



NOTICE OF MEETING AND AGENDA

Pursuant to the Massachusetts Open Meeting Law (G.L. c. 30A, §§ 18-25), St. 2022, c. 107, and St. 2023, c. 2, notice is hereby given of a public meeting of the **Massachusetts Gaming Commission**. The meeting will take place:

Tuesday | May 30, 2023 | 10:30 a.m.
VIA REMOTE ACCESS: 1-646-741-5292
MEETING ID/ PARTICIPANT CODE: 112 523 8807
All meetings are streamed live at www.massgaming.com.

Please note that the Commission will conduct this public meeting remotely utilizing collaboration technology. Use of this technology is intended to ensure an adequate, alternative means of public access to the Commission's deliberations for any interested member of the public. If there is any technical problem with the Commission's remote connection, an alternative conference line will be noticed immediately on www.massgaming.com.

All documents and presentations related to this agenda will be available for your review on the morning of the meeting date by visiting our website and clicking on the News header, under the Meeting Archives drop-down.

PUBLIC MEETING - #456

1. Call to Order – Cathy Judd-Stein, Chair

2. Administrative Update – Karen Wells, Executive Director

3. Commissioner Update – Cathy Judd-Stein, Chair
 - a. Discussion of Unregulated Gambling Market Letter to Department of Justice
VOTE

4. Community Affairs Division – Joe Delaney, Chief of Community Affairs
 - a. Community Mitigation Fund Application Review (Transportation Planning and Transportation Construction)
VOTE

5. Legal – Todd Grossman, General Counsel; Katrina Jagroop-Gomes – Chief Information Officer, Cristian Taveras, Gaming Technical Compliance Manager
 - a. 205 CMR 243.01(1)(x): Consideration of Waiver of Regulatory Timeframe
VOTE



Massachusetts Gaming Commission

6. Sports Wagering Division – Bruce Band, Director of Sports Wagering, Sterl Carpenter, Sports Wagering Operations Manager
 - a. FBG Enterprises Opco, LLC
 - I. Request for Temporary Waiver from Provisions of 205 CMR 255: Play Management – Carrie Torrisi, Deputy General Counsel **VOTE**
 - II. Approval of House Rules **VOTE**
 - b. BetMGM – Approval of House Rules **VOTE**
 - c. MGM Springfield – Approval of House Rules **VOTE**
 - d. Update to House Rules re Credit Language **VOTE**
 - I. Crown MA Gaming (DraftKings)
 - II. American Wagering (Caesar’s Sportsbook)
 - III. Penn Sports Interactive

7. Investigations and Enforcement Bureau – Loretta Lillios, Director of Investigations and Enforcement Bureau
 - a. Discussion Regarding Sports Wagering Related Suitability Investigation
 - I. Executive Session **VOTE**
 The Commission is anticipated to meet in executive session in accordance with G.L. c.30A, §21(a)(7) and G.L. c. 4, §7(26)(f) to discuss investigatory materials related to the issuance of a sports wagering license necessarily compiled out of the public view by the IEB the disclosure of which materials would probably so prejudice the possibility of effective law enforcement that such disclosure would not be in the public interest. The public session of the Commission meeting will not reconvene at the conclusion of the executive session.

8. Other Business - Reserved for matters the Chair did not reasonably anticipate at the time of posting.

I certify that this Notice was posted as “Massachusetts Gaming Commission Meeting” at www.massgaming.com and emailed to regs@sec.state.ma.us. Posted to Website: May 25, 2023 | 10:30 a.m. EST | **Reposted May 26, 2023 | 12:00 p.m.**

May 25, 2023

Cathy Judd-Stein
 Cathy Judd-Stein, Chair

If there are any questions pertaining to accessibility and/or further assistance is needed, please email Grace.Robinson@massgaming.gov.



Massachusetts Gaming Commission



April 28, 2023

The Honorable Merrick Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530

Dear Attorney General Garland:

As the primary regulators of the legal gaming industry in our seven states, we write today to urge the Department of Justice to prioritize combatting illegal, offshore sportsbooks and online casinos. The dangers posed by these unlawful operations are well known, including a lack of investment in Responsible Gaming programs, loss of state tax revenue that funds important initiatives, no age verification requirements to protect minors, no controls to prevent money-laundering, an absence of guarantees that customers will receive fair payouts, and much more.

States with legalized gaming have gone to great lengths, through robust gaming laws and regulations, to ensure that each state can protect its citizens and regulate gaming in an efficient, effective manner. As regulators charged with enforcing those laws and regulations, we require all gaming companies to undergo and comply with robust licensing, strict suitability standards and operational certifications to promote confidence among consumers and prevent potential criminal activity within the industry. Licensing and suitability determinations are made after thoroughly vetting a company's owners, officers, directors, and key employees, and requires the submission of detailed and notarized paperwork, the completion of a comprehensive background check, financial inquiries, as well as interviews with regulators and law enforcement officials, prior to approval. Gaming licenses are a privilege, and the role regulators play in this area is foundational to gaming integrity and consumer confidence. Offshore operators who offer their products into these highly-regulated state jurisdictions are doing so in contravention of not only state laws, but federal law.

Gaming regulators are also responsible for ensuring that U.S. licensed mobile sportsbooks and online casinos, in states where allowed, follow strict rules, including adherence with product technical standards, which includes utilizing appropriate hardware and software, independent product testing and certification, and complying with reporting requirements. Our oversight safeguards consumers so that they receive fair odds and guaranteed payouts.

The supervision we provide in these areas as well as others is critical to the operation of a legal, regulated gaming market that protects consumers. Illegal offshore casinos and sportsbooks undergo none of these procedures—they often will simply disappear with their customers' funds and provide no resources to assist those who may need help. As gaming regulators, we are proud of the work that we do and are deeply concerned that offshore gambling sites operate unimpeded, outside the regulatory structure that states and the federal government have instituted to protect the public.

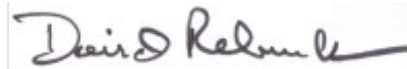
We understand and appreciate the fact that the Department of Justice's jurisdictional responsibilities are broad and, consequently, priorities vary over time. However, the many significant threats posed by offshore illegal gambling cannot be addressed by states alone and, therefore, require heightened federal attention and engagement. We strongly encourage the Department of Justice to prioritize investigation and prosecution of these offshore sites, and stand ready to provide any assistance that we can as state gaming regulators.

Thank you for your attention to this critical issue. The Justice Department's leadership is essential to help protect Americans from these illegal operations and ensure the immense amount of money generated by these bad actors is not used to bankroll other illegal activities such as human trafficking and the drug trade.

Sincerely,



Kirk D. Hendrick
Chairman
Nevada Gaming Control Board



David L. Rebeck
Director
New Jersey Division of Gaming Enforcement



Henry Williams
Executive Director
Michigan Gaming Control Board



Marcus D. Fruchter
Administrator
Illinois Gaming Board



Dan Hartman
Director
Colorado Division of Gaming



Ronnie S. Johns
Chairman
Louisiana Gaming Control Board



Jay McDaniel
Executive Director
Mississippi Gaming Commission



DATE

The Honorable Merrick Garland
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington, DC 20530

Attorney General Garland:

The Massachusetts Gaming Commission (MGC) is the regulatory entity responsible for overseeing and regulating the legal gaming industry in the Commonwealth of Massachusetts. These responsibilities include racetracks and simulcast centers, land-based casinos, and sports wagering operators based at the casinos or accessed through online platforms.

The MGC and our regulatory colleagues in other jurisdictions are concerned about the dangers of illegal, offshore gambling websites. As a regulator, we are committed to the integrity of gaming, and prioritize responsible gaming and consumer protections, offering innovations in these areas so that eligible wagerers can make informed, healthy choices tailored to their individual needs. We hold our licensees to the highest standards to meet those priorities. Illegal, offshore gambling operators are not held to these same standards by a regulatory authority, and often take advantage of the legalized landscape in jurisdictions such as Massachusetts to attract customers to their products.

We join with the jurisdictions that were signatories to the attached letter in asking that the Department of Justice and your colleagues in the federal government prioritize investigation of these offshore sites. We echo the offer to be of assistance as you consider the impact of these bad actors.

Sincerely,

Cathy Judd-Stein
Chair

Bradford Hill
Commissioner

Jordan Maynard
Commissioner

Eileen O'Brien
Commissioner

Nakisha Skinner
Commissioner

Cc: The Honorable Anthony Blinken
U.S. Secretary of State



Massachusetts Gaming Commission



23 | COMMUNITY MITIGATION FUND

TO: Chair Cathy Judd-Stein and Commissioners Eileen O'Brien, Bradford Hill, Nakisha Skinner, and Jordan Maynard

FROM: Joseph Delaney, Mary Thurlow, and Lily Wallace

CC: Karen Wells, Executive Director; Todd Grossman, General Counsel

DATE: May 24, 2023

RE: **2023 Community Mitigation Fund Transportation Planning and Transportation Construction Applications**

This memorandum provides an analysis of the Transportation Planning and Transportation Construction applications for funding under the 2023 Community Mitigation Fund. Copies of the applications can be found at <https://massgaming.com/about/community-mitigation-fund/>. The Community Mitigation Fund Review Team assessed the applications to ensure that they are compliant with the 2023 CMF Guidelines. As part of this review process copies of the applications were sent to the licensees for their review and comment. Requests for supplemental information were submitted to the applicants so they could provide further clarification on their application. Numerous meetings were held by the Review Team to ensure a thorough review of every application.

