

HOUSE No. 3059

The Commonwealth of Massachusetts

PRESENTED BY:

Sean Garballey

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 establishing a more equitable public transit fare structure.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|---------------------------------|-----------------------|------------------|
| <i>Sean Garballey</i> | <i>23rd Middlesex</i> | <i>1/18/2013</i> |
| <i>Timothy J. Toomey, Jr.</i> | <i>26th Middlesex</i> | |
| <i>Paul J. Donato</i> | <i>35th Middlesex</i> | |
| <i>Tricia Farley-Bouvier</i> | <i>3rd Berkshire</i> | |
| <i>Carl M. Sciortino, Jr.</i> | <i>34th Middlesex</i> | |
| <i>David M. Rogers</i> | <i>24th Middlesex</i> | |
| <i>Thomas M. Stanley</i> | <i>9th Middlesex</i> | |
| <i>Christine E. Canavan</i> | <i>10th Plymouth</i> | |
| <i>Michael D. Brady</i> | <i>9th Plymouth</i> | |
| <i>John J. Lawn, Jr.</i> | <i>10th Middlesex</i> | |
| <i>Jonathan Hecht</i> | <i>29th Middlesex</i> | |
| <i>Benjamin Swan</i> | <i>11th Hampden</i> | |
| <i>Kay Khan</i> | <i>11th Middlesex</i> | |
| <i>Elizabeth A. Malia</i> | <i>11th Suffolk</i> | |
| <i>Gloria L. Fox</i> | <i>7th Suffolk</i> | |
| <i>Thomas P. Conroy</i> | <i>13th Middlesex</i> | |
| <i>Cheryl A. Coakley-Rivera</i> | <i>10th Hampden</i> | |
| <i>James J. O'Day</i> | <i>14th Worcester</i> | |

| | | |
|------------------------------|-----------------------|--|
| <i>Christopher G. Fallon</i> | <i>33rd Middlesex</i> | |
| <i>Denise Provost</i> | <i>27th Middlesex</i> | |
| <i>Theodore C. Speliotis</i> | <i>13th Essex</i> | |

HOUSE No. 3059

By Mr. Garballey of Arlington, a petition (accompanied by bill, House, No. 3059) of Sean Garballey and others for legislation to establish a public transit fare structure. Transportation.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act establishing a more equitable public transit fare structure.

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 5 of chapter 161A of the General Laws, as appearing in the 2010
2 Official Edition, is hereby amended by striking out subsection (e) in its entirety and replacing it
3 with the following new subsection:-

4 (e) The board shall not establish a fare in excess of 35 per cent of the regular adult cash
5 fare for children between the ages of 5 and 19 years, inclusive, or for persons 65 and older who
6 reside within the commonwealth, or for persons with disabilities who reside within the
7 commonwealth. Any such fare so established shall provide for free transfer privileges.

8 SECTION 2. Section 5 of said chapter 161A is hereby amended by inserting after
9 subsection (r) the following subsection:

10 (s) The authority shall not increase fares more often than once every two years. An
11 increase in fares shall not be greater than the per cent increase in average wages in the authority
12 service area based on the Quarterly Census of Employment and Wages published by the United
13 States Department of Labor Bureau of Labor Statistics and measured between the
14 implementation date of the previous fare increase and the implementation date of the proposed
15 fare increase.

16 SECTION 3. Section 8 of chapter 161B of the General Laws is hereby amended by
17 inserting after the first sentence in subsection (d) the following text:

18 Fares shall not be increased more often than once every two years. An increase in fares
19 shall not be greater than the per cent increase in average wages in the authority service area
20 based on the Quarterly Census of Employment and Wages published by the United States

21 Department of Labor Bureau of Labor Statistics and measured between the implementation date
22 of the previous fare increase and the implementation date of the proposed fare increase. Fares
23 shall not be in excess of 35 per cent of the regular adult cash fare for children between the ages
24 of 5 and 19 years, inclusive, or for persons 65 and older who reside within the commonwealth, or
25 for persons with disabilities who reside within the commonwealth. Any such fare so established
26 shall provide for free transfer privileges.

27 SECTION 4. Chapter 6C of the General Laws is hereby amended by adding the
28 following three sections:

29 Section 74

30 The paratransit fares of the Massachusetts Bay Transportation Authority and the Regional
31 Transit Authorities shall not exceed:

32 (a) The regular adult single ride local bus cash fare for persons who reside in the
33 commonwealth and whose income does not exceed 200 per cent of the Federal Poverty
34 Guidelines as published and updated by the United States Department of Health and Human
35 Services;

36 (b) One and one-half times the regular adult single ride local bus cash fare for persons
37 who reside in the commonwealth and whose income is above 200 per cent and does not exceed
38 300 per cent of the Federal Poverty Guidelines as published and updated by the United States
39 Department of Health and Human Services; and

40 (c) Twice the regular adult single ride local bus cash fare for persons who reside in
41 the commonwealth and whose income exceeds 300 per cent of the Federal Poverty Guidelines as
42 published and updated by the United States Department of Health and Human Services.

