

SENATE No. 2317

Senate, June 19, 2012 – Text of the Senate amendment, printed as amended, to the House Bill relative to an accelerated transportation development and improvement program for the Commonwealth (House, No. 4174).

The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

1 SECTION 1. Section 9 of chapter 6C of the General Laws, as appearing in the 2010
2 Official Edition, is hereby amended by adding the following subsection:-

3 (e) The director shall submit an annual report of the unit's activities for the preceding
4 calendar year, including but not limited to, findings referred to the inspector general for
5 investigation, to the joint committee on transportation and the house and senate committees on
6 ways and means not later than March 15 of each year.

7 SECTION 1A. Chapter 159 of the General Laws is hereby amended by striking out
8 section 101, as so appearing, and inserting in place thereof the following section:-

9 Section 101. (a) Whoever fraudulently evades or attempts to evade the payment of a fare
10 lawfully established by a railroad corporation or railway company, either by giving a false
11 answer to the collector of the fare, by traveling beyond the point to which the person has paid the
12 same, by leaving the station, train, trolley, car, motor bus or trackless trolley vehicle without
13 having paid the fare established for the distance traveled or otherwise, shall forfeit not less than
14 \$50 nor more than \$500. Whoever passes beyond the point where a fare is collected and does not
15 first pay such fare shall not be entitled to be transported for any distance, and may be removed

16 from a railway car, train, trolley, motor bus or trackless trolley vehicle; provided, however, that
17 no person shall be removed from a car of a railroad corporation except as provided in section 93,
18 nor from a train except at a regular passenger station.

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

33 (c) A person who is issued a noncriminal citation shall be assessed a fine as follows: \$75
34 for a first offense; \$200 for a second offense; or \$350 for a third or subsequent offense. If the
35 person fails to pay the fine within 21 days of the date of the issuance of a noncriminal citation
36 under this section, or the person fails to request a hearing within 21 days of the date of the
37 issuance of a noncriminal citation under this section, the Massachusetts Bay Transportation
38 Authority shall provide notice of nonpayment of a fine indicating that the person's license or

right to operate a motor vehicle shall be suspended until the fine is paid. The authority shall provide reasonable opportunity for a hearing and may waive or reduce a fine imposed under this section within its discretion. If the fine is not waived under this section, the violator shall have 21 days from the date of the hearing to pay the fine.

Each citation shall state: “This noncriminal citation may be returned by mail, personally or by an authorized person. A hearing may be obtained upon the written request of the violator. Failure to obey this notice within 21 days after the date of violation may result in the non-renewal of the license to operate a motor vehicle.”

(d) Upon the report of the authority of nonpayment of a fine under this section, the registrar shall not renew that person’s license or right to operate a motor vehicle under chapter 90 until the registrar receives a report from the Massachusetts Bay Transportation Authority indicating that the fine has been satisfied. Fines imposed under this section shall be paid to the general fund of the Massachusetts Bay Transportation Authority.

(e) If the records of the registrar indicate that the violator has no current information on file and the violator is under 17 years of age, the record shall be retained until such time as the violator is eligible for a license to operate a motor vehicle under chapter 90. The violator shall pay the fine before being issued said license.

If the records of the registrar indicate that the violator has no current information on file and the violator is 17 years of age or older and the violator fails to pay the fine or request a hearing, a surcharge of \$100 shall be assessed to each violation.

SECTION 2. Section 7A of chapter 161A of the General Laws, as so appearing, is hereby amended by adding the following paragraph:- The advisory board may apply for, accept and receive grants from any private foundation or corporation or any governmental body or agency.

SECTION 2A. Section 10 of said chapter 161A, as so appearing, is hereby amended by inserting after the word “chapter”, in line 4, the following words:- ; provided, however, that notification of any formal communications attempting to secure federal assistance, together with the contents of said communications, shall be simultaneously transmitted to the house and senate committees on ways and means.

SECTION 3. Section 1 of chapter 258 of the General Laws, as so appearing, is hereby amended by inserting after the word “district”, in line 13, the following words:- , in the case of the Massachusetts Bay Transportation Authority, its general manager and rail and transit administrator.