Basis of Recommendations of the Review Team

To establish a consistent and efficient system to analyze the applications, the Review Team utilized the review criteria specified in the 2023 Guidelines. The Review Team also compiled charts demonstrating how each of the criteria is reflected in the applications. Among the criteria are:

- A demonstration that the impact is being caused by the proposed gaming facility;
- The significance of the impact to be remedied;
- The potential for the proposed mitigation measure to address the impact;
- The potential for the proposal to maximize the economic impact of the gaming facility; and
- The feasibility and reasonableness of the proposed mitigation measure.

The following Transportation Planning and Transportation Construction Applications were received during the 2023 Grant round:

2023 TRANSPORTATION PLANNING GRANT APPLICATIONS

The maximum amount of an individual Transportation Planning Grant is \$250,000, with a Regional Incentive Award of up to \$75,000 for joint applications.

Applicant	Description	Amount Requested	Recommended Award
REGION A			
Boston	Funding for the re-design of Sullivan Square and Rutherford Avenue in Charlestown.	\$250,000	Withdrawn
Cambridge	Funding for the planning and design of an off-road, multi-use path connection between the Grand Junction Path in Cambridge and the Community Path Extension in Somerville.	\$249,900	\$249,900
Everett	Funding for the design of an extension of the Mystic River Harbor Walk from Encore Boston Harbor to the Alford Street Bridge/Route 99.	\$248,000	\$248,000
Malden*	Funding to advance the design of the Broadway corridor to the 25% design stage which will enable it to apply for additional funding such as the Transportation Improvement Program (TIP).	\$481,500	\$250,000
Malden*	Funding for the final design of the Spot Pond Brook Greenway.	\$375,700	\$250,000
Melrose	Funding for the design of multi modal transit improvements to the Lebanon Street corridor.	\$250,000	\$0
REGION B			
Agawam	Funding for the planning and redesign of Suffield Street and Silver Street Intersection.	\$250,000	Withdrawn
Hampden (formerly TC)	Funding for the design of a sidewalk on Main Street.	\$203,100	\$203,100
Holyoke	Perform initial engineering design work in support of obtaining construction funding under TIP for Main Street from Jackson Street to Mosher Street.	\$82,300	\$82,300
Holyoke (now CP)	Funding for the development of a Wayfinding program in multiple languages.	\$250,000	\$200,000
Springfield	Funding for the design of traffic control improvements for the Union Street and Maple Street Intersection.	\$250,000	\$250,000
West Springfield	Funding for Complete Streets engineering redesign of the Elm Street Corridor.	\$250,000	\$0

***Waiver Required**

Boston – Sullivan Square - ~~Withdrawn~~

Summary: The City of Boston is requesting \$250,000 towards the continuing design of the Sullivan Square/Rutherford Avenue project.

Analysis: The City of Boston has been working on the re-design of the Sullivan Square/Rutherford Avenue corridor for several years and the Commission has provided substantial funds towards this project.

The Boston Transportation Department has recently had some significant staff turnover and has requested that their application be withdrawn due to this staffing shortage. The City was particularly concerned that, even if awarded funding, they would not currently be able to manage the projects effectively.

MassDOT Comments: MassDOT supports the request from the City of Boston's for \$250,000 to contribute to the design costs for the Sullivan Square/Rutherford Avenue reconstruction project. Our approval is consistent with state and City efforts to support economic development, manage congestion, support multimodal travel, and improve safety for travel in this area. MassDOT continues to request that the Applicant provides a status report on the project design and the uses of CMF funds previously approved for the project. In addition, the application did not include a project scope or report attached to the application.

Cambridge – Grand Junction Path

Project Summary: The City of Cambridge is requesting \$249,900 in funding for the planning and design of a connection between the Grand Junction Multi-Use Path in Cambridge and the Community Path Extension in Somerville.

Analysis: As part of the Green Line extension, the MBTA is constructing an extension of the Somerville Community Path that will provide bicycle/pedestrian connections between Somerville and Boston. The City of Cambridge has completed the design of the Grand Junction path and expects to go out to bid on the project soon. When the Grand Junction Path is completed, there will be a gap between the Community Path and the Grand Junction Path that would require bicyclists and pedestrians to traverse the busy McGrath and O'Brien Highway. This project proposes to design this last section of the path to tie these two multi-use paths together.

As part of the original development of Encore Boston Harbor, the only major intersection studied in Cambridge was the intersection of Land Boulevard and Route 28. In their Section 61 findings, MassDOT determined that there would be impacts on this intersection from the development, but also determined that there were no feasible improvements that Encore could make to that intersection. The Review Team agrees that this constitutes an impact of the casino.

The proposed connection of the two paths does not in and of itself create a direct path to the casino. Other longer-term projects would ultimately connect these paths to the existing trail network that leads to the casino. The Commission has consistently viewed the planning and construction of multi-use paths, even if in somewhat of a patchwork manner, as providing an overall benefit to the area by removing cars from the road and thereby having a net positive impact on traffic, including traffic heading to/from the casino. Over the last several years, we have seen the number of multi-use paths increase significantly and have seen the number of users

go up as well. Efforts the Commission can take to close the gaps in the system will ultimately lead to a more robust network that will attract additional riders/pedestrians to the system.

MassDOT Comments: MassDOT supports the request by the City of Cambridge for \$249,900 to fund 89% of the proposed project. The project goal of connecting the Grand Junction Multi-Use Path to the Community Path Extension is to reduce surface street congestion in East Cambridge, and similarly east and central Somerville by making this off-road connection possible.

Recommendation: The Review Team recommends full funding of this project in the amount of \$249,900.

Everett – Mystic River Harbor Walk Extension

Project Summary: The City of Everett is requesting \$248,000 in funds to advance the planning and design of a shared use path connecting the Encore Harbor Walk to the Alford Street Bridge.

Analysis: This project will work in conjunction with the Community Planning Grant for the reuse of the Charlestown Pumping Station and Alford Street underpass. This project looks to design a resilient extension to the Harbor Walk along the Mystic River from the Encore site to the Alford Street Bridge. This ultimately will allow a bicyclist or pedestrian to cross Alford Street on a protected path to the Encore site and then have direct access to the Northern Strand Community Trail and the network of trails in Gateway Park as well as safer access to Sullivan Square to the south. This project will also provide a protected connection to the properties on the east side of Broadway/Alford Street as development increases in that area.

The Review Team agrees that increased traffic in the area can cause vehicular conflicts with pedestrians and bicycles and that providing off road options helps mitigate that impact.

MassDOT Comments: MassDOT supports the request by the City of Everett for \$248,000 to fund the construction of a multi-use walkway/boardwalk connecting the Northern Strand Trail to Sullivan Square via the Alford Street bridge. This will provide a missing link in the gap of this existing trail network.

Recommendation: The Review Team recommends full funding of this project in the amount of \$248,000.

Malden - Broadway

Project Summary: The City of Malden is requesting \$481,500 to advance the design of improvements to the Broadway corridor to the 25% design level. Malden has requested a waiver from the \$250,000 category cap.

Analysis: The Commission has dedicated significant funds to the Broadway corridor in three separate grants. The first grant in 2018 was a \$50,000 that looked at hiring a consultant to assist in completion of a Broadway Corridor Framework Plan to study existing physical and economic conditions. The second grant was a \$200,000 Transportation Planning Grant that looked to begin the design process for corridor-wide roadway improvements. The third grant was \$50,000 to study the zoning along this corridor.

The application identified increased traffic congestion and decreased economic competitiveness with the casino and businesses on the Everett side of the corridor. Malden has submitted data from a firm called INRIX that used anonymized data to assess changes in travel times along the corridor. These data showed an increase in travel time along the Broadway corridor between 2018 and 2019 (pre- and post-opening). This is not wholly unexpected. The original traffic study estimated that about 2% of the casino related traffic would use Broadway in Malden to access the casino. Based on the first traffic study done by Encore in February of 2020, the average daily traffic to/from the casino was about 24,000 vehicles per day. Two percent of that would be 480 vehicles per day (240 trips to the casino and 240 from the casino). In the original casino estimates for the Friday peak hour, approximately 6.5% of the average daily traffic would occur in that peak hour. Using that factor would result in an increase in Friday peak hour traffic on Broadway of 31.2 vehicles per hour or about one additional vehicle every two minutes. While the Review Team agrees that this constitutes an impact of the casino, that impact is modest.

Considering that the CMF has already provided \$300,000 in previous grants for work on the Broadway corridor, the Review Team must evaluate what would be a reasonable amount of funding to mitigate the modest impact on Broadway. The estimated construction cost for this road is about \$12.2 million. Factoring in an estimated \$1.4 million for project design fees, the total project cost would be \$13.6 million. If the Commission were to provide the maximum category funding (\$250,000), that would represent about 18% of the design cost or about 2% of the total project cost. Factoring in the \$300,000 already committed to Broadway projects would bring these numbers up to an equivalent of nearly 39% of the design cost or about 4% of the construction cost. The Review Team agrees that the provision of an additional \$250,000 would be a very generous contribution from the CMF considering the relative degree of impact.

