

HOUSE No. 4109

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

An Act relative to certain reforms relative to the Massachusetts Department of Transportation.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to provide for an accelerated transportation development and improvement program for the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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. Chapter 159 of the General Laws, as appearing in the 2010 Official
2 Edition, is hereby amended by striking out section 101 and inserting in place thereof the
3 following section:-

4 Section 101. Whoever fraudulently evades or attempts to evade the payment of a fare
5 lawfully established by a railroad corporation or railway company, either by giving a false
6 answer to the collector of the fare, or by traveling beyond the point to which he has paid the
7 same, or by leaving the station, train, trolley, car, motor bus, or trackless trolley vehicle without
8 having paid the fare established for the distance traveled, or otherwise, shall forfeit not less than
9 fifty nor more than five hundred dollars. Whoever passes beyond the point where a fare is
10 collected and does not first pay such fare shall not be entitled to be transported for any distance,
11 and may be removed from a railway car, train, trolley, motor bus or trackless trolley vehicle; but

12 no person shall be removed from a car of a railroad corporation except as provided in section
13 ninety-three, nor from a train except at a regular passenger station.

14 Passengers who fail to pay or prepay the required fare on any vehicle or ferry owned by
15 or operated for the Massachusetts Bay Transportation Authority in violation of this section shall
16 be subject to a noncriminal citation, and may be requested to provide identification to
17 Massachusetts Bay Transportation Authority police or employees within the instructor, chief
18 inspector, or inspector classifications for the purpose of issuing a noncriminal citation. Upon
19 request by a Massachusetts Bay Transportation Authority police officer, a passenger shall make
20 themselves known to police by personal identification or any other means for the purpose of
21 issuing a non-criminal citation. Whoever fails or refuses to make himself known by personal
22 identification or any other means upon demand by a Massachusetts Bay Transportation Authority
23 police officer for the purposes of issuing a non-criminal citation shall be subject to arrest for fare
24 evasion pursuant to section 93. This paragraph does not confer any power of arrest or any other
25 power, other than to inquire as to personal identification and to issue noncriminal citations to fare
26 evaders, on Massachusetts Bay Transportation Authority employees classified as an instructor,
27 chief inspector, or inspector.

28 A person who is issued a noncriminal citation shall be assessed a fine as follows: \$75 for
29 a first offense; \$200 for a second offense; or \$350 for a third or subsequent offense. If the person
30 fails to pay the fine within 21 days of the date of the issuance of a noncriminal citation under this
31 section, or the violator fails to request a hearing within 21 days of the date of the issuance of a
32 noncriminal citation under this section, the authority shall provide notice of nonpayment of a fine
33 indicating that the person's license or right to operate a motor vehicle will be suspended until the
34 fine is paid. The authority shall provide reasonable opportunity for a hearing and may waive or

35 reduce a fine imposed under this section within its discretion. If the fine is not waived under this
36 section, the violator shall have 21 days from the date of the hearing to pay the fine.

37 Upon the report of the authority of nonpayment of a fine under this section, the registrar
38 shall not renew that person's license or right to operate a motor vehicle under Chapter 90 until
39 the registrar receives a report from the authority indicating that the fine has been satisfied. Fines
40 imposed under this section shall be paid to the general fund of the Massachusetts Bay
41 Transportation Authority.

42 If the records of the registrar indicate that the violator has no current information on file
43 and the violator is under 17 years of age, the record shall be retained until such time the violator
44 is eligible for a license to operate a motor vehicle under Chapter 90. The violator must first pay
45 the fine before being issued said license.

46 If the records of the registrar indicate that the violator has no current information on file
47 and the violator is 17 years of age or older and the violator fails to pay the fine or request a
48 hearing, a surcharge of \$100 will be assessed to each violation and an application for a criminal
49 complaint will be made in accordance with paragraph one of this section.

50 Each citation shall state: "This noncriminal citation may be returned by mail, personally
51 or by an authorized person. A hearing may be obtained upon the written request of the violator.
52 Failure to obey this notice within twenty-one days after the date of violation may result in the
53 non-renewal of the license to operate a motor vehicle."

54 SECTION 2. Notwithstanding any general or special law or regulation to the contrary,
55 the registrar of motor vehicles is hereby authorized to transfer \$51 million from the Motor
56 Vehicle Inspection Trust Fund to the Massachusetts Transportation Trust Fund, such

57 authorization limited to fiscal year 2013 only and expiring on June 30, 2013. Not later than 30
58 days following said transfer, the secretary of transportation shall transfer: (a) \$46 million from
59 the Massachusetts Transportation Trust Fund to the Massachusetts Bay Transportation Authority
60 or any fund controlled by that authority; and (b) subject to the following conditions, \$5 million,
61 in the aggregate, from the Massachusetts Transportation Trust Fund to the regional transit
62 authorities organized under chapter 161B of the General Laws, provided, however, that (i)
63 notwithstanding the provisions of section 23 of Chapter 161B, said five million dollars shall be
64 distributed to each regional transit authority pro rata based upon the percentage of funds received
65 by each regional transit authority from the total amount of state contract assistance distributed to
66 the regional transit authorities in state fiscal year 2012; (ii) such funds shall only be used to
67 reimburse the authorities for the prior fiscal year's "preventative maintenance expenses" of the
68 vehicle fleet, as that term is defined within the federal national transit database definitions, and
69 (iii) any regional transit authorities not required to file with the national transit database shall file
70 with the department of transportation the same information required by the national transit
71 database with respect to preventative maintenance expenses.

