

HOUSE No. 2660

The Commonwealth of Massachusetts

PRESENTED BY:

Carl M. Sciortino, Jr.

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 adoption of the accompanying bill:

An Act relative to transportation economic development and ridership.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Carl M. Sciortino, Jr.</i>	<i>34th Middlesex</i>	<i>1/21/2011</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>	<i>2/1/2011</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>	<i>2/3/2011</i>
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>	<i>2/3/2011</i>
<i>George T. Ross</i>	<i>2nd Bristol</i>	<i>2/3/2011</i>
<i>James B. Eldridge</i>		<i>2/3/2011</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>2/3/2011</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>	<i>2/3/2011</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>	<i>2/3/2011</i>
<i>Carlo Basile</i>	<i>1st Suffolk</i>	<i>2/4/2011</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>	<i>2/4/2011</i>
<i>Kevin J. Murphy</i>	<i>18th Middlesex</i>	<i>2/4/2011</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>2/4/2011</i>
<i>Martha M. Walz</i>	<i>8th Suffolk</i>	<i>2/4/2011</i>
<i>Denise Andrews</i>	<i>2nd Franklin</i>	<i>2/4/2011</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>	<i>2/4/2011</i>
<i>Katherine M. Clark</i>	<i>Fifth Middlesex</i>	<i>2/4/2011</i>
<i>William N. Brownsberger</i>		<i>1/24/2011</i>

<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>2/4/2011</i>
<i>Alice K. Wolf</i>	<i>25th Middlesex</i>	<i>2/4/2011</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>	<i>2/3/2011</i>
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>	<i>2/3/2011</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>2/3/2011</i>

HOUSE No. 2660

By Mr. Sciortino of Medford, a petition (accompanied by bill, House, No. 2660) of Carl M. Sciortino, Jr. and others for legislation to promote the building of more modern transportation systems. Transportation.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to transportation economic development and ridership.

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: This bill is intended to build a safer, more modern transportation system across
2 the entire commonwealth that enhances public transportation ridership, and spurs job creation
3 and economic development. A better transportation system will encourage economic growth;
4 promote fairness and equity; increase transportation choice and public transportation ridership;
5 improve the health of Massachusetts residents; and reduce energy consumption, congestion,
6 dependence on oil, and greenhouse gas emissions and other air pollution.

7 Section 2: Ridership Increases

8 Section 11 of chapter 6C of the General Laws, as appearing in the 2008 Official Edition,
9 is hereby amended by inserting after the third sentence the following:

10 “The plan shall ensure that statewide public transportation ridership increases at least 2
11 percent each year.”

12 Section 3: Registration Fees

13 Section 33 of chapter 90 of the General Laws as appearing in the 2008 Official Edition, is
14 hereby amended to require the registrar of motor vehicles to issue rules and regulations to
15 increase registration fees for all motor vehicles by at least 10 dollars annually and 20 dollars
16 biannually on all passenger vehicles, commercial vehicles (per 1,000 lbs), motorcycles, mopeds
17 and antique motor vehicles no later than 60 days after this legislation is signed into law. The
18 registrar of motor vehicles shall also be allowed to further raise any other passenger or
19 commercial motor vehicle fees.

20 For all passenger vehicles required to register pursuant to chapter 90 whose value, as
21 determined pursuant to chapter 60A, exceeds \$35,000, the registrar shall collect an additional
22 title fee at the time of registration equal to .1 percent of the value and additional registration
23 renewal fee equal to .04 percent of the value for vehicles renewing annually and .08 percent of
24 the value for vehicles renewing biannually. Every 5 years, the registrar of motor vehicles shall
25 be allowed to raise the value amount of passenger vehicles from which this additional title fee
26 and additional registration renewal fees are collected. Any such increase shall be proportional to
27 the average increase of the value of passenger vehicles over the previous 5 years, as determined
28 by Chapter 60A.

29 The increase in funds will be distributed according to section 34 of chapter 90 of the
30 General Laws, into the Commonwealth Transportation Fund, established by section 2ZZZ of
31 chapter 29 of the General Laws.