All TIP projects require that the community fund the design of the project. With an estimated design fee of \$1.4 million, Malden will need to put up substantial local funds for this project to move forward. Malden has requested a waiver of the \$250,000 category cap to fund the full request of \$481,000. The rationale is that Malden does not have the resources to complete this planning project and funding requested can be reasonably described as “seed money.” As shown above, the provision of an additional \$250,000 would be a generous contribution to this project, so the Review Team does not recommend approving the waiver.

MassDOT Comments: MassDOT supports the City of Malden’s request for \$481,000 to fund 25% of the design of their Reimagine Broadway project. This is a Complete Streets project to provide better mobility, safety, and economic development within the Broadway (Route 99) corridor.

Recommendation: The Review Team recommends providing partial funding for this project in the amount of \$250,000 and also recommends that no additional funds be provided to this project in future funding rounds.

Malden – Spot Pond Greenway Design

Project Summary: The City of Malden is requesting \$375,700 in funding to complete the final design of the Spot Pond Brook Greenway. Malden has requested a waiver from the \$250,000 category cap.

Analysis: This project proposes to extend the trail network in Malden from the Northern Strand Community Trail in the downtown area north to Coytemore Lea Park. This would further expand opportunities for pedestrians and bicyclists to access both Malden Center and the Northern Strand to points south including Encore Boston Harbor.

While it is difficult to quantify the exact level of use of this type of trail, construction of this trail should improve access to the Encore site by providing a protected route to Malden Center where patrons and employees can get on shuttle buses to Encore. In addition, this trail will tie into the Northern Strand which provides direct access to Encore. The Commission has consistently looked favorably on the extension of trail networks to improve access to the Encore site and help remove vehicular traffic from the roads.

Malden has requested a waiver from the \$250,000 category cap with the rationale that the City lacks financial resources to complete these planning projects and that the funds should be looked at as seed money to leverage millions of dollars in federal construction funding. The Review Team had a number of questions associated with the cost of the design work. This project is expected to have a construction cost of about \$4 million and the project design is currently at the 25% design level. The \$375,700 request appears to be high for the level of work remaining on the project. We asked for additional documentation relating to these costs. The City of Malden has recently gone through some staff turnover and was not able to provide the additional information requested. Absent this additional information, the Review Team was not comfortable recommending the waiver request.

Should the Commission want to move ahead with this project, the Review Team is comfortable with awarding the category maximum of \$250,000 to keep the project moving forward.

MassDOT Comments: MassDOT supports the City of Malden's request for the Spot Pond Brook Greenway project. This project involves engaging an engineering consultant to prepare the final design of a shared-use path that will connect Malden's Oak Grove Neighborhood with the Northern Strand Community Trail and Malden River via Downtown Malden.

Recommendation: **The Review Team recommends partial funding of this project in the amount of \$250,000.**

Melrose – Lebanon Street

Project Summary: The City of Melrose is requesting \$250,000 towards the design of multi-modal improvements to the Lebanon Street Corridor.

Analysis: This project proposes Complete Street improvements to the Lebanon Street corridor to improve safety and provide multi-modal access. The southern terminus of Lebanon Street is about 4.5 miles from Encore Boston Harbor. The City expects to fund construction of this project through the State TIP.

The original traffic studies done for EBH did not evaluate traffic at any intersections in Melrose. The nearest locations identified in the traffic study were Main Street at the Everett/Malden line and Route 99 at the Everett/Malden line. Each of these locations was estimated to carry 2% of the casino related traffic. It seems likely that a portion of that casino related traffic would pass through Malden into Melrose. However, it doesn't seem as likely that they would use Lebanon Street. Accessing Lebanon Street to/from the casino requires a rather circuitous route.

The applicant submitted traffic data that showed increases in traffic on Lebanon Street from 2018 to 2022. When reviewing that information, the 2022 traffic data included a couple of traffic movements that were not included in the 2018 data. When subtracting out those movements from the 2022 data, it shows a small increase in traffic in the AM peak and a small reduction in the PM peak. The Review Team was not convinced that this demonstrated a casino impact.

The application showed an increase in crashes on Lebanon Street from the 2015-2019 period to the 2021-2022 period. They increased from 5.4 per year to 12 per year. In looking at this information, the 2015-2019 data only included 3 intersections while the 2021-2022 data included the entire corridor. Only 13 of the accidents in the 2021-2022 time period happened at the 3 intersections identified in the 2015-2019 data, thereby reducing the annual accident rate to 6.5 per year. While this is an increase, it is not nearly as significant as what was reported in the application.

Based on the information submitted, there is little question that the Lebanon Street corridor is in need of improvements, however, the Review Team could not identify the nexus to the casino that would justify the use of CMF funds on this project.

MassDOT Comments: MassDOT does not support the City of Melrose's request for the amount needed for the Lebanon Street TIP project due to the lack of substantial impact on traffic caused by the casino. The City plans to fund the construction through the MassDOT TIP and will finance the design and bidding through a combination of grants, state funding, and local funds.

Recommendation: The Review Team does not recommend funding for this project.

Agawam – Suffield Street and Silver Street-~~Withdrawn~~

Project Summary: The Town of Agawam is requesting \$250,000 for the redesign of the intersection of Suffield Street and Silver Street.

Analysis: The intersection of Suffield Street and Silver Street lies approximately 5 miles to the southwest of MGM Springfield and consists of a signalized intersection with dedicated left hand turn lanes on all approaches. There are currently sidewalks on all four corners of the intersection, although they do not appear to meet current ADA standards. The project proposes roadway realignment, upgraded signals including emergency pre-emption, video detection, turning lanes and signals, ADA improvements and Complete Streets upgrades.

In describing the impact of the casino that this project is designed to address, most of the impacts are speculative in nature and do not tie directly to the casino.

The Review Team reviewed trip distribution maps for MGM Springfield, and those maps did not identify casino related traffic using this route. We asked the applicant for additional information with respect to casino related traffic and if any studies had been done to quantify the traffic related deficiencies of the intersection. The applicant was unable to provide any additional

information on these items. The Review Team was also concerned with the cost of this project relative to the estimated construction cost. Agawam is asking for \$250,000 to design improvements for what is estimated to be a \$1 million construction project. Typically, design fees total between 10 and 15 percent of the total construction cost. In this case, the design fee would be 25% of the estimated construction cost. We asked for any documentation that the Town had to justify this cost, but the Town was not able to provide this documentation. The review team reached out to the Town multiple times on this application and they requested to withdraw their application citing capacity issues in their transportation department and an inability to physically complete the project in the required timeframe.

MassDOT Comments: MassDOT supports the Town of Agawam's request of \$250,000 for redesigning the intersection at Suffield Street and Silver Street. The improvements may include realigning the roads, upgrading signals including emergency pre-emption, video detection, turning lanes and signals at all four approaches, bicyclist accommodations, and new sidewalks and curb cuts with pedestrian signals in accordance with the Americans with Disabilities Act and the Town's Complete Street Policy.

If selected as a recipient of grant funds, the Town of Agawam should coordinate with MassDOT District Two as appropriate in the development of proposed traffic improvements.

Hampden – Sidewalk Design

Project Summary: The Town of Hampden is requesting \$203,100 for the design of sidewalks along Main Street from North Road to Somers Road.

Design of a sidewalk. In part, the design would be for replacement of an old blacktop sidewalk and partly to extend the existing sidewalk along Main Street, a recognized impact street from the MGM Casino.

Analysis: This project was submitted as a Transportation Construction Grant, but the Review Team determined it should have been submitted under the Transportation Planning Grant category and it was evaluated as such.

The Commission awarded the Town of Hampden a 2016 reserve grant in the amount of \$100,000 that the Town used to improve sidewalks and crosswalks in downtown Hampden. The original traffic studies done for MGM did not evaluate traffic impacts in Hampden but did determine that about 5.5% of the casino related traffic would travel from Springfield into East Longmeadow. It is certainly reasonable to assume that some of that traffic would travel through East Longmeadow into Hampden, but there is no quantification of these traffic numbers. We would certainly expect that the percentage of casino-related traffic coming into Hampden would be significantly reduced from that entering East Longmeadow as there are several different ways traffic could go in East Longmeadow. The Review Team agrees that there is some traffic-related impact to Hampden, but it would be a very modest impact.

The Town has \$1.3 million in the Transportation Bond Bill earmarked for the construction of sidewalks. When asked about the status of these funds, the Town stated that "This bond has not been funded by the Commonwealth, and our representatives in the General Court are unable to determine when or if the state will fund the bond." Many projects that are earmarked in bond bills never end up being constructed. The Review Team is concerned with dedicating design funds to a project that may not come to fruition.

The Commission has always liked to see CMF funds used to leverage other state or federal funding sources and this project certainly has the potential to do that. If the Commission decides to award these funds, the Review Team recommends that the receipt of these funds be conditioned upon receiving the Transportation Bond Bill funding.

