

SENATE No. 1963

The Commonwealth of Massachusetts

PRESENTED BY:

Karen E. Spilka

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 to establish funding for existing transportation systems in the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Karen E. Spilka	Second Middlesex and Norfolk
Thomas M. McGee	Third Essex and Middlesex
Tom Sannicandro	7th Middlesex
David P. Linsky	5th Middlesex
Thomas P. Conroy	13th Middlesex
Pam Richardson	6th Middlesex

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT TO ESTABLISH FUNDING FOR EXISTING TRANSPORTATION SYSTEMS IN THE COMMONWEALTH.

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.** Section 3 of Chapter 81A of the General Laws, as appearing in the 2006
2 Official Edition, is hereby amended at lines 71 and 72 by striking the words “the Boston
3 extension”.

4 **SECTION 2.** Section 3 of Chapter 81A is hereby amended by striking lines 5 through
5 18.

6 **SECTION 3.** Section 3 of Chapter 81A is hereby amended at lines 139 through 141 by
7 striking the words “to, but not including, the interchange of interstate highway route 90 and state
8 highway route 128 in the town of Weston.” And inserting in place thereof the words “to, but not
9 including, the interchange with interstate highway route 93 in the city of Boston.”

10 **SECTION 4.** Section 4 of Chapter 81A of the General Laws, is hereby amended by
11 striking subparagraphs (i) and (j).

12 **SECTION 5.** Section 10 of Chapter 81A is hereby repealed.

13 **SECTION 6.** Section 15 of Chapter 81A is hereby amended at lines 5 and 6 by striking
14 the words “and the Boston extension portion of the metropolitan highway system”.

15 **SECTION 7.** Section 16 of Chapter 81A is hereby amended at lines 6 and 7 by striking
16 the words “ or the Boston extension of the metropolitan highway system”

17 **SECTION 8.** Section 1 of Chapter 64A is hereby amended in paragraph (l) by striking
18 the words: ““Tax per gallon”, shall be 21 cents per gallon” and inserting in place thereof the
19 following:-

20 (l) “Tax Per Gallon”, shall be forty one cents per gallon for the year beginning July 1,
21 2009. Thereafter, for each fiscal year, the amount of tax due per gallon shall be computed by
22 increasing the amount of tax in effect on July 1 of that fiscal year by any percentage of increase
23 in the Consumer Price Index for the Northeast Census region published by the United States
24 Department of Labor, Bureau of Labor Statistics as of June 1st of that year over June 1st of the
25 prior year, computed to the nearest tenth of a cent per gallon. If there is no increase in the
26 Consumer Price Index, the tax per gallon shall be unchanged for the year.

27 **SECTION 9.** Section thirteen of Chapter 64A is hereby amended at Line 10 by striking
28 the words “sixty-eight and sixty one-hundredths” and inserting in place thereof the
29 figure“35.14”.

30 **SECTION 10.** Section thirteen of Chapter 64A is hereby amended by striking
31 paragraph (b) and inserting in place thereof the following:

32 (b) whereas a portion of the excise imposed by section 4 is obtained from the sale or
33 importation of fuel used in producing or generating power for the operation of watercraft of
34 every description, except seaplanes, said excise funds shall be credited as follows:--

35 .08 percent to the Inland Fisheries and Game Fund, established by section 2C of chapter
36 131;

37 .08 percent to the Public Access Fund, established by section 17 F of chapter 21;

38 0.15 percent to the Marine Fisheries Fund, established by section 2B of chapter 130;

39 0.15 percent to the Environmental Law Enforcement Fund, established by section 6 of
40 chapter 21; and

41 .26 percent to the Harbors and Inland Waters Maintenance Fund, established by section
42 10 A 1/2 of chapter 91.

43 **SECTION 11.** Section thirteen of Chapter 64A is hereby amended at Line 26 by
44 striking the word fifteen and inserting in place thereof the figure “19.88”

45 **SECTION 12.** Section thirteen of Chapter 64A is hereby amended at Line 37 by
46 striking the word fifteen and inserting in place thereof the figure “7.68”

47 **SECTION 13.** Section thirteen of Chapter 64A is hereby amended by adding at the end
48 there of the following paragraphs:

49 (e) 17.07 percent shall be credited to the Metropolitan Highway System Contribution
50 Fund established under section 10A of Chapter 81A.

51 (f) 9.76 percent shall be credited to the Massachusetts Bay Transportation Authority State
52 and Local Contribution Fund established by section 35T of Chapter 10.

53 (g) 9.76 percent shall be credited to the Regional Transit Authorities Forward Funding
54 Trust Fund established by section 63A of Chapter 10.

55 **SECTION 14.** Section 35T of Chapter 10 is hereby amended in line 40 by adding after
56 the figure “161A” the following: “, (iii) revenue received from the excise on the sale of fuel
57 imposed under section 4 of Chapter 64A, in the amounts established in section 13 of Chapter
58 64A.”

59 **SECTION 15.** Section 8 of chapter 161A is hereby amended in line 7 by adding after
60 the figure “9” the following: “, (iii) revenue received from the excise on the sale of fuel imposed
61 under section 4 of Chapter 64A, in the amounts established in section 13 of Chapter 64A.”