32 Section 4: Vehicle Miles Traveled Pilot Study

33 The federal Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy
34 for Users (SAFETEA-LU), Public Law, 109-59, established the National Surface Transportation

35 Policy and Revenue Study Commission to examine the condition and future needs of the nation's
36 surface transportation system, as well as short- and long-term alternatives to the fuel tax. The
37 search for alternative revenue is driven by the diminishing value of the fuel tax, declining
38 supplies of conventional petroleum-based fuels, and increasingly fuel-efficient vehicles.

39 The commission issued its report in December 2007. Among its recommendation was
40 consideration of mileage-based user fee, also referred to as a vehicle miles traveled (VMT) fee,
41 which involves several technological and institutional challenges.

42 The Massachusetts Department of Transportation (MassDOT) shall conduct a pilot study
43 analyzing the benefits and challenges of implementing a vehicle miles traveled (VMT) fee for all
44 Massachusetts drivers. The purpose of the pilot study will be to study the feasibility of
45 supplementing or partially replacing the gas tax with a mileage-based fee based on miles driven
46 in Massachusetts, and collected at fueling stations or through some alternative means; and to
47 study the feasibility of using a VMT fee to collect congestion charges.

48 The pilot shall include 5000-10,000 volunteers across the commonwealth, who will have
49 on-board mileage-counting VMT equipment added to their vehicles. The pilot will assess the
50 following issues related to implementing a VMT fee in Massachusetts:

- 51 (1) Methods for calculating mileage;
- 52 (2) Process for transmitting data to protect the integrity of the data and ensure
53 drivers' privacy;

54 (3) Types of equipment that may be required of the state and drivers to implement a
55 VMT fee, including a discussion of the advantages and disadvantages of the equipment and
56 contingencies in the event of equipment failure.

57 For a period of at least one year, volunteers will have their mileage, categorized location
58 information, and timing of driving read at any participating service refueling stations or other
59 locations. During an initial period of the study, the on-board VMT counter communicates with
60 mileage reader but the volunteer will pay only the gas tax. During a final period of the study,
61 volunteers will pay a road user fee or a combination of the gas tax and the road user fee.

62 The final pilot study and review by MassDOT shall fully examine alternative ways in
63 which a VMT fee program could be implemented in Massachusetts, including charging varying
64 mileage fees depending on the time and type of road, an appropriate rate-per-mile for vehicles
65 that achieve a certain fuel efficiency, for motorists that avoid rush hour zones, for those
66 participating in other environmentally-friendly transportation situations like car-shares, or for
67 low-income drivers without a transit alternative; provide recommendations for implementation of
68 a fully-implemented VMT fee program that minimizes confusion and inconvenience to drivers
69 while ensuring their privacy; and propose guidelines for use and implementation, and shall also
70 analyze and test other potential alternatives or supplements to the gas tax, including open road
71 tolling.

72 MassDOT shall present its finding and recommendations for a fully-implemented VMT
73 program to the Joint Committee on Transportation within two years from the adoption of this
74 legislation.

75 Section 5. Rededication of Underground Storage Tank Funds

76 Chapter 29 of the General Laws, as appearing in the 2008 Official Edition, is hereby
77 amended by inserting, after section 2BBBB, the following section:

78 Section 2CCCC. There shall be established and set up on the books of the
79 commonwealth a separate fund to be known as the Underground Storage Tank Petroleum
80 Product Cleanup Fund. Amounts credited to said fund shall be used, subject to appropriation, for
81 the purposes set forth in chapter 21J of the Massachusetts General Laws. There shall be credited
82 to such fund any fees, penalties, and other amounts collected pursuant to chapter 21J; any
83 appropriation, grant, gift, or other contribution explicitly made to such fund; and any interest
84 earned on monies within the fund.

85 Any and all monies collected in excess of the purposes outlined in chapter 21J will be
86 dedicated to the Commonwealth Transportation Fund.

87 Section 6. Expenditures for Maintaining and Repairing Municipal Ways and Bridges

88 Section 4(b) of chapter 6C of the General Laws, as appearing in the 2008 Official
89 addition, is hereby amended by striking the subsection and inserting in place thereof the
90 following:

91 (b) for expenditure by the department for maintaining and repairing municipal ways and
92 bridges, sidewalks adjacent to such ways and bridges, bikeways, public transportation projects,
93 and other projects eligible for funding as a transportation enhancement project as described in the
94 Intermodal Surface Transportation Efficiency Act of 1991, P.L. 102-240, provided that a city or
95 town complies with the procedures established by the Massachusetts Department of
96 Transportation, not less than the following amount shall be distributed to cities and towns each
97 fiscal year: 300,000,000.00 for projects eligible under this section, which funds shall be

98 distributed prior to April 1 of each year. The appropriation shall be considered as an available
99 fund upon approval of the commissioner of revenue, and the commonwealth shall reimburse a
100 city or town under this item within 30 days after receipt by the Department of a request for
101 reimbursement from the city or town.