MassDOT Comments: The Town of Hampden has requested \$203,100 for design services to extend the existing sidewalk along Main Street to Somers Road. Although casino-related travel is unlikely to be high, any additional traffic would be noticeable on small rural communities like Hampden. MassDOT supports their efforts to provide alternative modes of transportation and therefore recommends approval.

Recommendation: The Review Team recommends full funding of this project in the amount of \$203,100 on the condition that the Town of Hampden demonstrate to the Commission that funds have been made available to the Town from the Transportation Bond Bill.

Holyoke – Main Street

Project Summary: The City of Holyoke is proposing a Complete Streets redesign for Main Street from Jackson Street to Mosher Street. The City of Holyoke is proposing to use mitigation funds to perform the initial design work to prepare documents in support of the project obtaining construction funding under the State’s Transportation Improvement Program (TIP). This project proposes to design Complete Street improvements to provide for safe and equitable use of existing roadway infrastructure for all modes of travel.

Analysis: Main Street in Holyoke is located at the terminus of I-391. The trip distribution analysis done as part of the MGM Springfield project estimated that 3% of the casino related traffic would enter downtown Holyoke at the end of I-391. The Review Team agrees that this constitutes an impact on Main Street.

Vehicles are experiencing high crash rates on Holyoke’s Main Street corridor; a likely origin point for residents that may be commuting to Springfield for work at MGM or to participate in casino gaming. In addition, there are six bus routes from Springfield to Holyoke that also use this same infrastructure. Current ridership volumes indicate that Holyoke has a high demand for public transit. The infrastructure on Main Street does not currently support a safe and healthy commute. Cyclists commuting to and from Springfield encounter many challenges such as gaps in infrastructure network. Improvements to Main Street would provide opportunities for Holyoke residents visiting MGM, residents currently employed, or those wishing to gain employment in the future. Providing a complete streets-focused transportation streetscape would enable the residents of Holyoke to close the last mile of connection to transit, enhance safety to major routes in and out of the city, promote equitable opportunities, and increase safety for all users. The Review Team agrees that Complete Streets improvements will help address the identified impacts.

The City of Holyoke hopes to use these funds to begin the process of obtaining TIP funds for construction. The estimated construction cost for this project is just under \$10 million. If awarded Holyoke would be able to use this project as seed money to get the design process started, which has the potential to leverage significant federal and state monies for construction.

MassDOT Comments: MassDOT supports the request by the City of Holyoke for \$82,300 to fund the initial design of the proposed Main Street complete streets reconstruction project. The

objective of this first phase of the project is to submit documentation to the PRC to have the project included in the State's Transportation Improvement Program (TIP).

Recommendation: The Review Team recommends full funding of this project in the amount of \$82,300.

Holyoke – Wayfinding

Project Summary: The City of Holyoke is requesting \$250,000 to advance the planning and implementation of wayfinding signage as part of the City's tourism plan.

Analysis: The Commission has funded wayfinding projects in the past, but these have always been considered Community Planning efforts rather than Transportation Planning. The Review Team has moved this project from Transportation Planning to Community Planning and the City of Holyoke has agreed to reduce the cost of the project to \$200,000 to bring it in line with the maximum project value in the Community Planning category.

This project aims to steer multimodal traffic to Holyoke's City Center Commercial District to raise awareness of available points of interests from cultural assets and natural resources to retail and social destinations. As part of its tourism plan, one of the goals was to create and improve wayfinding to help advertise Holyoke as an attractive destination and gateway to the MGM Casino. Improved wayfinding can aid travelers with finding parking, cultural destinations, navigation to the MGM Casino, and commercial districts. In addition to downtown wayfinding, part of this project will include wayfinding signs directing people to MGM Springfield.

One of the tenets of the Community Planning category is that funds can be used to take advantage of the presence of the casino and its patrons to advance tourism and economic development opportunities. The Review Team agrees that this effort will help Holyoke leverage the presence of the casino to improve tourism to the area.

Recommendation: The Review Team recommends partial funding of this grant in the amount of \$200,000.

Springfield – Union and Maple Street Intersection Improvements

Project Summary: The City of Springfield is requesting \$250,000 for the design of traffic control improvements at the intersection of Union and Maple Streets.

Analysis: The intersection of Union and Maple Streets is located approximately 0.2 miles northeast of the MGM Springfield site. This intersection currently ranks #21 in the Draft Top 100 High Crash Intersections in the Pioneer Valley Region. This project proposes to redesign this intersection with the goal of increasing safety and accessibility for residents, patrons, and commuters of all modes of transportation.

The City of Springfield submitted documentation on the number of accidents in the four years prior to the casino opening and the four years after opening. This showed an increase in accidents from 12.2 accidents per year pre-development to 16.8 accidents per year post-development. The City also submitted traffic data from the most recent traffic study that showed increases in traffic using Union Street primarily to exit the MGM site. The MGM parking garage

has a secondary exit onto Union Street that allows direct access to the Union/Maple Street intersection. The Review Team agrees that this information documents a casino related impact.

Developing a design that will bring this intersection up to current standards should improve safety at this intersection.

MassDOT Comments: MassDOT supports the City of Springfield’s request for \$250,000 to institute traffic control improvements for the Union Street and Maple Street Intersection. According to the MGC application, upgrading this location will provide students, and families, safer passage through the intersection, which is adjacent to Milton Bradley Elementary School, and grant patrons, and employees, a safer access to the MGM Springfield Casino.

Recommendation: The Review Team recommends full funding of this project in the amount of \$250,000.

West Springfield – Elm Street

Project Summary: The Town of West Springfield is requesting \$250,000 for the design of Complete Street improvements to the Elm Street corridor.

Analysis: This project proposes to design Complete Streets improvements to Elm Street including permanent bike lanes, a shared use path, consolidation of bus stops and road geometry improvements.

The Commission has provided both Transportation Planning and Transportation Construction grants for a portion of Elm Street (Route 20). Elm Street is estimated to handle about 5% of the casino related traffic heading to points west. Route 20 starts as Park Street in West Springfield, then turns right onto Elm Street, then left onto Westfield Street as it proceeds west.

West Springfield has identified Elm Street as an alternate route between Route 20 and Route 5, which carries traffic in a north/south direction. Their application states that all major routes to the casino were considered except Route 5. The Final Environmental Impact Report does identify casino related traffic using Route 5 during peak hours. It shows 6 vehicles per hour heading southbound on Route 5 going to the casino and 4 vehicles per hour entering Route 5 north coming from the Springfield side of the North End Bridge.

MassDOT recently completed a “road diet” on southbound Route 5 from East Elm Street to the North End Bridge in an effort to slow traffic in the area. West Springfield reports that this road diet has caused an increase in traffic on Elm Street. Considering the very modest amount of casino related traffic estimated to use Route 5, the Review Team did not see how the MassDOT road diet could be considered a casino related impact.

MassDOT Comments: MassDOT supports the Town of West Springfield’s request for \$250,000 for a Complete Streets redesign of the Elm Street Corridor. The application describes the proposed redesign of Elm Street in West Springfield which aims to improve multimodal transit infrastructure and increase public access to civic resources. The proposal considers potential impacts on pedestrians, cyclists, single-occupancy vehicles, and public transit, and identifies areas for improvement, such as two stops for the regional PVT bus service, increased connectivity to existing intermodal pathways, and a proposed roundabout to reduce pedestrian crossings and motor vehicle accidents.

Recommendation: The Review Team does not recommend funding for this project because the impact identified does not appear to be related to casino traffic.

2023 TRANSPORTATION CONSTRUCTION GRANT APPLICATIONS

Transportation Construction Grants will fund no more than 1/3 of the construction cost with a maximum award of \$1.5 million. Applicants must demonstrate that any transportation construction project will begin construction no later than June 30, 2024.

Applicant	Description	Amount Requested	Recommended Award
REGION A			
Boston	Funding for upgrades to traffic control equipment and fiber connections on Broadway/Alford Street. Recent developments require upgrades to traffic management technology at high-traffic locations.	\$125,019	Withdrawn
Boston (formerly SI)	Expansion of the Bluebikes bike share system in Charlestown to improve access to the Sullivan Square area.	\$120,000	Withdrawn
Everett	Funding for the construction of a new trail connection known as the Wellington Connector which would connect the newly completed Northern Strand bike path at Sweetser Circle to the Woods Memorial Bridge over the Mystic River.	\$350,000	\$350,000
Everett	Supplemental funds for the 2020 CMF grant award for construction of the Northern Strand Bike Path extension.	\$255,131	\$335,260
Malden	Funding for four additional Blue Bike Stations and 30 Bikes.	\$225,900	\$113,000
Malden	Funding for the construction of a portion of the Malden River Works Park project and the Malden River Greenway, a multi-use path which will allow public access to the Malden River for walking, jogging, and cycling.	\$542,442	\$542,400
REGION B			
Springfield	Funding for the reconstruction of Dwight Street from Worthington to State Street.	\$966,667	\$966,700

Boston - Alford Street - Withdrawn

Project Summary: The City of Boston is requesting \$125,019 for upgrades to the traffic signals on Alford Street in Boston and Broadway in Everett.

