

**SENATE . . . . . No. 1956**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Anthony W. Petruccelli**

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*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 bill:

An Act financing the Commonwealth's transportation infrastructure.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Anthony W. Petruccelli	First Suffolk and Middlesex
Thomas M. McGee	Third Essex and Middlesex
Carlo P. Basile	1st Suffolk

# The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

## AN ACT FINANCING THE COMMONWEALTH'S TRANSPORTATION INFRASTRUCTURE.

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

1           SECTION 1. The power of the Massachusetts Turnpike Authority to fix and revise tolls,  
2 as established in subsections (i) and (j) of section 4 and section 10 of chapter 81A of the General  
3 Laws, as appearing, shall be suspended from the date of this act until December 31, 2009 or until  
4 comprehensive transportation reform legislation is passed by the Legislature, if that occurs prior  
5 to December 31, 2009.

6           SECTION 2. Section 1 of chapter 64A of the General Laws, as appearing in the 2004  
7 Official Edition, is hereby amended by striking in paragraph (1) the language: ““Tax per gallon”,  
8 shall be 21 cents per gallon” and inserting in place thereof the following:-  
9 (l) “Tax Per Gallon”, shall be 46 cents per gallon.

10           SECTION 3. Chapter 81 is hereby amended by inserting after section 3 the following  
11 section:- Section 3A. Tolls on the MA/NH, MA/CT, MA/RI and MA/VT borders.

12           Section 3A. The department of highways is hereby authorized to charge and collect and  
13 from time to time fix and revise tolls for transit into Massachusetts on interstate 95 at the

14 Massachusetts/New Hampshire border, interstate 84 at the Massachusetts/Connecticut border,  
15 interstate 95 south at the Massachusetts/Rhode Island border, interstate 91 north at the  
16 Massachusetts/Vermont border and interstate 91 south at the Massachusetts/Connecticut border.  
17 Such tolls shall be so fixed and adjusted as to provide, at a minimum, a fund sufficient with other  
18 revenues, if any, to pay (a) costs incurred in furtherance of this chapter related to the department  
19 including, but not limited to, the cost of owning, maintaining, repairing, reconstructing,  
20 improving, rehabilitating, policing, using, administering, controlling and operating the  
21 department; and (b) the principal of, redemption premium, if any, and the interest on notes or  
22 bonds relating to the department as the same shall become due and payable and to create and  
23 maintain reserves established for any of the department's corporate purposes. Such tolls shall not  
24 be subject to supervision, regulation, approval or disapproval by any other department, division,  
25 commission, board, bureau or agency of the commonwealth or any political subdivision thereof.  
26 The department shall maintain the confidentiality of all information including, but not limited to,  
27 photographs or other recorded images and credit and account data, relative to account holders  
28 who participate in its electronic toll collection system. Such information shall not be a public  
29 record and shall be used for enforcement purposes only with respect to toll collection  
30 regulations. An account holder may, upon written request to the department, have access to all  
31 information pertaining solely to the account holder. For each violation of applicable department  
32 regulations related to electronic toll collection, a violation notice shall be sent to the registered  
33 owner of the vehicle in violation. The notice shall include the registration number of the vehicle,  
34 the state of issuance of such registration and the date, time and place of the violation. The notice  
35 may be based in whole or in part upon inspection of any photographic or other recorded image of  
36 a vehicle and the written certification by a state police officer or other person employed by or

37 under contract with the department or its electronic toll collection system contractor that it is so  
38 based shall be prima facie evidence of the facts contained therein and shall be admissible in any  
39 administrative or judicial proceeding to adjudicate the liability for such violation.

40 SECTION 4. Notwithstanding any general or special law to the contrary, the entire state  
41 highway system shall implement "open road tolling" within 6 years of the passage of this Act.  
42 As used in this chapter the following term shall have the following meaning:

43 "Open road tolling", fully automated electronic tolling in an open road environment  
44 allowing vehicles to travel at normal speeds when passing through toll collection points, without  
45 the use of toll booths.

46 Notwithstanding any general or special law or regulation to the contrary, a special  
47 commission, the Massachusetts Open Road Tolling Commission, after this referred to as the  
48 "commission," is hereby established for the purpose of making an investigation and study  
49 relative to, but not limited to, the cost, maintenance, efficiency, enforcement and value of  
50 implementing open road tolling. The commission shall file a report in the offices of the House  
51 Clerk and the Senate Clerk prior to the end of the 2009-2010 general court session.