43 Section 75

44 (a) Universal University Pass Program. The department shall develop a mandatory
45 Universal University Pass Program (U-Pass) beginning in fiscal year 2015 for colleges and
46 universities throughout the commonwealth, with the purpose of providing unlimited rides on the
47 transportation systems of the Massachusetts Bay Transportation Authority (MBTA) and the
48 Regional Transit Authorities (RTA) to all full-time undergraduate and graduate students at the
49 colleges and universities that are located within 1 mile of MBTA or RTA service. The U-Pass
50 program shall contain all the terms of participation by the schools, the obligations of the
51 department, MBTA, and RTAs under the program, and such other terms as necessary.

52 The U-Pass fare for the first fiscal year of the program shall be no less than 65% of the
53 full fare, per student per semester. The department may increase the fare in later years. All
54 colleges and universities that are located within 1 mile of service provided by the MBTA or a
55 RTA are required to participate in the program and pay the applicable U-Pass fare for each full-

56 time undergraduate and graduate student at the school directly to the applicable RTA or MBTA.
57 The department may authorize alternative arrangements under unusual circumstances and may
58 allow for the continuation of contracts that provide unlimited rides for students.

59 (b) Universal Employer Pass Program. The department shall develop a voluntary
60 Universal Employer Pass Program (E-Pass) beginning in fiscal year 2015 for large employers
61 throughout the commonwealth, with the intended purpose of providing unlimited rides on the
62 transportation systems of the Massachusetts Bay Transportation Authority (MBTA) and the
63 Regional Transit Authorities (RTA) to all employees of participating large employers. The
64 MBTA or RTA shall make the program available to all large employers that are located within 1
65 mile of MBTA or RTA service. The E-Pass agreements shall contain all the terms of
66 participation by employers, the obligations of the department, MBTA, and RTAs under the
67 program, and such other terms as necessary. The department shall establish a goal that at least 50
68 per cent of large employers in the commonwealth have an E-Pass program in place within five
69 years of the establishment of the voluntary program. For purposes of this section, "large
70 employer" shall mean employers that employ at least 50 employees in the commonwealth.

71 The E-Pass fare shall be negotiated by the department with each participating employer
72 and shall be set at a level to assure that no transit authority has a reduction in fare revenue as a
73 result of the program. Employers within one mile of service provided by the MBTA or a RTA
74 that participate would be required to pay the applicable E-Pass fare for each employee directly to
75 the applicable RTA or MBTA. The department may authorize alternative arrangements under
76 unusual circumstances.

77 Section 76

78 By July 1, 2014, the Massachusetts Bay Transportation Authority and each Regional
79 Transit Authority shall create and implement a discount cash and pass fare program for low-
80 income residents, based on affordability and taking into consideration median household income
81 and housing costs in their service area. The Massachusetts Bay Transportation Authority and
82 each Regional Transit Authority shall report annually to the Massachusetts Department of
83 Transportation the reduction in fare revenue resulting from such reduced fares, using criteria
84 developed by the department, and shall be reimbursed annually by the department for the
85 reduction in fare revenue from transportation funds not otherwise required to be paid to said
86 authorities.

87 SECTION 5. By July 1, 2014, the Department of Transportation, in consultation with
88 youth advocacy groups, transit advocacy groups, the Massachusetts Bay Transportation
89 Authority, and Regional Transit Authorities, shall create and implement a 2 year long youth pass
90 pilot program in the Massachusetts Bay Transportation Authority system and in the transit
91 system of at least 3 Regional Transit Authorities in which persons between the ages of 12 and 21,
92 inclusive, would be eligible to purchase a significantly discounted monthly local bus pass and

93 combined monthly bus and subway pass from the applicable transit authority. Persons who are
94 eligible for the U-Pass program shall not be eligible to participate in the youth pass program. The
95 pilot shall include at least 2000 eligible persons participating. The purpose of the pilot would be
96 to determine the costs of such program, rates of participation, the benefits to participating
97 persons, and such other factors as the department, in consultation with youth advocacy groups,
98 transit advocacy groups, the Massachusetts Bay Transportation Authority, and Regional Transit
99 Authorities, determines are necessary to provide a recommendation of whether and how to
100 implement such a program in the system of the Massachusetts Bay Transportation Authority and
101 1 or more Regional Transit Authorities. Within 1 year after the conclusion of the pilot program,
102 the department shall file a report and recommendation with the governor, the clerks of the house
103 of representatives and the senate, and the joint committee on transportation. The department shall
104 publish a draft report, allow at least 30 days for written public comments on the draft report, and
105 take the comments into consideration before filing its final report. The costs of the pilot program
106 shall be borne by the department, which shall also reimburse the Massachusetts Bay
107 Transportation Authority and the participating Regional Transit Authorities for any reduction in
108 fare revenue caused by the pilot.