102 It is recommended that when cities and towns pursue transportation enhancement
103 projects, they shall include the goal of setting multi-modal accommodation and using appropriate
104 traffic calming measures to ensure that the needs of bicyclists, pedestrians, transit users, and
105 disabled people are integrated into the design, operation, and maintenance of streets to promote
106 safe and convenient access and travel for all users.

107 Five percent of the funding in this section will be set aside for cities and towns that
108 incorporate complete streets philosophies to expand transportation choices; encourage healthy
109 and active living; reduce traffic congestion and fossil fuel use; and provide safe, convenient and
110 comfortable routes for walking, bicycling, and public transportation.

111 Complete streets infrastructure includes, but is not limited to, street and sidewalk
112 lighting; sidewalks and pedestrian safety improvements such as median refuges or crosswalk
113 improvements; improvements that provide ADA (Americans with Disabilities Act) compliant
114 accessibility; transit accommodations including improved pedestrian access to transit stops and
115 bus shelters; bicycle accommodations including bicycle storage, bicycle parking, bicycle routes,
116 shared-use lanes, wide travel lanes or bike lanes as appropriate; street trees, boulevard
117 landscaping, street furniture and adequate drainage facilities; and reduction in the number of
118 travel lanes or removal of on-street parking.

119 Section 7. Universal University Pass Program

120 The Massachusetts Department of Transportation shall develop a program beginning in
121 fiscal year 2012 a mandatory Universal University Pass (U-Pass) program at colleges and
122 universities throughout the commonwealth, with the intended purpose of providing unlimited
123 rides on buses and trains operated by the Massachusetts Bay Transportation Authority (MBTA)
124 and the Regional Transit Authorities (RTA) to all full-time undergraduate and graduate students
125 at accredited colleges and universities located within 1 mile of MBTA or RTA services. The U-
126 Pass agreements shall contain all terms of participation by the schools, the Department's
127 obligations under the Program, and such other terms as necessary.

128 The U-Pass fare for fiscal year 2012 shall be \$100 per student, per academic semester.
129 The Massachusetts Department of Transportation shall determine any increase in the U-Pass fare
130 for succeeding years. All colleges and universities within the service area of the MBTA or one
131 of the RTAs shall be required to pay the current U-Pass fare for each full-time undergraduate and
132 graduate student, directly to the applicable transit authority.

133 Section 8. Massachusetts Transportation Infrastructure Bank

134 The Massachusetts Transportation Infrastructure Bank will be established to provide
135 loans, grants, and other financial assistance to cities, towns, and transit authorities to apply for all
136 or part of the eligible cost of a qualified transportation project. Preference will be given to those
137 projects that contribute to economic growth, lead to job creation and workforce development,
138 prioritize smart growth and equal protection principles in urban areas and gateway cities, reduce
139 traffic congestion, and are of local or regional significance, prioritizing projects that make bike
140 and pedestrian improvements, public transportation investments, and road and bridge

141 maintenance or repairs aimed at fixing roads and bridges rather than building new ones, taking
142 into account the economic, environmental and social benefits of each project.

143 The Bank will be governed by a five-member Board of Directors, appointed by the
144 Governor and confirmed by the legislature. The Directors shall include individuals representing
145 different regions of the state. The Board shall enter into financing agreements with qualified
146 borrowers and shall have the power to make loans and loan guarantees; acquire, hold, and sell
147 loan obligations; establish policies and procedures for administering loans and other financial
148 assistance; issue and sell debt security, borrow money through the issuance of bonds and other
149 indebtedness, and to monitor and oversee projects financed in whole or in part by the Bank.

