

**HOUSE . . . . . No. 3326**

---

**The Commonwealth of Massachusetts**

**In the Year Two Thousand Nine**

An Act improving the finances of the Massachusetts Bay Transportation Authority..

*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 1 of Chapter 64A of the General Laws is hereby amended by  
2 striking the definition of “Tax per gallon” and replacing it with the following:-

3 "Tax per gallon", shall be 33 cents per gallon, which, after the year 2010, shall be  
4 adjusted each January 1 by the growth rate of the inflation index over the preceding 12 months.  
5 For aviation fuel, "tax per gallon" shall mean seven and one-half percent of the average price, as  
6 determined by the commissioner for each calendar quarter, computed to the nearest tenth of a  
7 cent per gallon; provided, however, that such tax shall not be less than ten cents per gallon. For  
8 the purposes of this definition, the words “inflation index” shall mean the percent change in  
9 inflation as measured by the percent change in the consumer price index for all urban consumers  
10 for the Boston metropolitan area as determined by the bureau of labor statistics of the United  
11 States department of labor.

12 SECTION 2. Section 13 of said Chapter 64A is hereby amended by striking the text of  
13 the section and replacing it with the following:-

14 Section 13. All sums received from the excise imposed on aviation fuel, and related  
15 penalties, forfeitures, interest, costs of suits and fines, less all amounts for reimbursement under  
16 sections 7 and 7A, shall be credited to the Highway Fund and may be used for airport  
17 development projects approved and carried out at airports and landing facilities under 49 U.S.C.  
18 App. s 2210; and all other sums received under the excise imposed in section 4, and relative  
19 penalties, forfeitures, interest, costs of suits and fines, less all amounts for reimbursement under  
20 said sections 7 and 7A, shall be credited as follows:-- (i) 63.85 per cent shall be credited to the  
21 Highway Fund to be used for transportation-related purposes; and (ii) 0.15 per cent shall be  
22 credited to the Inland Fisheries and Game Fund, established by section 2C of chapter 131; and  
23 (iii) 36 per cent shall be credited to the Massachusetts Bay Transportation Authority to be used  
24 for the payment of debt services, maintaining a state of good repair of MBTA assets, and  
25 maintaining and improving existing services.

26 SECTION 3. Section 5 of chapter 161A is hereby amended in subsection (d) by striking  
27 sentences 1 and 2 and inserting in place thereof the following:-

28 No proposal for a system wide change in fares or decrease in system wide service shall be  
29 effective until said proposal shall first have been 1) reported to the President of the State Senate,  
30 the Speaker of the State House of Representatives, and the House and Senate chairs of the Joint  
31 Committee on Transportation; and 2) the subject of one or more public hearings; and 3) shall  
32 have been reviewed by the advisory board. For a system wide increase in fares, the MBTA board  
33 shall make available findings on the environmental impact of such increase in fares and, for a  
34 system wide decrease in service of 10% or more, the decrease shall be the subject of an  
35 environmental notification form initiating review pursuant to Sections 61 and 62H, inclusive, of  
36 Chapter 30. Any system wide increase in fares shall conform to the fare policy established

37 pursuant to paragraph (r) and shall not be effective until said proposal is approved by the  
38 secretary of energy and environmental affairs after a public hearing on the environmental impact  
39 of decreased ridership.

40 SECTION 4. Said Section 5 of Chapter 161A is hereby further amended by adding the  
41 following subsection:-

42 The authority may not increase fares by an increase larger than the smallest percentage  
43 increase of the following: inflation index; average wage index; or median wage index, each  
44 measured between the implementation date of the previous fare increase and the implementation  
45 date of the proposed fare increase. For the purposes of this section, the words “inflation index”  
46 shall mean the percent change in inflation as measured by the percent change in the consumer  
47 price index for all urban consumers for the Boston metropolitan area as determined by the bureau  
48 of labor statistics of the United States department of labor. For purposes of this section, the  
49 words, “average wage index” shall mean the percent change in the average wage as determined  
50 by the Social Security Administration. For purposes of this section, the words, “median wage  
51 index” shall be the percentage change in the median wage as determined by the Social Security  
52 Administration.

53 SECTION 5. Section 8 of said chapter 161A is hereby amended by inserting at the end of  
54 sentence 2 the following:

55 and (iii) the percentage of the tax on gasoline as determined by sections 1 and 13 of  
56 Chapter 64A.

57 SECTION 6. Section 35T of Chapter 10 of the General Laws is hereby amended by  
58 striking the definition of “Base revenue amount” and inserting in place thereof the following:

59           “Base revenue amount,” for fiscal year 2010 the amount of \$800,000,000 and for each  
60 fiscal year thereafter 103 percent of the base revenue amount for the prior fiscal year.