

The Commonwealth of Massachusetts



THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE DEPARTMENT

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WILLIAM F. WELD
GOVERNOR

ARGEO PAUL CELLUCCI
LIEUTENANT GOVERNOR

December 30, 1994

To the Honorable Senate and House of Representatives:

Pursuant to the provisions of Section 5 of Article 63 of the Amendments to the Constitution, I am today signing "An Act Providing for An Accelerated Transportation Development and Improvement Program for the Commonwealth."

This Transportation Bond Bill provides \$3.3 Billion to improve and modernize the Commonwealth's infrastructure. These improvements will create thousands of construction jobs, while expanding the transportation options for all of our citizens and increasing the safety of our road and rail systems.

I am particularly pleased that the bill contains the following elements:

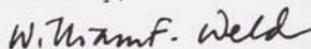
- * \$1.8 billion for the Massachusetts Highway Department's statewide road and bridge program;
- * \$739 million for the MBTA including extensions of commuter rail services, purchasing of new cars for the green, blue and orange lines, and design and construction of rapid transit and commuter rail parking facilities;
- * \$60 million for design, environmental review and permitting for the North/South Rail Link;
- * \$49 million for design, environmental review and construction of the MBTA red line/blue line connector;
- * \$125 million for the MBTA South Boston Transitway Project;
- * \$35 million for the state's Public Works Economic Development Program;

- * \$130 million for environmental assessment and clean up at the MBTA and the Mass Highway Department as part of the Governor's Clean State Initiative;
- * \$10 million for the purchase of open space along highways;
- * \$6 million for the bicycle commuting program.

Although I am extremely pleased with the scope of the projects included in this bill, I am vetoing one line item (Section 2A (Item 6033-9599)), and a few of the 124 outside sections attached to the bill (§§25, 27, 29, 30, 69, 70, 79, 98, 107, 109, 113). The reasons for these vetoes are set out in Attachment A hereto.

I hereby approve the remainder of the bill.

Sincerely,



William F. Weld

ATTACHMENT A**SECTION 2A (ITEM 6033-9599): WINTHROP COMMUNITY HEALTH CENTER**

This section authorizes the Commonwealth to issue \$1,000,000 in bonds, the proceeds of which are to be expended for "the Winthrop Community Health Center, Inc., to mitigate the effects of the Central Artery/Third Harbor Tunnel project."

The Town of Winthrop and the Community Health Center are not disproportionately affected by the Central Artery/Third Harbor Tunnel Project ("CA/T"). The Town will soon benefit directly from the project, when the Tunnel opens to commercial traffic in late 1995. It is unwise to increase the total cost of the CA/T project by this \$1,000,000 bond authorization. Accordingly, I veto this line item in its entirety and strike this appropriation from the bill.

SECTION 25: REIMBURSEMENT FOR SALES TAX PAID BY MHD CONTRACTORS

Since 1982, the Massachusetts Highway Department ("MHD") has issued Certificates of Exemption from the sales tax to consultants under contract to MHD for products which are used to fulfill the contract, and which at the conclusion of the project become state property. In 1993, The Department of Revenue ("DOR") issued a letter ruling disapproving of this practice. This section was designed to remedy that situation in which contractors pay sales tax to the general fund, and are then reimbursed by MHD. However well intentioned, this section creates a cumbersome reimbursement scheme which calls for payment of the sales tax, followed by DOR certification of those eligible for reimbursement, and later reimbursement to the consultant from sales tax revenues.

In lieu of this section I am vetoing, I propose that such purchases by contractors be exempt from sales tax in the first instance. Such a law would be similar to G.L.c. 64H, §6(f), which exempts from sales tax the purchase of construction materials used in public works and building projects. An exemption will eliminate the need for a bureaucratic reimbursement mechanism. I attach to this message a draft bill which will establish such an exemption from sales tax.

SECTION 27: PROHIBITION OF BUSES ON MDC ROADWAYS

This section would prohibit trucks and buses with a seating capacity of more than 12 people from operating on Metropolitan District Commission ("MDC") roadways restricted to pleasure vehicles. I am vetoing this section because the prohibition will prevent MBTA buses from operating on MDC roadways and would interfere with MBTA crosstown bus routes.

