

By Mr. Businger of Brookline, petition of John A. Businger that the Massachusetts Bay Transportation Authority be authorized to develop the property of said authority for non-transportation purposes. Transportation.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Eight.

AN ACT RELATIVE TO THE AUTHORITY OF THE MASSACHUSETTS BAY TRANSPORTATION AUTHORITY TO ALLOW THE DEVELOPMENT OF ITS PROPERTY FOR NON-TRANSPORTATION PURPOSES.

1     *Whereas*, The deferred operation of this act would tend to  
2 defeat its purpose, which is to forthwith provide for the review of  
3 certain proposed developments of the Massachusetts Bay  
4 Transportation Authority, therefore it is hereby declared to be an  
5 emergency law, necessary for the immediate preservation of the  
6 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. Section 30 of chapter 161A of the General Laws,  
2 as appearing in the 1996 Official Edition, is hereby amended by  
3 adding the following three paragraphs:—

4     Prior to entering into any lease or other agreement providing  
5 for the development or use of property or air rights owned by the  
6 authority for non-transportation purposes, the authority shall pro-  
7 vide notice of the proposed development or use to the town or city  
8 in which the property or air rights are located. If an environmental  
9 impact report is required for the use or development pursuant to  
10 section 62B of chapter 30, the notice shall be provided after the  
11 secretary of the executive office of environmental affairs has pub-  
12 lished a statement that the final environmental impact report com-  
13 plies with sections 62 to 62H, inclusive, of chapter 30.

14     Within 60 days of receipt of notice, the board of selectmen or  
15 city council, as the case may be, shall hold a public hearing for  
16 the purpose of determining whether the proposed use or develop-

17 ment will cause a significant adverse impact upon traffic or  
18 parking. In making such determination, the board of selectmen or  
19 city council shall consider the final environmental impact report  
20 and any other information it deems relevant.

21 Within 30 days of the close of the public hearing, the board of  
22 selectmen or city council shall advise the authority in writing as to  
23 whether the use or development will have a significant adverse  
24 impact upon traffic or parking. If the board of selectmen or city  
25 council determines that significant adverse impact will occur, it  
26 shall advise the authority as to the mitigation necessary to elimi-  
27 nate the impact. The authority shall not authorize any use or  
28 development that does not incorporate all mitigation specified by  
29 the board of selectmen or city council.

1 SECTION 2. The provisions of this act shall be applicable to  
2 any development or use of authority property or air rights that  
3 were not commenced prior to January 1, 1998.