Analysis: As part of the development of Encore Boston Harbor, the cities of Boston and Everett agreed that the traffic signals on Alford Street/Broadway corridor would be monitored by the Boston Transportation Department’s (BTD) Traffic Management Control Center. This project

proposes upgrades to the signal controllers and fiber connections to allow BTD to optimize signal timing and phasing.

BTD has recently had some significant staff turnover and has requested that their application be withdrawn due to this staffing shortage. The City was particularly concerned that, even if awarded funding, they would not currently be able to manage the projects effectively.

MassDOT Comments: The City of Boston is requesting CMF funding to upgrade the signal controllers and fiber connections along the Alford Street/Broadway Corridor to allow the Traffic Management Control Center at the Boston Transportation Department to optimize signal timing and phasing in order to create a safer environment for pedestrian crossings and allow traffic and future Bus Rapid Transit to be managed comprehensively. The application includes a comprehensive scope of work for analysis and engineering services to complete the work. The request is for a total of \$125,109.

Accordingly, MassDOT does not support funding as part of the CMF but recommends that these improvements be implemented as part of mitigation to be required as part of the East Broadway expansion by the Proponent.

Boston – BlueBikes Expansion - ~~Withdrawn~~

Project Summary: The City of Boston is requesting \$120,000 for the expansion of the Bluebikes bike share system in Charlestown to improve access to the Sullivan Square area to help to reduce trips by single occupancy vehicles.

Analysis: The City of Boston applied for these funds under the Specific Impact category. The CMF has funded Bluebikes in the past, but these have been done under the Transportation Construction category. Therefore, this project was moved to the Transportation Construction category.

BTD has recently had some significant staff turnover and has requested that their application be withdrawn due to this staffing shortage. The City was particularly concerned that, even if awarded funding, they would not currently be able to manage the projects effectively.

Everett - Wellington Connector

Project Summary: The City of Everett is requesting \$350,000 for the construction of the Wellington Connector path that will connect the Northern Strand bike path at Sweetser Circle to the Woods Memorial Bridge.

Analysis: This project will close a gap in the path network north of the Encore casino. This path will connect the Northern Strand to the Woods Memorial Bridge. It would create a new off-road trail link from Everett to the Malden River trail network as well as the Wellington MBTA Station and Mystic River paths.

While it is difficult to quantify the exact level of use of this type of trail, construction of this trail should improve access to the Encore site by providing a protected route from points west of the casino to the Northern Strand which provides direct access to Encore. The Commission has consistently looked favorably on the extension of trail networks to improve access to the Encore site and help remove vehicular traffic from the roads. Closing gaps like this will provide pedestrians and bicyclists with additional options for traversing the area thereby encouraging

increased use of alternative modes of transportation. The Review Team agrees that this project will encourage additional bicycle and pedestrian traffic to use the trail network and will improve access to Encore Boston Harbor.

The City of Everett has revised its cost estimates and now expects the project to cost \$1,010,000 with 1/3 of the costs totaling \$336,700.

MassDOT Comments: The City of Everett is requesting \$350,000 to construct a new trail connection known as the Wellington Connector. This connection has the potential to link the North Shore communities and casino employees and patrons to transit services along Revere Beach Parkway and the Wellington MBTA station. We therefore recommend approval of the request.

Recommendation: The Review Team recommends awarding this grant in the amount of \$336,700.

Everett – Northern Strand Trail Extension

Project Summary: The City of Everett is requesting \$335,260 for scope increases associated with the construction of the Northern Strand Community Trail extension that was partially funded by a 2020 CMF Transportation Construction Grant.

Analysis: The Commission awarded a 2020 Transportation Construction Grant for the construction of the Northern Strand extension in the amount of \$375,000, which was 9% percent of the total construction cost. During construction, it was determined that three change orders were necessary to complete the project. They include a re-design of a segment of trail beneath the Route 16 overpass to include a series of retaining walls that MassDOT deemed necessary due to poor soil conditions; drainage repairs and new trail connections at 3 intersecting streets; and additional landscaping and tree plantings to increase shade coverage and prevent vehicle trespass on the trail. When the application was originally submitted, the total amount being requested was \$255,131 for two change orders. In the interim, an additional change order came in which increases the total project cost by \$1,006,787 with a request for CMF funding of \$335,260.

This project was determined to be eligible in 2020 for mitigation funds, therefore, we do not need to repeat that determination. There are sufficient funds available for this project and the total amount of funds being provided by the CMF would be \$525,000, which is both less than 1/3 of the total cost and does not exceed the \$1.5 million cap on funds established by the guidelines.

MassDOT Comments: MassDOT has reviewed the information provided and finds them sufficient to support the cost increase. The Northern Strand is an important and well-traveled modal connection between communities in the North Shore and the cities of Everett, Somerville, and Boston. We therefore recommend approval of the request.

Recommendation: Since this is a continuation of an existing project, the Review Team recommends funding this project in the amount of \$335,260 as an amendment to the 2020 Transportation Construction Grant that was awarded to the City of Everett.

Malden - Bluebikes

Project Summary: The City of Malden is requesting \$225,900 for the purchase and installation of four Bluebike stations. The City is requesting full funding for this project which requires a waiver from the 33% maximum funding identified in the Guidelines.

Analysis: The City of Malden has identified the increased traffic associated with the casino contributing to an overall reduction in the level of service on Malden's roadways. Because the City does not have the ability to expand the roadway network, they need to explore how the enhancement of alternative modes of transportation can reduce traffic congestion and vehicle reliance. Like multi-use path projects, it is difficult to determine how many vehicles a project like this has the potential to remove from the road. But the Commission has consistently supported efforts to reduce the reliance on automobiles as a benefit to the entire region as well as for patrons and employees going to the casino.

Malden has requested 100% of the funding for this project from the CMF, which requires a waiver. In the Transportation Construction category, the CMF will pay for no more than 1/3 of the project cost. The reason for that cap is that most of these projects have a significant benefit to the community while also addressing a casino related impact. For example, on a project like this, some of the users will likely access the casino, but it would be expected that the majority of the users would not be accessing the casino. This 1/3 cap was considered to be the Commission's fair share of the project costs.

Malden currently has three Bluebike stations with one more planned for 2023. If the Commission were to count these stations as a local match, funding of two additional stations would result in the Commission funding 1/3 of the entire network. Based on this evaluation, the Review Team felt that the funding of two stations would be more in line with the intent of the CMF Guidelines.

MassDOT Comments: MassDOT has reviewed the information provided and finds it sufficient to support the request. The increase of Bluebikes usage is consistent with MassDOT policy to encourage alternate modes of transportation. We therefore recommend approval of the request.

Recommendation: The Review Team recommends awarding partial funding for this project in the amount of \$113,000.

Malden – River Works Path

Project Summary: The City of Malden is requesting \$542,400 for the construction of the Malden River Works Path. Malden is requesting a waiver of the 1/3 funding cap for construction projects and is requesting that the CMF fund approximately 50% of the project.

Analysis: The proposed River Works project is a part of the overall Malden River Greenway, which proposes paths on both sides of the Malden River, connecting properties in Malden, Medford and Everett to the Northern Strand Community Trail and the existing trail networks to the south. Completion of the Greenway will provide protected bicycle and pedestrian networks that should help remove vehicles from the road and provide alternative modes of transportation to and from Encore.

The Malden River Greenway is currently 61 percent complete with an additional 12 percent actively under design/construction. This project would close one of the gaps in the network.

While it is difficult to quantify the exact level of use of this type of trail, construction of this trail should improve access to the Encore site and points south by improving access to the Northern Strand trail and to the existing portions of the Greenway to the south. The Commission has consistently looked favorably on the extension of trail networks to improve access to the Encore site and help remove vehicular traffic from the roads.

As you can see below, MassDOT did not support this project. The Review Team initially shared MassDOT's concern with a connection to casino impacts. We asked Malden to provide us with additional information with respect to this casino connection. Once we saw how this project worked in conjunction with the overall Malden River Greenway plan, the Review Team was able to discern that connection and agreed that this project would improve connections to the Northern Strand and points south heading towards the casino. We only received Malden's response to our request for supplemental information very recently and MassDOT did not have that available when they did their review.

Malden is requesting that the CMF provide 50% of the construction costs of this project which requires a waiver. The construction of the River Works Path is only one aspect of the overall Malden River Works Park which is estimated to cost in excess of \$11 million. In addition, the City is working with abutting landowners to complete portions of the Greenway on private properties. One segment of the Greenway was recently completed by the private landowner on the adjacent property to the north of the proposed project. Considering these other private and public investments, the actual percentage of funds the CMF would provide is considerably lower than 1/3 of the cost. It is also well below our maximum contribution of \$1.5 million.

MassDOT Comments: The City of Malden is requesting \$542,442.13 for the Malden River Works Path, an important piece of the future Malden River Greenway, a multi-use path which will allow public access to the Malden River for walking, jogging, and cycling.