150 The Bank may be capitalized from the following sources:

- 151 (1) Commonwealth Transportation Fund;
- 152 (2) Federal funds made available to the commonwealth;
- 153 (3) Federal funds made available to the commonwealth for the purposes of the Bank;
- 154 (4) Legislative appropriations;
- 155 (5) Other lawful sources deemed appropriate by the Board.

156 In fiscal year 2012, the bank shall receive no less than \$50 million, transferred from the
157 monies in the Commonwealth Transportation Fund.

158 Section 9. Transportation Finance Commission

159 There is hereby established a special transportation finance commission to develop a
160 comprehensive, multi-modal transportation funding distribution plan for the commonwealth.

161 The commission shall have 10 members, including the following: 3 members who shall
162 not be employees of the executive branch and who shall reside in different geographic regions of
163 the commonwealth, 1 of whom shall be a representative of the Construction Industries of
164 Massachusetts, to be appointed by the governor to serve terms of 2 years; 2 members, who shall
165 not be members of the general court and who shall reside in different geographic regions of the
166 commonwealth, to be appointed by the president of the senate to serve a term of 2 years; and 2
167 members, who shall not be members of the general court and who shall reside in different
168 geographic regions of the commonwealth, to be appointed by the speaker of the house of
169 representatives to serve a term of 2 years; a representative of the Massachusetts Taxpayers
170 Foundation, a representative of Massachusetts Business Roundtable, and a representative of
171 advocacy groups on the T Riders Oversight Committee. One of the members appointed by the
172 governor, 1 of the members appointed by the senate president, and 1 of the members appointed
173 by the speaker of the house of representatives shall be representatives of environmental
174 organizations, planning organizations, transportation consumer organizations or other public
175 interest organizations. One of the members shall be appointed by the governor to serve as
176 chairperson of the commission. The members of the commission shall be appointed no later than
177 September 1, 2011.

178 The commission shall examine the current distribution of transportation funding in the
179 commonwealth, and shall make a priority of examining whether funding distribution is
180 regionally equitable, specifically whether cities and towns outside of the major metropolitan
181 areas receive enough funding to pursue public transportation and bike and pedestrian
182 transportation projects that meet the needs of residents. Recognizing that public transportation
183 and equity issues affect the entire commonwealth, the commission shall examine and develop

184 recommendations on alternative funding distribution mechanisms, specifically designed to
185 increase statewide public transportation options. The commission shall examine the feasibility of
186 transportation funding distribution based on the existing 13 regional planning organizations, or
187 based on Chapter 90 formula funding to cities and towns.

188 The commission shall also develop specific performance measures for transportation
189 projects including without limitation performance measures regarding cost efficiency,
190 greenhouse gas emission and other air pollution reduction, potential for economic growth,
191 fairness and equity. Any distribution of transportation funding shall be consistent with the
192 performance measures set by the commission within 2 years of passage of this legislation.

193 The commission shall also examine all avenues available to the MBTA for cost
194 efficiencies and debt reduction, with the goal of reducing MBTA debt service to 8 percent of the
195 MBTA's operating budget. The commission shall make specific recommendations of fair and
196 equitable cost efficiencies and debt reduction measures that the MBTA can implement, and shall
197 analyze the MBTA's true projected revenue necessary over the next twenty years to operate in a
198 state of good repair. The commission shall submit a report to the legislature no later than one
199 year of passage of this legislation.

200 The commission's report shall include recommended legislative language, on which the
201 sitting legislature will have one year to act.

202 Any research, analysis or other staff support that the commission reasonably requires
203 shall be provided by the Massachusetts Department of Transportation.

204 Section 10. Location Efficient Mortgages

205 The Undersecretary of the Massachusetts Department of Housing and Community
206 Development shall establish annual goals for location efficient mortgages. Within one year of
207 this legislation, the Undersecretary shall develop a plan providing for the use and purchase of
208 location-efficient mortgages in a manner designed to help achieve a significant reduction in the
209 number of vehicle miles traveled and submit a report to the Legislature that describes the extent
210 of mortgage purchases in compliance with the goals established.

211 For the purposes of this section, the term “location efficient mortgage” means a mortgage
212 loan under which the income of the borrower, for purposes of qualification for such loan, is
213 considered to be increased by not less than \$1 for each \$1 of savings projected to be realized by
214 the borrower because the location of the home for which loan is made results in decreased
215 transportation costs for the household of the borrower.