SENATE DOCKET, NO. 1028 FILED ON: 1/17/2013

SENATE . . . . . No. 1655

The Commonwealth of Massachusetts

PRESENTED BY:

Kenneth J. Donnelly

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act establishing a more equitable public transit fare structure.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Kenneth J. Donnelly	*Fourth Middlesex*
Daniel A. Wolf	*Cape and Islands*
Christine E. Canavan	*10th Plymouth*
Sal N. DiDomenico	*Middlesex and Suffolk*
John F. Keenan	*Norfolk and Plymouth*
Barry R. Finegold	*Second Essex and Middlesex*
Thomas P. Conroy	*13th Middlesex*
Patricia D. Jehlen	*Second Middlesex*
James B. Eldridge	*Middlesex and Worcester*
James J. O'Day	*14th Worcester*
Thomas P. Kennedy	*Second Plymouth and Bristol*
Sean Garballey	*23rd Middlesex*

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By Mr. Donnelly, a petition (accompanied by bill, Senate, No. 1655) of Kenneth J. Donnelly, Daniel A. Wolf, Christine E. Canavan, Sal N. DiDomenico and other members of the General Court for legislation to establish a more equitable public transit fare structure. Transportation.

The Commonwealth of Massachusetts

An Act establishing a more equitable public transit fare structure.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Whereas, low income people, young people, and people with disabilities who rely on public transit for mobility are disproportionately affected by increases in public transit fares, and

Whereas, all people rely on public transit for access to economic opportunities and essential needs, and

Whereas, the steep decrease in use of paratransit after the increase in fares for paratransit reflects a crisis for riders with disabilities, and

Whereas, the deferred operation of this act would tend to defeat its purpose, which is forthwith to

provide for a more equitable system of public transit fares throughout the commonwealth, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

SECTION 1. Section 5 of chapter 161A of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out subsection (e) in its entirety and replacing it with the following new subsection:-

(e) The board shall not establish a fare in excess of 35 per cent of the regular adult cash fare for children between the ages of 5 and 19 years, inclusive, or for persons 65 and older who reside within the commonwealth, or for persons with disabilities who reside within the commonwealth. Any such fare so established shall provide for free transfer privileges.

SECTION 2. Section 5 of said chapter 161A, as so appearing, is hereby amended by inserting after subsection (r) the following subsection:

21 (s) The authority shall not increase fares more often than once every two years. An
22 increase in fares shall not be greater than the per cent increase in average wages in the authority
23 service area based on the Quarterly Census of Employment and Wages published by the United
24 States Department of Labor Bureau of Labor Statistics and measured between the
25 implementation date of the previous fare increase and the implementation date of the proposed
26 fare increase.

27 SECTION 3. Section 8 of chapter 161B of the General Laws, as so appearing, is hereby
28 amended by inserting after the first sentence in subsection (d) the following text:

29 Fares shall not be increased more often than once every two years. An increase in fares
30 shall not be greater than the per cent increase in average wages in the authority service area
31 based on the Quarterly Census of Employment and Wages published by the United States
32 Department of Labor Bureau of Labor Statistics and measured between the implementation date
33 of the previous fare increase and the implementation date of the proposed fare increase. Fares
34 shall not be in excess of 35 per cent of the regular adult cash fare for children between the ages
35 of 5 and 19 years, inclusive, or for persons 65 and older who reside within the commonwealth, or
36 for persons with disabilities who reside within the commonwealth. Any such fare so established
37 shall provide for free transfer privileges.

38 SECTION 4. Chapter 6C of the General Laws, as so appearing, is hereby amended by
39 adding the following three sections:

40 Section 74

41 The paratransit fares of the Massachusetts Bay Transportation Authority and the Regional
42 Transit Authorities shall not exceed:

43 (a) The regular adult single ride local bus cash fare for persons who reside in the
44 commonwealth and whose income does not exceed 200 per cent of the Federal Poverty
45 Guidelines as published and updated by the United States Department of Health and Human
46 Services;

47 (b) One and one-half times the regular adult single ride local bus cash fare for persons
48 who reside in the commonwealth and whose income is above 200 per cent and does not exceed
49 300 per cent of the Federal Poverty Guidelines as published and updated by the United States
50 Department of Health and Human Services; and

51 (c) Twice the regular adult single ride local bus cash fare for persons who reside in
52 the commonwealth and whose income exceeds 300 per cent of the Federal Poverty Guidelines as
53 published and updated by the United States Department of Health and Human Services.

