4 thereof the following new definition:

5 “Mass Transportation Facilities”, all real property (including
6 land, improvements, terminals, stations, garages, yards, shops and
7 structures appurtenant thereto) electric power facilities, and all
8 easements, air rights, licenses, permits and franchises, used in
9 connection with the mass movement of persons.

1 SECTION 6. Said Chapter 121A is hereby amended by adding
2 at the end thereof the following new section:

3 Section 30. The Authority shall have the power to engage in
4 the electric utility business which shall include the generation,

5 transformation, transmission and distribution of electricity
6 primarily for public consumption of electricity used in connection
7 with the mass movement of persons. The Authority shall be
8 classified as a domestic electric utility pursuant to Chapter 164A
9 of the General Laws for the purpose of becoming a member of
10 the New England Power Pool and exercising the authorities
11 conferred upon domestic electric utilities by Chapter 164A. The
12 powers granted herein shall be in addition to all the powers
13 previously held and exercised by the Authority pursuant to any
14 general and special laws, corporate charter, franchise or
15 otherwise.

16 Any actions taken by the Authority prior to this enactment shall
17 be deemed lawful and subject to this enactment. The Authority
18 may exercise any of its rights and powers under Chapter 161A
19 necessary or convenient to carry out and effectuate the purpose
20 of providing light, heat and power in connection with the mass
21 movement of persons. In addition, the Authority shall have the
22 following powers:

23 a) to acquire by purchase, lease, gift, or otherwise, or to obtain
24 options for the acquisition of any property, within or outside of
25 the Commonwealth, real or personal, improved or unimproved,
26 tangible or intangible, including an interest in land less than the
27 fee thereof;

28 b) to sell, lease, mortgage, exchange, transfer or otherwise
29 dispose of, or to grant options for any such purposes with respect
30 to any real or personal property or interest therein;

31 c) to pledge or assign any money, fees, charges, or other
32 revenues of the Authority and any proceeds derived by the corpo-
33 ration from the sale of property, insurance or condemnation
34 awards derived in connection with electric power facilities;

35 d) to purchase electric power and energy, including, without
36 limiting the generality of the foregoing, all or a portion of the
37 capacity and output of one or more specific electric power
38 facilities, and steam whether or not produced by an electric power
39 facility;

40 e) to sell and purchase electric power and energy and other
41 products of electric power facilities to and from cities and towns
42 having municipal electric departments established under

43 Chapter one hundred and sixty-four of the General Laws or a
44 special Act and to other utilities, public and private, within and
45 without the Commonwealth; such cities and towns are hereby
46 authorized to purchase from and sell electric power to the
47 Authority, provided, however, that nothing in this Act shall be
48 construed to authorize resale of electric power and energy so
49 purchased except as otherwise authorized by law;

50 f) to contract for the use of transmission and distribution
51 facilities owned by others for the delivery to the Authority and
52 to purchasers of electric power and energy sold by the Authority,
53 any such owner is hereby authorized to enter into such contracts
54 with the corporation;

55 g) to contract with respect to the purchase, sale, delivery,
56 exchange, interchange, wheeling, pooling, transmission or use of
57 electric power and energy and to otherwise participate in
58 intrastate, interstate and international arrangements with respect
59 thereto, including the New England Power Pool, as defined by
60 section 1 of Chapter one hundred and sixty-four A of the General
61 Laws;

62 h) jointly or separately to plan, finance, acquire, construct,
63 improve, purchase, operate, maintain, use, share costs of, own,
64 lease, sell, dispose of or otherwise participate in electric power
65 facilities or portions thereof or research and development relating
66 thereto within or without the Commonwealth and to enter into
67 and perform contracts with respect thereto; if the Authority
68 acquires or owns an interest as a tenant in common with others
69 in any electric power facilities within the Commonwealth, the
70 surrender or waiver by any such owner of such property of its
71 right to partition such property for a period not exceeding the
72 period for which the property is used or useful for electric utility
73 purposes shall not be invalid and unenforceable by reason of
74 length of such period, or as unduly restricting the alienation of
75 such property;

76 i) to apply to the appropriate agencies of the Commonwealth,
77 other states, the United States, and to any other proper agency
78 for such permits, licenses, certificates or approvals as may be
79 necessary, and to construct, maintain and operate electric power
80 facilities in accordance with such licenses, permits, certificates or
81 approvals;

82 j) to apply and contract for and to expend assistance from the
83 United States or other sources, whether in form of a grant or loan
84 or otherwise;

85 k) to make and execute all contracts and agreements and other
86 instruments necessary or convenient in the exercise of the powers
87 and functions of the corporation under this Act;

88 l) to do all things necessary, convenient or desirable to carry
89 out the purposes of providing electricity in connection with the
90 mass movement of persons or the powers expressly granted or
91 necessarily implied in this Act.

92 Contracts entered into by the Authority pursuant to this sec-
93 tion (i) may be for the life of a facility or other term or for an
94 indefinite period, (ii) may provide for the payment of
95 unconditional obligations imposed without regard to whether a
96 facility is undertaken, completed, operable or operating and not-
97 withstanding the suspension, interruption, interference, reduction
98 or curtailment of the output of a facility and (iii) may contain
99 provisions for prepayment, non-unanimous amendment,
100 arbitration, delegation and other matters deemed necessary or
101 desirable to carry out their purposes.