SECTIONS 29 AND 30: SUBJECTING PROMOTIONS AND WORK ASSIGNMENTS ON THE BASIS OF SENIORITY TO COLLECTIVE BARGAINING AT THE MBTA

This section would displace the statutory right of the MBTA management to make decisions as to promotions and work assignments on the basis of factors in addition to seniority. Under current law, such management rights are not subject to negotiation. If seniority became the subject of collective bargaining, the MBTA would be handicapped in its efforts to provide efficient transportation in a cost effective manner. Therefore, I am vetoing sections 29 and 30.

SECTIONS 69, 70 AND 79: INSTALLATION OF SOUNDPROOFING

I am vetoing sections 69, 70, and 79 which require the construction of soundproofing as mitigation for the CA/T project, along Route 128 in Dedham and Westwood, and along rail tracks in sections of Boston, respectively, because the measures proposed are unnecessary and unduly expensive. The noise created by the transportation infrastructure in the three areas outlined in these three sections is not so extreme as to require costly further mitigation by the Commonwealth.

SECTION 98: REQUIRED PEDESTRIAN WALKWAYS AND BICYCLE ACCESS

I am vetoing section 98 which section requires MHD to provide "for the accommodation of" pedestrian walkways and bicycle traffic on all projects. The section provides further that the inclusion of bikeways is not necessary if such a project would be contrary to the acceptable standards of public safety, would degrade environmental quality, would conflict with an existing right of way or would present a situation in which the costs outweighed the benefits. No similar exceptions are provided for walkways.

The carte blanche requirement for walkways is unfortunately inflexible. It would, for example, require walkways on Interstate Highways where they are forbidden by federal law, on state highway where they may be contrary to public safety, and on rural bridges where there are no existing sidewalks to which such walkways would connect.

I would have signed this section had the exceptions carved out for bikeways also been included for pedestrian walkways. In lieu of signing this section, however, I have instructed MHD to provide for the accommodation of pedestrian walkways and bikepaths in all projects, as practical and appropriate.

**SECTION 107: MUNICIPAL CONDITIONS ON ELECTRIFICATION OF
NORTHEAST CORRIDOR**

This section would allow municipalities to set conditions on the construction of improvements for AMTRAK's Northeast Corridor High-Speed Rail Improvement Plan to electrify the Northeast Corridor. I believe that these rail improvements are a high priority project which should not be delayed by local regulations. In addition, I believe that federal law prohibits such local regulations. Accordingly, I am vetoing section 107.

**SECTION 109: EXCLUSION OF BRIDGES OVER THE NORTH RIVER FROM THE
"FOOTPRINT BRIDGE EXEMPTION"**

Under section 92 of the bill, which I am signing, MHD is allowed to reconstruct or repair a bridge without going through a full environmental review process if the project does not significantly increase the "footprint" of the existing bridge. Section 92 is an important provision allowing the prompt construction of bridge projects, while fully protecting the environment. Section 109 exempts bridges over the North River in Hanover and Norwell from Section 92, thus requiring a full environmental review for any project at those locations.

The design of repair projects for these two bridges has been completed and the request for construction bids is set to be advertised in early 1995. This section would unnecessarily delay needed repairs to these two bridges, and accordingly, I veto section 109.

SECTION 113: STUDY OF PUBLICLY FUNDED VANPOOL PARKING

This section directs the Executive Office of Transportation and Construction to study the need for publicly funded vanpool parking and to submit the study to House and Senate Committees on Ways and Means and to the Joint Transportation Committee by June 30, 1995.

A similar study is required in section 51 of the bill. That study must be submitted to only the Joint Transportation Committee and is not due until December 6, 1995. I am signing section 51, and vetoing this section, to allow EOTC until December 1995 to complete the study. At that time, however, the study will be provided to both Ways and Means Committees, as well as to the Transportation Committee, as required by this section.