54 Section 75

55 (a) Universal University Pass Program. The department shall develop a mandatory
56 Universal University Pass Program (U-Pass) beginning in fiscal year 2015 for colleges and
57 universities throughout the commonwealth, with the purpose of providing unlimited rides on the
58 transportation systems of the Massachusetts Bay Transportation Authority (MBTA) and the
59 Regional Transit Authorities (RTA) to all full-time undergraduate and graduate students at the
60 colleges and universities that are located within 1 mile of MBTA or RTA service. The U-Pass
61 program shall contain all the terms of participation by the schools, the obligations of the
62 department, MBTA, and RTAs under the program, and such other terms as necessary.

63 The U-Pass fare for the first fiscal year of the program shall be no less than 65% of the
64 full fare, per student per semester. The department may increase the fare in later years. All
65 colleges and universities that are located within 1 mile of service provided by the MBTA or a
66 RTA are required to participate in the program and pay the applicable U-Pass fare for each full-
67 time undergraduate and graduate student at the school directly to the applicable RTA or MBTA.
68 The department may authorize alternative arrangements under unusual circumstances and may
69 allow for the continuation of contracts that provide unlimited rides for students.

70 (b) Universal Employer Pass Program. The department shall develop a voluntary
71 Universal Employer Pass Program (E-Pass) beginning in fiscal year 2015 for large employers
72 throughout the commonwealth, with the intended purpose of providing unlimited rides on the
73 transportation systems of the Massachusetts Bay Transportation Authority (MBTA) and the
74 Regional Transit Authorities (RTA) to all employees of participating large employers. The
75 MBTA or RTA shall make the program available to all large employers that are located within 1
76 mile of MBTA or RTA service. The E-Pass agreements shall contain all the terms of
77 participation by employers, the obligations of the department, MBTA, and RTAs under the
78 program, and such other terms as necessary. The department shall establish a goal that at least 50
79 per cent of large employers in the commonwealth have an E-Pass program in place within five
80 years of the establishment of the voluntary program. For purposes of this section, "large
81 employer" shall mean employers that employ at least 50 employees in the commonwealth.

82 The E-Pass fare shall be negotiated by the department with each participating employer
83 and shall be set at a level to assure that no transit authority has a reduction in fare revenue as a
84 result of the program. Employers within one mile of service provided by the MBTA or a RTA
85 that participate would be required to pay the applicable E-Pass fare for each employee directly to
86 the applicable RTA or MBTA. The department may authorize alternative arrangements under
87 unusual circumstances.

88 Section 76

89 By July 1, 2014, the Massachusetts Bay Transportation Authority and each Regional
90 Transit Authority shall create and implement a discount cash and pass fare program for low-
91 income residents, based on affordability and taking into consideration median household income

92 and housing costs in their service area. The Massachusetts Bay Transportation Authority and
93 each Regional Transit Authority shall report annually to the Massachusetts Department of
94 Transportation the reduction in fare revenue resulting from such reduced fares, using criteria
95 developed by the department, and shall be reimbursed annually by the department for the
96 reduction in fare revenue from transportation funds not otherwise required to be paid to said
97 authorities.

98 SECTION 5. By July 1, 2014, the Department of Transportation, in consultation with
99 youth advocacy groups, transit advocacy groups, the Massachusetts Bay Transportation
100 Authority, and Regional Transit Authorities, shall create and implement a 2 year long youth pass
101 pilot program in the Massachusetts Bay Transportation Authority system and in the transit
102 system of at least 3 Regional Transit Authorities in which persons between the ages of 12 and 21,
103 inclusive, would be eligible to purchase a significantly discounted monthly local bus pass and
104 combined monthly bus and subway pass from the applicable transit authority. Persons who are
105 eligible for the U-Pass program shall not be eligible to participate in the youth pass pilot
106 program. The pilot shall include at least 2000 eligible persons participating. The purpose of the
107 pilot would be to determine the costs of such program, rates of participation, the benefits to
108 participating persons, and such other factors as the department, in consultation with youth
109 advocacy groups, transit advocacy groups, the Massachusetts Bay Transportation Authority, and
110 Regional Transit Authorities, determines are necessary to provide a recommendation of whether
111 and how to implement such a program in the system of the Massachusetts Bay Transportation
112 Authority and 1 or more Regional Transit Authorities. Within 1 year after the conclusion of the
113 pilot program, the department shall file a report and recommendation with the governor, the
114 clerks of the house of representatives and the senate, and the joint committee on transportation.
115 The department shall publish a draft report, allow at least 30 days for written public comments
116 on the draft report, and take the comments into consideration before filing its final report. The
117 costs of the pilot program shall be borne by the department, which shall also reimburse the
118 Massachusetts Bay Transportation Authority and the participating Regional Transit Authorities
119 for any reduction in fare revenue caused by the pilot.