SECTION 4. Said section 1 of said chapter 258, as so appearing, is hereby further amended by inserting after the word “purpose”, in line 23, the following words:- ; and, in the case of the Massachusetts Bay Transportation Authority, the attorney shall be the general counsel

SECTION 5. Item 1595-6368 of section 2E of chapter 68 of the acts of 2011 is hereby amended by adding the following words:- ; provided, further, that the secretary of transportation shall transfer the remaining snow and ice budget funded from this item, in an amount not to exceed \$1,500,000, to the regional transit authorities organized under chapter 161B of the General Laws; provided, however, that notwithstanding section 23 of said chapter 161B, such funds shall be distributed to each regional transit authority as supplemental assistance pro rata

based upon the percentage of funds received by each regional transit authority from the total amount of state contract assistance distributed to such authorities in fiscal year 2012.

SECTION 6. Notwithstanding any general or special law or rule or regulation to the contrary, the registrar of motor vehicles shall transfer \$51,000,000 from the Motor Vehicle Inspection Trust Fund to the Massachusetts Transportation Trust Fund; provided, that this transfer shall be made under a transfer schedule to be developed by the comptroller, after consulting with the secretary of transportation and the secretary of administration and finance. The schedule shall provide for transfers in increments considered appropriate to meet the cash flow needs of each fund and all transfers under the schedule shall be completed not later than June 30, 2013. Not later than 7 days after the schedules receive final approval by the comptroller, they shall be reported to the house and senate committees on ways and means. In fiscal year 2013 the secretary of transportation shall, upon certification by the comptroller that sufficient funds exist in the Massachusetts Transportation Trust Fund, transfer \$49,000,000, in the aggregate, from the Massachusetts Transportation Trust Fund to the Massachusetts Bay Transportation Authority or any fund controlled by the authority; provided further, that \$2,000,000, in the aggregate, shall be transferred from the Massachusetts Transportation Trust Fund to the regional transit authorities organized under chapter 161B of the General Laws; provided, however, that: (i) notwithstanding section 23 of said chapter 161B, the \$2,000,000 shall be distributed to each regional transit authority as supplemental assistance pro rata based upon the percentage of funds received by each regional transit authority from the total amount of state contract assistance distributed to the regional transit authorities in fiscal year 2012; (ii) such funds shall only be used to reimburse the authorities for the prior fiscal year's "preventative maintenance expenses" of the vehicle fleet, as that term is defined within the federal national

transit database definitions; and (iii) any regional transit authorities not required to file with the national transit database shall file with the Massachusetts Department of Transportation the same information required by the national transit database with respect to preventative maintenance expenses.

SECTION 7. (a) Notwithstanding chapter 66A of the General Laws, or any other general or special law or rule or regulation to the contrary, the Massachusetts Bay Transportation Authority and the regional transit authorities organized under chapter 161B of the General Laws may provide the executive office of health and human services personal data relative to customers utilizing the Massachusetts Bay Transportation Authority and regional transit authorities' paratransit services for the purpose of securing federal reimbursement and administration of the MassHealth program.

(b) The comptroller shall transfer any funds received through federal reimbursement due to actions authorized in subsection (a) to the Massachusetts Transportation Trust Fund; provided, that said deposits shall not exceed \$5,000,000.

SECTION 8. Notwithstanding any general or special law to the contrary, the Massachusetts Department of Transportation shall submit a report to the house and senate committees on ways and means, the joint committee on transportation and the joint committee on tourism, arts and cultural development not later than August 31, 2012 that shall include, but not be limited to, an estimated cost for restoring weekend service on the Old Colony Rail and the Needham Line services, and the cost of a new marketing plan for said services.

SECTION 8A. Notwithstanding any general or special law to the contrary, the Massachusetts Department of Transportation shall submit a report to the house and senate

committees on ways and means and the joint committee on transportation not later than August 31, 2012 on the impact of prohibiting fares higher than the fare charged for an advanced purchase single ride ticket for a rider who boards the commuter rail at a station where the opportunity to purchase a fare ticket before boarding is not available.

SECTION 8B. Notwithstanding any general or special law to the contrary, the Massachusetts Department of Transportation shall submit a report to the house and senate committees on ways and means and the joint committee on transportation not later than August 31, 2012 on the impact of extending the date for which multi-ride passes expire on the commuter rail, specifically addressing the feasibility of preventing multi-ride passes from expiring within 90 days from the date of purchase and the impact of such a change on fare evasion.