72 SECTION 3. (a) Notwithstanding any general or special law or regulation to the
73 contrary, within 60 days following the effective date of this act, the right, title, and interest of the
74 Massachusetts Bay Transportation Authority (MBTA) in the properties located at 703
75 Washington Street in Quincy, Massachusetts (Fore River Shipyard Ferry Terminal lot) and 349
76 Lincoln Street in Hingham, Massachusetts (Hewitts Cove Ferry Terminal lot) shall be transferred
77 from the MBTA to the Massachusetts Port Authority, and the Massachusetts Port Authority shall
78 transfer \$18 million to the Massachusetts Transportation Trust Fund. Not later than 30 days
79 following said transfer of \$18 million, the secretary of transportation shall transfer \$18 million

80 from the Massachusetts Transportation Trust Fund to the MBTA or any fund controlled by that
81 authority, \$10 million of which shall be held in reserve. The \$10 million reserve is subject to
82 appropriation for the purpose of implementing a financing plan or plans of the MBTA for fiscal
83 year 2014.

84 (b) Notwithstanding any general or special law or regulation to the contrary,
85 within 60 days following the effective date of this act, the right, title, and interest of the
86 Massachusetts Bay Transportation Authority (MBTA) in the Commuter Boat Service piers and
87 the Fore River Terminal shall be transferred from the MBTA to the Massachusetts Port
88 Authority, and the Massachusetts Port Authority shall transfer \$500,000 to the Massachusetts
89 Transportation Trust Fund. Not later than 30 days following said transfer of \$500,000.00, the
90 secretary of transportation shall transfer \$500,000 from the Massachusetts Transportation Trust
91 Fund to the MBTA or any fund controlled by that authority.

92 (c) Notwithstanding any general or special law or regulation to the contrary, within 180
93 days following the effective date of this act, the right, title, and interest of the Massachusetts Bay
94 Transportation Authority (MBTA) in the commuter boats commonly known as Lightning and
95 Flying Cloud shall be transferred from the MBTA to the Massachusetts Port Authority, and the
96 Massachusetts Port Authority shall transfer to the Massachusetts Transportation Trust Fund
97 funds equal to the full and fair market value of the MBTA's right, title, and interest in said
98 commuter boats. Not later than 30 days following said transfer of funds, the secretary of
99 transportation shall transfer the funds from the Massachusetts Transportation Trust Fund to the
100 MBTA or any fund controlled by that authority. For the purposes of this paragraph (c), the full
101 and fair market value of the MBTA's right, title, and interest in said commuter boats shall be the
102 average of separate appraisals obtained by Massport and the MBTA. The inspector general shall

103 review and approve each of the appraisals. The inspector general shall prepare a report of his
104 review of the methodology used in the appraisals and shall file the report with the commissioner
105 for submission to the house and senate committees on ways and means and the chairmen of the
106 joint committee on bonding, capital expenditures and state assets.

107 (d) Effective July 1, 2012, the Massachusetts Port Authority shall be responsible for the
108 ownership, operation and maintenance of the Commuter Boat Service, and the Massachusetts
109 Bay Transportation Authority shall cease to be responsible for such ownership, operation and
110 maintenance. All warranties and all contract and indemnification rights and obligations arising
111 out of the operation and maintenance of said property and the Commuter Boat Service shall
112 remain in full force and effect following such transfer of responsibility. The provisions of this
113 section shall not limit or in any way impair the rights, remedies or defenses of the Massachusetts
114 Bay Transportation Authority or the Massachusetts Port Authority in or to any such action.

115 SECTION 4. (a) Line item 1598-6368 in section 2E of chapter 68 of the Acts of 2011 is
116 hereby amended by adding at the end thereof the following:-

117 ;provided further, that the Secretary of Transportation shall transfer the remaining snow
118 and ice budget funded from this line item, in an amount not to exceed one million five hundred
119 thousand dollars, to the regional transit authorities organized under chapter 161B of the General
120 Laws.

121 (b) Any transfer of funds made pursuant to this section shall be subject to and made in
122 compliance with the conditions set forth in paragraph (b) of section 2 of this Act.

123 SECTION 5. Notwithstanding chapter 66A of the General Laws or any other general or
124 special law or regulation to the contrary, the Massachusetts Bay Transportation Authority

125 (MBTA) is hereby authorized to provide the Executive Office of Health and Human Services
126 personal data relative to customers utilizing the MBTA's paratransit services for the purpose of
127 securing federal reimbursement and administration of the MassHealth program.