62 **SECTION 16.** Section 63A of Chapter 10 is hereby amended after the words “public
63 works “ by adding the following sentence: “Revenue received from the excise on the sale of fuel
64 imposed under section 4 of Chapter 64A, in the amounts established in section 13 of Chapter
65 64A, shall be credited to the fund.”

66 **SECTION 17.** Chapter 161A is hereby amended by inserting after section 23 the
67 following new section:

68 Section 23A. The commonwealth shall provide financial assistance to the authorities for
69 contract assistance, capital expenditures, and activities related to the operation of the authorities
70 through periodic withdrawals from the Regional Transit Authorities Forward Funding Trust
71 Fund established by section 63A of Chapter 10. Provided, however, that no funds shall be

72 expended from said Trust Fund until such time as sufficient funds have been made available by
73 the Commonwealth to forward fund, so called, the regional transit authorities.

74 **SECTION 18.** Chapter 81A of the General Laws is hereby amended by adding after
75 section 10 the following new section:-

76 **Section 10A: Metropolitan Highway System Contribution Fund**

77 There shall be established and set up on the books of the commonwealth a separate fund, to be
78 known as the Metropolitan Highway System Contribution Fund. Revenue received from excise
79 on the sale of fuel imposed pursuant to Section 4 of Chapter 64A shall be credited to said fund in
80 the amounts established in section 13 of Chapter 64A. Metropolitan Highway System
81 Contribution Funds shall be expended by the authority as follows:

82 (a) For the debt service payments associated with the obligations of the Authority
83 incurred in connection with the construction of the Central Artery and the Ted
84 Williams Tunnel.

85 (b) For maintenance and other costs for the operation of the metropolitan highway system
86 which would otherwise be funded with toll revenue.

87 **SECTION 19.** Notwithstanding any general or special law to the contrary, the
88 Massachusetts Turnpike Authority shall endeavor to transfer its rights to receive funds pursuant
89 to contracts for food service and the sale of gasoline at service plazas along the turnpike
90 roadway. Funds received in exchange for such a transfer shall be expended to repay any
91 outstanding notes or bonds issued by the turnpike authority pursuant to section 4(g) of Chapter
92 81A, or any other obligations related to the removal of toll collection facilities along the turnpike
93 and the metropolitan highway system. Any funds remaining after such repayment of notes,

94 bonds or expended to meet such obligations shall be used for capital investment, maintenance,
95 and other costs associated with the operation of the turnpike and the metropolitan highway
96 system.

97 **SECTION 20.** Notwithstanding any general or special law to the contrary, tolls shall
98 not be collected for transit over the Tobin Memorial Bridge, owned and operated by the
99 Massachusetts Port Authority.

100 **SECTION 21.** The transportation finance commission, established by section 13 of
101 chapter 196 of the acts of 2004 shall study the opportunities for the commonwealth to enter into
102 public-private partnerships to fund the long term operation and maintenance of existing
103 transportation infrastructure assets and the design, construction, operation and maintenance of
104 new transportation infrastructure. The commission shall examine public-private partnership
105 agreements for transportation projects in other states and nations and shall make
106 recommendations regarding possible fair and equitable financing mechanisms for such
107 agreements and identifying particular existing or planned transportation assets in the
108 commonwealth which would benefit from such agreements.

109 The commission shall recommend language for an enabling statute governing public-
110 private partnerships which shall include provisions which require the following: 1) notice by the
111 secretary of transportation and public works to the Senate President, the Speaker of the House,
112 and chairs of the joint committee on transportation, whenever a particular transportation asset has
113 been identified as a potential subject of a public-private partnership; 2) a plan for legislative
114 participation in the design of the public-private partnership agreement; and 3) requirements that

115 any public-private partnership agreement be submitted to the legislature for review and approval
116 prior to the finalization or execution of such an agreement.

117 **SECTION 22.** (a) The transportation finance commission shall examine the technical
118 and financial feasibility of collecting revenue from fees for the use of roads and bridges
119 throughout the commonwealth. The mechanisms the commission will consider shall include but
120 are not limited to: the use of open road tolling, high occupancy tolled lanes, congestion pricing,
121 and fees based on annual miles traveled. The commission shall report on the projected
122 availability of new technologies to assist in the collection of such user fees without the use of
123 barrier tolls.

124 (b) The transportation finance commission shall examine the feasibility of placing tolls
125 on limited access and interstate highways at the commonwealth's borders with Rhode Island,
126 Connecticut, New York, Vermont, and New Hampshire. The commission's report shall estimate
127 potential toll revenue, examine the potential for impact on traffic on nearby non-tolled roads,
128 examine the economic impact on communities containing highways considered for tolling, and
129 address issues related to federal approval for the institution of tolls on federally financed
130 roadways.

131 **SECTION 23.** The commission shall develop a report detailing the findings from its
132 examinations and studies conducted pursuant to Sections 21 and 22 of this act, including a draft
133 of any legislation required to implement those recommendations. The commission shall submit
134 its report to the governor, the secretary of transportation and public works, the clerks of the
135 house of representatives and the senate, the house and senate committees on ways and means and
136 the joint committee on transportation no later than June 1, 2009.