While the project stands on its own merit, MassDOT does not find the project directly connected to casino impacts to support the request. The project is not likely to result in attracting mode shares that would sufficiently reduce the impacts of the casino traffic. Therefore, MassDOT does not support the request.

Recommendation: The Review Team recommends granting a waiver on this project and funding it in the full amount of \$542,400.

Springfield – Dwight Street

Project Summary: The City of Springfield is requesting \$966,700 for the reconstruction of Dwight Street from Worthington to State Street.

Analysis: Dwight Street is a major southbound route from I-291 into downtown Springfield. A substantial amount of traffic from I-90 westbound utilizes I-291 and Dwight Street to access the casino. During the construction of MGM, improvements to the intersection of Dwight Street and I-291 were required by MassDOT, but no other improvements to Dwight Street were required as part of the casino construction. The Review Team agrees that the amount of traffic using Dwight Street constitutes a demonstrated impact of the casino. In addition to improvements to the

pavement surface, this project will also bring Complete Streets elements to the roads, which will take into account vehicles, pedestrians, bicycles and public transit. This will bring Dwight Street into alignment with the Complete Streets improvements that were made to Main Street, State Street and Columbus Avenue as part of the MGM project. The Review Team agrees that the lack of Complete Streets design discourages the use of alternative modes of transportation.

Springfield is asking for \$966,700 towards the cost of this project, which is 1/3 of the total project cost. The City provided a detailed breakdown of the project costs, which appear to be an accurate representation of the cost. This meets with the 2023 CMF Guidelines of providing up to 1/3 the construction costs of a project.

MassDOT Comments: MassDOT finds the application includes sufficient information to support the request. MassDOT concurs that improvements to Dwight are directly related to the casino impacts and would be consistent with MassDOT policies and provide access and safety for all modes. We therefore recommend approval.

Recommendation: The Review Team recommends full funding of this project in the amount of \$966,700.

205 CMR 243.00: SPORTS WAGERING EQUIPMENT

243.01: Standards for Sports Wagering Equipment

- (1) Sports Wagering Operators and Sports Wagering Vendors shall comply with, and the Commission adopts and incorporates by reference, *Gaming Laboratories International, LLC Standard GLI-33: Event Wagering Systems* and its appendices, version 1.1, released May 14, 2019, subject to the following amendments:
- (a) Delete section 1.1.1 and replace with the following: "The following sets forth the technical standards for Sports Wagering Equipment as identified in 205 CMR 244.01."
 - (b) Delete section 1.1.2.
 - (c) Delete section 1.2.1.
 - (d) Delete section 1.3.3 and replace with the following: "This GLI technical standard is adopted in whole, subject to the modifications described in 205 CMR 243.01. To create a cohesive regulatory framework, the standard and modifications should always be read in conjunction with 205 CMR and the standards referenced in section 1.4.1."
 - (e) Add the following after section 2.1.1 "and the modifications described in 205 CMR 243.01."
 - (f) Delete the second sentence of section 2.5.1 and replace with the following: "In addition to the requirements contained within this section, and 205 CMR, the "Player Account Controls" section of this document shall also be met."
 - (g) Delete section 2.5.6(b) and replace with the following: "A deposit into a player account shall not be made using a credit card and must be made by methods which can produce a sufficient audit trail."
 - (h) Delete from section 2.7.1 the words "Where required by the regulatory body".
 - (i) Add the following at the end of section 2.7.4: "All wagers must be initiated and received or otherwise made by an individual located in the Commonwealth. Consistent with the intent of the federal Unlawful Internet Gambling Enforcement Act of 2006, 31 U.S.C. section 5361 to 5367, inclusive, the intermediate routing of electronic data related to a lawful intrastate wager authorized pursuant to M.G.L. c. 23N shall not determine the location or locations in which the wager is initiated, received, or otherwise made."
 - (j) Replace in section 2.7.4(a):
 - (1) the number "30" with the number "20"; and
 - (2) the words "or as otherwise specified by the regulatory body" with "after a period of 5 minutes since the previous location check if within one mile of the border, and prior to placement of the next wager after detection of a change to the player's IP Address"
 - (k) Add the following as section 2.7.4(e): "The location detection service or application used by the Event Wagering System shall be certified by the approved Independent Testing Laboratory, including applicable field testing, before its deployment."
 - (l) Delete section 2.8.2(o) and replace with the following: "(o) The personally identifiable information of a player who places a wager that exceeds \$10,000 or wins a wager exceeding \$600 and worth at least 300 times the amount wagered including, the legal name, residential address, date of birth, and encrypted government identification number (full or partial social security number, taxpayer identification number, passport number, or equivalent)."
 - (m) Delete from section 2.8.5(j)(ix) the words "or credit".

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- (n) Replace in section 2.8.8(d) the words "a value specified by the regulatory body" with "\$10,000, or \$600 and worth at least 300 times the amount wagered"
- (o) Replace in section 2.8.8(e) the words "a value specified by the regulatory body" with "\$10,000"
- (p) Replace in section 2.8.8(n)(iv).the words "a value specified by the regulatory body" with "\$10,000"
- (q) Add the following as section 2.9.1(c): "The Operator shall timely file with the Commission the reports required by this section in accordance with M.G.L. c. 23N, § 12(a)(ix) and 205 CMR."
- (r) Replace in section 3.3.1 the words "other applicable jurisdictional requirements observed by the regulatory body" with "the modifications described in 205 CMR 143.07"
- (s) Add the following as section A.1.2: "A.1.2 Independent Audit. Each Operator shall have their procedures and practices for wagering operations independently audited at least once every two (2) years with the results documented in a written report. Reports shall be maintained and available to the Commission upon request. An Operator's audit practices shall include, but not be limited to, the following:
 - a) Independent audits may be conducted by the Commission, or a Commission-approved third-party auditor. The Commission may, in its discretion, allow for an internal audit department within the Operator or parent company of the Operator, which is independent of the wagering operation, to serve as a third-party auditor for use in completing this audit.
 - b) The Commission, or third-party auditor shall be responsible for auditing the Operator's compliance with M.G.L. c. 23N, 205 CMR, this appendix, the internal control system, and any other applicable rules and regulations.
 - c) Documentation, including checklist, programs, reports, corrective actions, and other items, shall be prepared to evidence all independent audit work performed as it relates to the requirements of 205 CMR 243.01 and this appendix, including all instances of noncompliance.
 - d) Independent audit reports shall include objectives, procedures and scope, findings and conclusions, and recommendations.
 - e) Independent audit findings shall be reported to management. Management shall be required to respond to the independent audit findings and the stated corrective measures to be taken to avoid recurrence of the audit exception. Such management responses shall be included in the final independent audit report.
 - f) Follow-up observation and examinations shall be performed to verify that corrective action has been taken regarding all instances of noncompliance cited by the independent audits, or by the Commission. The verification shall be performed within six (6) months following the date of notification.
 - g) It is acceptable to leverage the results of prior audits conducted within the audit period by the same third-party auditor in another jurisdiction. Such leveraging shall be noted in the audit report. This leveraging does not include any procedures and practices unique to the Commonwealth, which will require new audits."
- (t) Make the following changes to section A.2:
 - (1) Add the following at the end of section A.2.1: "The internal control procedures shall meet the requirements of this appendix and 205 CMR."
 - (2) Replace section A.2.4(a) with: "Players identified as employees, subcontractors,

directors, owners, officers, or Qualifiers of an operator, as well as those within the same household, shall not place wagers through the operator, or through any other Operator tethered to the Operator, on any event, except in private pools where their association with the Operator is clearly disclosed.”

- (u) Replace in section A.4.5 the word “credit card” with “financial.”
- (v) Delete section A.7.4(d) and replace with the following: "(d)Is kept for at least one year after a sporting event occurs."
- (w) Delete from section A.8.3 the words "where required by the regulatory body".
- (x) Add the following as section B.1.2: "B.1.2 Independent Audit. The Operator shall, within ninety (90) days after commencing operations in the Commonwealth, and annually thereafter, have a technical security control audit conducted by a qualified independent technical expert selected by the Operator and subject to approval of the Commission. The Commission will establish minimum qualifications for technical experts, to be published on its website, which must be reviewed and updated annually, and which shall include the requirements of B.1.2(b).
 - a) The scope of the technical security control audit is subject to approval of the Commission or its designee and must include, at a minimum, all of the following:
 - i. A vulnerability assessment of all digital platforms, mobile applications, internal, external, and wireless networks with the intent of identifying vulnerabilities of all devices, the servers, and applications transferring, storing, and/or processing personally identifiable information and/or other sensitive information connected to or present on the networks.
 - ii. A penetration test of all digital platforms, mobile applications, internal, external, and wireless networks to confirm if identified vulnerabilities of all devices, the servers, and applications are susceptible to compromise.
 - iii. A review of the firewall rules to verify the operating condition of the firewall and the effectiveness of its security configuration and rule sets performed on all the perimeter firewalls and the internal firewalls;
 - iv. An information security assessment against the provisions adopted in M.G.L. c. 23N, 205 CMR, this appendix with generally accepted professional standards, and as approved by the Commission;
 - v. If a cloud service provider is in use, an assessment performed on the access controls, account management, logging and monitoring, and over security configurations of their cloud tenant;
 - vi. An evaluation of information security services, payment services (financial institutions, payment processors, etc.), location services, and any other wagering services which may be offered directly by the Operator or involve the use of third parties against the provisions adopted in these rules; and
 - vii. Any other specific criteria or standards for the technical security control audit as prescribed by the Commission or its designee.
 - b) To qualify as an independent technical expert, the independent technical expert shall:
 - i. Have relevant education background or in other ways provide relevant qualifications in assessing Event Wagering Systems;
 - ii. Obtain and maintain certifications sufficient to demonstrate proficiency and expertise as a network penetration tester by recognized certification boards, either nationally or internationally;

