

March 2016

WATER PUBLIC-PRIVATE PARTNERSHIP BILL ADVANCES

On March 16, the state legislature's Joint Committee on State Administration and Regulatory Oversight issued a favorable report of legislation that would authorize municipalities to use public-private partnership (P3) delivery methods, such as design-build-operate-finance, to construct critically important water, wastewater and stormwater infrastructure projects.

The bipartisan bill, S. 1722, filed by Senate Minority Leader Bruce Tarr (R-Gloucester) and others, would provide cities and towns with an important tool to address ever-increasing water, sewer and stormwater infrastructure needs at a time when traditional government resources are in decline. S. 1722 is modeled after recently enacted legislation in other states granting P3 authority for water infrastructure projects, as well as special legislation routinely granting similar authority to municipalities throughout the Commonwealth on a case-by-case basis. The bill's next stop will likely be the Senate Ways and Means Committee.

Burns & Levinson P3 attorneys **Anatoly M. Darov, P.E.**, and **Matthew G. Feher** have been working with the Massachusetts Municipal Association (MMA) to draft and advance this important measure. Joining MMA in support of S. 1722 is a coalition of industry leaders, including the Massachusetts Municipal Lawyers Association, the American Council of Engineering Companies of Massachusetts, the Boston Society of Civil Engineers/ASCE, the city of Somerville, the Massachusetts Water Works Association, the National Association of Industrial and Office Properties, and the New England Chapter of the Design-Build Institute of America.

We look forward to updating you on the progress of this legislation later this spring or summer. If you have questions on whether a public-private partnership delivery model may be an option for a water project in your community, please feel free to contact us.

ABOUT BURNS & LEVINSON

Burns & Levinson is a Boston-based, full service law firm with more than 125 attorneys in Massachusetts, New York and Rhode Island. Core areas of practice are Real Estate, Business Law, Business Litigation, Intellectual Property and Private Client Legal Services.

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