SECTION 9. The board of the Massachusetts Department of Transportation shall develop and publish a long-term surface transportation financing plan for the commonwealth. The board shall recommend plans for financing transportation infrastructure projects in all modes of surface transportation, and for funding the operational needs of the department and its divisions. The plan shall be developed after holding at least 6 public hearings in the various regions of the commonwealth.

The plan shall include a baseline assessment of the surface transportation revenues currently available and projected to be available from all sources in all modes of surface transportation, regardless of the fund in which they are kept, from fiscal years 2013 to 2022, inclusive, if state law governing those revenues does not change during that period. The plan shall also include a baseline assessment of surface transportation spending projected to be required, from all sources in all modes of surface transportation, regardless of the fund from

147 which they are spent, from fiscal years 2013 to 2022, inclusive, on surface transportation
148 infrastructure needs, for both operating and capital projects. Projected spending shall include
149 information technology and other infrastructure necessary to support the operations of the
150 department. The baseline assessment shall project capital spending for the maintenance of the
151 existing system to achieve a state of good repair, the completion of all expansion projects the
152 commonwealth is legally bound to complete and capital improvements and projects included in
153 the fiscally-constrained long-range transportation plans mandated by federal law. The baseline
154 assessment shall also include an assessment of commonwealth debt and whether transportation
155 spending requirements are projected to result in encroachments on the commonwealth's current
156 debt policies, including the debt limit established under section 60A of chapter 29 of the General
157 Laws, the administrative bond cap and the limit established under the commonwealth's annual
158 debt affordability analysis.

159 The plan shall also include, but not be limited to, recommendations for: (i) changes to the
160 general laws that could result in additional revenues for all modes of surface transportation,
161 including projections of the additional revenue to be generated as a result of each recommended
162 change; (ii) procedures and criteria to be used in transportation project selection, under
163 paragraphs (8) and (9) of section 3 of chapter 6C of the General Laws, for both projects to
164 maintain the current surface transportation system and for projects that would expand the current
165 surface transportation system; (iii) changes to the organization of metropolitan planning
166 organizations in the commonwealth and the procedures used by those organizations to plan,
167 program and coordinate federal highway and transit investments; and (iv) a development plan,
168 with interim benchmarks, for the performance management system required to be established
169 under section 6 of said chapter 6C. The plan shall also consider the implementation of

GreenDOT, and how the board's recommendations interact with the commonwealth's goals of reducing greenhouse gas emissions resulting from transportation. The plan shall also consider whether the recommendations under this paragraph are projected to result in encroachments on the commonwealth's current debt policies, including the debt limit established under said section 60A of said chapter 29, the administrative bond cap and the limit established under the commonwealth's annual debt affordability analysis.

The plan, together with the board's recommendations and drafts of legislation necessary to carry the recommendations into effect, shall be published on the website of the Massachusetts Department of Transportation, delivered to the governor and filed with the clerks of the house of representatives and the senate who shall forward the same to the chairs of the house and senate committees on ways and means, the chairs of the house and senate committees on bonding, capital expenditures and state assets, the house and senate chairs of the joint committee on transportation and the house and senate chairs of the joint committee on revenue. The board shall vote on, publish and deliver the plan not later than January 23, 2013.

SECTION 10. The Massachusetts Bay Transportation Authority shall issue a report on revenues collected through the use of sponsorship agreements. The report shall include, but not be limited to, an analysis of revenues collected, offers to sponsor which have been declined and attempts to increase and promote sponsorship opportunities. The report and recommendations shall be filed with the clerks of the house of representatives and the senate who shall forward the report and recommendations to the house and senate committees on ways and means and the joint committee on transportation not later than December 31, 2012.

191 SECTION 11. The executive office of elder affairs and the Massachusetts office on
192 disability, shall study the impact of the Massachusetts Bay Transportation Authority fare
193 increases effective July 1, 2012 on seniors and persons with disabilities. The study shall include,
194 but not be limited to, the impact of the fare increases on their finances, employment and quality
195 of life. The study shall also examine and propose possible ways of mitigating these impacts. The
196 Massachusetts Bay Transportation Authority shall provide all information necessary to prepare
197 the report. The report, together with any recommendations for legislative or administrative action
198 necessary to carry out those recommendations, shall be submitted to the joint committee on
199 transportation, the senate and house committees on ways and means and the Massachusetts Bay
200 Transportation Authority not later than January 1, 2013.