- iii. Have at least five years' experience performing technical security control audits on Event Wagering Systems; and
- iv. Meet any other qualifications as prescribed by the Commission or its designee.
- c) The full independent technical expert's report on the assessment must be submitted to the Commission no later than thirty (30) days after the assessment is completed and must include all the following:
 - i. Scope of review;
 - ii. Name, company affiliation, contact information, and qualifications of the individual(s) who conducted the assessment.
 - iii. Date of assessment;
 - iv. Findings;
 - v. Recommended corrective action, if applicable; and
 - vi. The Operator's response to the findings and recommended corrective action.
- d) It is acceptable to leverage the results of prior assessments within the past year conducted by the same independent technical expert in another jurisdiction or against standards such as ISO/IEC 27001, ISO/IEC 27017, ISO/IEC 27018, the NIST Cybersecurity Framework (CSF), the Payment Card Industry Data Security Standards (PCI-DSS), or equivalent. Such leveraging shall be noted in the independent technical expert's report. This leveraging shall not include critical components unique to the Commonwealth which will require fresh assessments.
- e) If the independent technical expert's report recommends corrective action regarding an item identified as High, or, with respect to any other corrective action, if the Commission so directs the Sports Wagering Operator, the Sports Wagering Operator must provide the Commission with a remediation plan and any risk mitigation plans which detail the Operator's actions and schedule to implement the corrective action. Once the corrective action has been taken, the Sports Wagering Operator shall provide the Commission with documentation evidencing completion."
- (y) Replace the paragraph in B.2.2 with the following: "The Sports Wagering Operator shall provide the Commission with information on the secure locations of all servers and other Sports Wagering Equipment for the Commission's approval. Unless otherwise approved by the Commission, the primary server or other equipment primarily responsible for the acceptance of sports wagers shall be placed in secure locations within the Commonwealth. In addition, secure location(s) shall:"
- (z) Replace section B.4.5 with the following: "B.4.5 Communications in Wagering Venues. If a guest network is offered that provides internet access for players, venue guests, or vendors, the guest network must be physically or logically segregated from the network used to serve the Event Wagering System. Communications on the guest network must be non-routable to the Event Wagering System network."
- (aa) Delete from section B.7.6 the words "If required by the regulatory body"
- (bb) Add the following to the beginning of section B.9.5: "The Commission may approve of the use of internet or cloud-based hosting of duplicate data or data not related to transactional wagering data upon written request of the Operator."
- (cc) In Section A.6.4:
 - (1) Replace "authorized" with "permitted";
 - (2) After "prior approval of the regulatory body," insert "except in accordance with the Operator's approved house rules or internal controls."

205 CMR: MASSACHUSETTS GAMING COMMISSION

REGULATORY AUTHORITY

M.G.L. c. 23N, §4.



TO: Chair Judd-Stein
Commissioner O'Brien
Commissioner Hill
Commissioner Skinner
Commissioner Maynard

FROM: Carrie Torrisi, Deputy General Counsel
Bruce Band, Director of Sports Wagering

DATE: May 25, 2023

RE: Fanatics Request for Temporary Waiver from Certain Provisions of 205
CMR 255: Play Management

On May 23, 2023, the Commission approved a number of operator requests for temporary waivers from certain provisions of 205 CMR 255: Play Management, including a temporary waiver to Fanatics from 205 CMR 255.03(2) through **August 31, 2023**. On May 25, 2023, Fanatics submitted two additional requests for temporary waivers pursuant to 205 CMR 202.02(3) and 205 CMR 102.03(4). They are as follows:

Fanatics has requested a temporary waiver from 205 CMR 255.03(1) and 255.04(4) through **August 31, 2023**, to design an appropriate solution and to successfully test in advance of its release to the production environment.

205 CMR 255.03(1): When an individual seeks to enroll onto a Sports Wagering, a Sports Wagering Operator shall conspicuously display to the individual a message describing the available limitations for Sports Wagering, and offering the individual the opportunity to designate themselves as subject to one or more of those limitations. In the event the individual chooses to decline that opportunity, the individual shall be required to affirmatively state that choice to the Sports Wagering Operator.

205 CMR 255.04(4): A Sports Wagering Operator shall require an individual to acknowledge the following prior to being designated as subject to limitations regarding Sports Wagering:

(a) That the individual shall not collect any winnings or recover any losses resulting from Sports Wagering in violation of the limitation in accordance with 205 CMR 255.02(1); and

(b) That once the individual is designated as subject to limitations regarding Sports Wagering, an individual's attempted Sports Wager or deposit into the individuals' Sports Wagering Account may be rejected or, if placed, may be voided or cancelled by the Sports Wagering Operator.



95 Morton Street, New York, NY 10013

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DATE: May 16, 2023
Amended: May 25, 2023
TO: Massachusetts Gaming Commission
FROM: FBG Enterprises Opco, LLC (Fanatics Sportsbook)
SUBJECT: Waiver Request for 205 CMR 255: Play Management

Per 205 CMR 202, FBG Enterprises Opco, LLC (“Fanatics”) is seeking a waiver for a period of 90 days (from the expected Fanatics Sportsbook Massachusetts launch date of May 30th) from 205 CMR 255: Play Management, adopted by the Massachusetts Gaming Commission (“MGC”) on May 9, 2023. Specifically, Fanatics is requesting temporary relief from implementing 255.03(1), 255.03(2), and 255.04(4) of the Play Management regulation. These specific requirements necessitate unique software development work that Fanatics has not previously needed to implement in other jurisdictions, such as building out a new notification method that requires several layers of software logic. While Fanatics agrees that these requirements allow for effective play management features, they cannot be immediately implemented by Fanatics to the MGC’s standards. Specifically for 255.03(2), the type of pop-up message the rule contemplates is not a regulatory requirement in any other mobile sports wagering market, so it is not a feature Fanatics has previously scoped out for inclusion on the platform.

Prior to its approval, this regulation remained in draft while undergoing a public comment period. The updates made to the draft of this rule relative to what ultimately was approved by the MGC were reasonable and sound, and truly reinforce the Commonwealth's and the operators' commitment to player protection.

In order to effectively implement these updates, which have technical implications, additional time is needed to align to these new requirements. These technical updates require resources, planning, and development prior to its release on Fanatics’ mobile application. As such, Fanatics is seeking relief from implementation of 255.03(1), 255.03(2), and 255.04(4) through August 31st, which would reasonably allow Fanatics to design an appropriate solution and successfully test in advance of its release to the production environment. This temporary relief time frame is consistent with what is afforded to operators by other jurisdictions when new requirements are adopted - particularly those with tech implications.

We sincerely appreciate the thoughtful dialogue around this important regulation and look forward to effectively implementing it in our product as we move to our launch in the Commonwealth.

This waiver request adheres to all requirements set forth in 205 CMR 202.



Sports Wagering Division

TO: Chair Cathy Judd-Stein
Commissioner Bradford R. Hill
Commissioner Jordan Maynard
Commissioner Eileen M. O'Brien
Commissioner Nakisha L. Skinner

FROM: Sterl Carpenter – Sports Wagering Operations Manager

CC: Karen Wells – Executive Director
Bruce Band – Sports Wagering Division Director

DATE: May 18, 2023

RE: Update to licensee's house rules

Under 205 CMR 247.02(4) <https://www.mass.gov/doc/205-cmr-247-uniform-standards-of-sports-wagering/download> the Commission reviews all changes proposed by a licensee to their house rules. A Sports Wagering Operator shall not change or modify the House Rules without the prior written approval of the Commission. Failure by an Operator to act in accordance with its House Rules may result in disciplinary action.

EXECUTIVE SUMMARY:

This document has **Fanatics'** requested changes to their house rules. Fanatics' updates primarily reflect clarifications to:

- Same Game Parlay (*clarity*)
- Baseball (*better language, clarity*)
- Soccer, and (*clarity*)
- General clean-ups

The total changes are as follows:

Changes to Fanatics:

Page 16.

Same Game Parlay

A same game parlay bet consists of two or more legs within the same event, allowed only on eligible same game parlay events, or offered as a pre-packaged selection within the event by



Sports Wagering Division

Fanatics Sportsbook. Same Game Parlay prices reflect the fact that some outcomes within an event are related, and therefore odds offered may be different to the full multiplied odds of all outcomes.

