

SENATE No. 1956

The Commonwealth of Massachusetts

In the Year Two Thousand 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.