

**SENATE . . . . . No. 1707**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Karen E. Spilka***

*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 providing for public input into public transit decisions.

PETITION OF:

| NAME:                      | DISTRICT/ADDRESS:                   |
|----------------------------|-------------------------------------|
| <i>Karen E. Spilka</i>     | <i>Second Middlesex and Norfolk</i> |
| <i>John F. Keenan</i>      | <i>Norfolk and Plymouth</i>         |
| <i>Sal N. DiDomenico</i>   | <i>Middlesex and Suffolk</i>        |
| <i>Barry R. Finegold</i>   | <i>Second Essex and Middlesex</i>   |
| <i>William M. Straus</i>   | <i>10th Bristol</i>                 |
| <i>Carolyn C. Dykema</i>   | <i>8th Middlesex</i>                |
| <i>Chris Walsh</i>         | <i>6th Middlesex</i>                |
| <i>Kenneth J. Donnelly</i> | <i>Fourth Middlesex</i>             |
| <i>James B. Eldridge</i>   | <i>Middlesex and Worcester</i>      |
| <i>James J. O'Day</i>      | <i>14th Worcester</i>               |
| <i>Patricia D. Jehlen</i>  | <i>Second Middlesex</i>             |
| <i>Denise Provost</i>      | <i>27th Middlesex</i>               |

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By Ms. Spilka, a petition (accompanied by bill, Senate, No. 1707) of Karen E. Spilka, John F. Keenan, Sal N. DiDomenico, Barry R. Finegold and other members of the General Court for legislation to provide for public input into public transit decisions. Transportation.

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Thirteen**  
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An Act providing for public input into public transit decisions.

*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. Subparagraph (b) of section 2 of chapter 6C of the General Laws, as  
2 appearing in the 2010 Official Edition most recently amended by section 3 of chapter 242 of the  
3 Acts of 2012, is hereby amended in the second sentence by striking the figure ‘7’ and inserting  
4 in place thereof the figure ‘9’

5           SECTION 2. Subparagraph (b) of section 2 of chapter 6C of the General Laws, as so  
6 appearing, is hereby further amended in the second sentence by adding at the end there of the  
7 following:

8                     ; at least 1 director shall be a person who regularly rides public transit (at least 100 trips  
9 per year) and who is not employed by the commonwealth; and at least 1 director shall be a labor  
10 union representative chosen from a list of at least 3 persons nominated by the Massachusetts  
11 State AFL-CIO.

12           SECTION 3. Section 2 of chapter 6C of the General Laws, as so appearing is hereby  
13 further amended by inserting at the end of the section the following sentence:

14                     Each meeting shall provide a sufficient opportunity for public comment.

15           SECTION 4. Section 5 of chapter 161B as appearing in the 2010 Official Edition of the  
16 General Laws is hereby amended by striking out the first sentence of the second paragraphs and  
17 inserting in place thereof:

18                     One representative of the disabled commuter population who uses the services of the  
19 authority and is eligible to use the paratransit services of the authority shall serve on the advisory

20 board for a 1 year term and shall have 1 vote on the advisory board plus additional votes or  
21 fractions thereof needed to equal the number of votes determined to be available to the member  
22 municipality which has the smallest number of votes on the advisory board.

23 SECTION 5. Section 5 of chapter 161B as appearing in the 2010 Official Edition of the  
24 General Laws is hereby amended by inserting after the first paragraph the following two  
25 paragraphs:

26 Two persons, or the number of persons reflecting 10 percent of the number of  
27 municipalities served by the transit authority, whichever is greater, shall serve on the advisory  
28 board as voting members representative of the transit riding population. These transit rider  
29 representatives shall be regular riders of public transit service (at least 100 trips per year)  
30 provided by the transit authority. At least 50 per cent of said transit rider representatives shall be  
31 transit-dependent. Each transit rider representative shall be appointed for a 2 year term and shall  
32 have 1 vote on the advisory board plus additional votes or fractions thereof needed to equal the  
33 number of votes determined to be available to the member municipality which has the smallest  
34 number of votes on the advisory board. Every city or town in the region, on a rotating basis as  
35 determined by the board, shall appoint a transit rider representative successively, provided that  
36 there shall be one transit rider representative from each community that has at least 40 per cent  
37 of the population in the region served by the authority. The mayor or city manager and the  
38 chairman, town manager or town administrator shall appoint a transit rider resident of their city  
39 or town. The representative of a city or town may be reappointed after representatives from the  
40 other cities and towns within the region have served their 2 year terms.

41 The governor shall appoint 2 persons to the advisory board who are representatives of  
42 labor unions, from a list of at least 6 persons nominated by the Massachusetts State AFL-CIO  
43 and its regional councils. The appointments shall reflect the various transit modes operated by  
44 the authority. Each appointment shall be for a 1 year term. Such persons shall each have 1 vote  
45 on the advisory board plus additional votes or fractions thereof needed to equal the number of  
46 votes determined to be available to the member municipality which has the smallest number of  
47 votes on the advisory board.

48 SECTION 6. Section 5 of chapter 161B is hereby further amended by inserting at the end  
49 thereof the following paragraph:

50 Each meeting of the advisory board shall provide a sufficient opportunity for public  
51 comment.

52 SECTION 7. Each transit authority established under chapter 161B shall conduct a  
53 community-led service assessment. The assessment process shall be led by the advisory board  
54 and shall include participation by the transit rider and disabled population representatives and  
55 shall be undertaken in consultation with the regional planning agencies serving the municipalities  
56 that constitute the authority. The department of transportation shall provide technical and staff

57 assistance to the advisory boards as they conduct the service assessments. Each service  
58 assessment shall include opportunities for meaningful public input through the use of an advisory  
59 committee, surveys, community meetings, and the opportunity to comment on a draft report.  
60 Each service assessment shall include a comprehensive market analysis, a performance analysis  
61 of existing service, the development and evaluation of alternative service scenarios, and the  
62 development of a recommendation to better align service with local and regional demand, the  
63 commonwealth's environmental policies, and the region's job creation goals. Each authority  
64 shall file a report on its findings together with recommendations for changes or additions to  
65 services provided with the secretary of the department of transportation and the joint committee  
66 on transportation by June 30, 2015. The department shall publish the reports and  
67 recommendations on its website.

68 SECTION 8. The secretary of the department of transportation shall study the feasibility  
69 of establishing one or more facilities for the purposes of overhaul and other major repair,  
70 manufacture or assembly, installation, and upgrade of mass transit vehicles in order to ensure  
71 that safe, modern and efficient vehicles are in service in adequate numbers to meet the needs of  
72 citizens of the commonwealth. The secretary shall file report on the findings with the governor,  
73 the joint committee on transportation and the house and senate committees on ways and means  
74 by June 30, 2014. The study shall consider the possibility of utilizing existing funding sources to  
75 direct maintenance and repair projects to existing facilities within the commonwealth and shall  
76 estimate the funding needed to create appropriate facilities for manufacture, assembly or major  
77 overhaul projects. The report shall include an estimate of the number of jobs related to creating  
78 the infrastructure necessary to perform this work in the commonwealth, the number of permanent  
79 jobs needed to create and maintain mass transit vehicles in the commonwealth, and the ancillary  
80 economic impact of operating such facilities in the commonwealth.