- Each sport has its own specific Same Game Parlay rules which should be referred to when querying the specific rules within a sport or event type.
- Where two or more Same Game Parlays bets are combined into a parlay bet (sometimes referred to as 'Same Game Parlay StackPlus') the rules refer to each specific Same Game Parlay within the bet. For example, if one of these Same Game Parlays has a selection that is void due to a player not taking any part in the bet, the remainder of the Same Game Parlay and the entire parlay will be settled according to the general sportsbook Parlay rules.
- If any selection within a Same Game Parlay is void under our General Sportsbook House Rules or Sport-Specific Rules, the remaining selections will be used to determine the outcome of the wager and the odds will be changed to reflect the new price.

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Baseball

General Baseball Rules

- All bets include extra innings played unless otherwise stated.
- Games must start on the same day as originally scheduled (in local time) for bets to have action.
 1. ~~If a regular season game is halted before it has reached a conclusion and not completed by 11:59pm (local time) of the following day, bets will be made void unless the specific market outcome is already determined.~~
- Where a non-playoff game is abandoned before completion, bets will be made void where the market outcome was not already determined. For example, if a game is called after 6 innings, bets on 3rd inning total runs would be allowed to stand.
- Where a playoff game is halted~~In the case of a halted playoff game~~, all bets will remain open until completion of the game as determined by the league's governing body. If either team is awarded the win without resumption of the game to completion, non-playoff games rules will be referred to when determining bet settlement.



Sports Wagering Division

- If a game is halted and then replayed in full, rather than being resumed, outstanding bets on the original game will be made void where the market outcome was not already determined.
- ~~Where a non-playoff game is abandoned before completion with no intention to resume play, market specific rules will determine settlement. Where no market specific rule exists, bets will be made void unless a result has been unconditionally determined. For example, if a game is called after 6 innings, bets on 3rd inning total runs would be allowed to stand given that they have been unaffected by the abandonment.~~

Page 77

Soccer

General Soccer Rules

- All Soccer markets are settled based on the result at the end of regular time (including injury/stoppage time). Extra time and penalties are not included unless indicated.
- Where a kick-off time is brought forward bets will stand provided they are not placed after the nominated game has kicked off.
- If a game venue is changed to a neutral site and the home team remains designated as such, bets will stand.
- If a game venue is changed to the away team's home stadium or a site where the away team are now listed as the home team, bets placed on the original game will be void.
- Where a match is ~~postponed/abandoned~~ before the completion of ~~the~~ regular time markets, all wagers will be voided if made void unless the match is not resumed/rearranged and played within 48 hours of the original kick-off time.
 - a. ~~The exception to this rule is that bets on any markets that have been unconditionally determined will be settled in full. For example, where a game is 0-0 in the 60th minute and play is abandoned, markets such as 'Half Time Correct Score' will be settled in full.~~
- All football matches are action based on the periods of play being two halves of 45 minutes plus any additional added time for stoppages.
 - Where a friendly/exhibition match is played over a different structure, such as 3 x 30 minute periods, bets will be made void unless the difference in format is noted in the event name or the event notes.
 - Where 2 x 40 minute halves are played, bets will once again be voided unless this was noted in the event name or event notes prior to the time of bet placement.



Sports Wagering Division

CONCLUDING STATEMENT:

The division confirms that all requirements have been met under 205 CMR 247.02 and the Sports Wagering Division has no reservations about moving forward on approving these changes.



TO: Chair Cathy Judd-Stein
Commissioner Bradford R. Hill
Commissioner Jordan Maynard
Commissioner Eileen M. O'Brien
Commissioner Nakisha L. Skinner

FROM: Sterl Carpenter – Sports Wagering Operations Manager

CC: Karen Wells – Executive Director
Bruce Band – Sports Wagering Division Director

DATE: May 18, 2023

RE: Update to licensee's house rules

Under 205 CMR 247.02(4) <https://www.mass.gov/doc/205-cmr-247-uniform-standards-of-sports-wagering/download> the Commission reviews all changes proposed by a licensee to their house rules. A Sports Wagering Operator shall not change or modify the House Rules without the prior written approval of the Commission. Failure by an Operator to act in accordance with its House Rules may result in disciplinary action.

EXECUTIVE SUMMARY:

This document has **BetMGM and MGM Springfield's** requested changes to their house rules. Updates primarily reflect clarifications to:

- Changing 'One Game Parlay' to 'Same Game Parlay' throughout
- Funding through a form of credit prohibited (*requested*)

The total changes are as follows:

BetMGM:

Page 5.

General Sports Book Funding Rules

Funding of the BetMGM account can be completed with a range of deposit methods that are listed in the Payment Methods section of the BetMGM help page. Those deposit methods include: (1) Visa Card/Mastercard/Discover Debit Cards, (2) ApplePay, (3) VIP Preferred, (4) paywithmybank, (5) PayNearMe, and (6) Wires. In no event may a Massachusetts account be funded through a form of credit.



MGM Springfield:

Page 4.

GENERAL SPORTS BOOK RULES

1. The MGMS may refuse any wager, and/or delete or limit selections, prior to the acceptance of any wager.
2. The MGMS will determine minimum and maximum wagers on all sports events. Any maximum payout will only be established through limiting the amount of a Sports Wager and will not be applied to reduce the amount paid to a patron as a result of a winning Sports Wager. Minimum Wager: \$0.50; Maximum Wager: \$10,000,000.00.
3. Wagers must be funded through cash or a voucher, either directly at the counter or by inserting cash or a voucher at a Sports Wagering Kiosk. In no event may a Massachusetts account be funded through a form of credit.

CONCLUDING STATEMENT:

The division confirms that all requirements have been met under 205 CMR 247.02 and the Sports Wagering Division has no reservations about moving forward on approving these changes.



Sports Wagering Division

TO: Chair Cathy Judd-Stein
Commissioner Bradford R. Hill
Commissioner Jordan Maynard
Commissioner Eileen M. O'Brien
Commissioner Nakisha L. Skinner

FROM: Sterl Carpenter – Sports Wagering Operations Manager

CC: Karen Wells – Executive Director
Bruce Band – Sports Wagering Division Director

DATE: May 18, 2023

RE: Update to licensee's house rules

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EXECUTIVE SUMMARY:

This document has **three** licensee's submissions to a requested change by the commission. During the commission meeting held on April 25, 2023, it was discussed that the commissioners' liked language that was added in the area of funding an account in all operators' house rules. The language used reiterated that the use of credit was not allowed in the Commonwealth. The recommendation was to make sure that a patron funding their account was aware that the use of credit was prohibited.

An email was sent on May 1, 2023, by the Sports Wagering Division asking five (5) operators to add this language to their house rules. Two of the operators have submitted the change along with other changes in their house rules. These changes were reflected in their separate approval memo presented or that will be presented to the commission. The remaining three (3) operators' changes are listed below.

The total changes are as follows:

DraftKings:

Page 15. Section 9.

9. Methods of Funding a Wager



Sports Wagering Division

Sports Wagers may be funded through multiple options, including, without limitation, customer deposits and site/promotional credits. Deposits can be made through Debit Cards, Online Banking, PayPal, Play+ Cards, Bank Wire Transfers, Cash at Retail, and approved Gift Cards, and may include any other method approved by the Massachusetts Gaming Commission. In no event will you fund your account via a form of credit while physically located in Massachusetts.

Penn Entertainment:

Page 2. Section 9.

9. Barstool Sportsbook permits players to fund their accounts as follows:
 - A player's debit card, including prepaid cards and debit cards stored in digital wallets (e.g. ApplePay);
 - A player's reloadable prepaid card (e.g. Sightline Play+), which has been verified as being issued to the player and is nontransferable;
 - Cash complimentarys, promotional credits or bonus credits;
 - Winnings;
 - Wire transfer;
 - PayNearMe;
 - PayWithMyBank(Online Banking);
 - PayPal;
 - Venmo;
 - Skrill;
 - Other methods approved by the Commission; and
 - Automated clearing house (ACH) transfer
10. In no event may a Massachusetts account be funded through a form of credit

Caesars:

Page 10. Section 18.

18. CUSTOMER DEPOSITS

A patron's Internet gaming account may be funded using:

- Debit Card (Vantiv/WorldPay via Paysafe Gateway)
- ACH/e-check (GlobalPay via Paysafe Gateway)
- Caesars Sportsbook Prepaid Card (Sightline) is reloadable on the app (Visa, MC, Discover, ACH transfer and PayPal)
- PayPal
- Online Banking powered by Trustly (currently DBA PWMB) is an ACH product that offers an in app experience to sign into your online banking app to initiate a deposit or request a withdrawal. Patrons are identified by their unique banking credentials and a transaction is initiated. In the case of a deposit, our partner confirms the patron balance, guarantees the amount of the deposit to Caesars and collects the funds from the patron bank via ACH.
- Winnings remaining in the patron's account
- Adjustments or refunds in accordance with regulations and these internal controls
- Promotional Play
- Cash funding at a Caesars Sportsbook retail sportsbook (e.g. POS, kiosk, etc...)



Sports Wagering Division

- In no event may a Massachusetts account be funded through a form of credit.

CONCLUDING STATEMENT:

The division confirms that all requirements have been met under 205 CMR 247.02 and the Sports Wagering Division has no reservations about moving forward on approving these changes.