

# SENATE . . . . . No. 1774

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Senate, April 24, 2013 -- Text of amendment number (56) (offered by Senator Tarr et al) to the Ways and Means amendment (Senate, No. 1766) to the House Bill the House Bill relative to internal special audit unit transparency(House, No. 3415)

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## The Commonwealth of Massachusetts

In the Year Two Thousand Fifteen

1 by inserting after section 4 the following 4 sections:-

2 “SECTION 4A. Subsection (e) of section 9 of chapter 6C of the General Laws, as  
3 appearing in section 1 of chapter 132 of the acts of 2012, is hereby amended by adding the  
4 following sentence:-The secretary shall make the annual report and all such reports from  
5 previous years available on the department’s website.

6 SECTION 4B. Section 10 of said chapter 6C, as appearing in the 2010 Official Editon, is  
7 hereby amended by adding the following paragraph:-

8 The office of transportation planning shall work in collaboration with the public-private  
9 partnership infrastructure oversight commission and provide the oversight commission  
10 information and updates on research, surveys, studies and future transportation projects.

11 SECTION 4C. Section 11 of said chapter 6C, as so appearing, is hereby amended by  
12 inserting after the word “finance”, in lines 18 and 19, the following words:- , the public-private  
13 partnership infrastructure oversight commission,

14 SECTION 4D. Said section 11 of said chapter 6C, as so appearing, is hereby further  
15 amended by adding the following paragraph:-

16 The long-range transportation plan shall prioritize each project identified in the  
17 transportation plan, separated by mode of transportation, and provide a detailed fiscal analysis of  
18 each project, including the projects funding sources, yearly operating costs to maintain the  
19 project, the projects impact on existing transportation infrastructure and impact of the project on  
20 the goals identified by the department and the office of performance management and innovation  
21 including, but not limited to, reducing the number of structurally-deficient bridges, reducing the  
22 state of good repair backlog and increasing customer satisfaction across all modes of  
23 transportation.”; and

24 by inserting after section 5 the following 2 sections:-

25 “SECTION 5A. Said chapter 6C is hereby further amended by inserting after section 13  
26 the following section:-

27 Section 13A. The secretary shall develop and implement, to the extent permitted by  
28 federal law, a program to allow vehicles with less than 2 occupants access to existing high  
29 occupancy vehicle lanes; provided, however that such access may be limited during hours that  
30 the existing high occupancy vehicle lane operates at or near capacity. Vehicles with less than 2  
31 occupants shall pay a varying automated toll depending on the time of the day; provided,  
32 however, that the secretary shall establish regulations to allow vehicles with at least 2 occupants,  
33 motorcycles, buses and low or zero emission vehicles, hybrid vehicles or other fuel efficient or  
34 environmentally-friendly vehicles, as established by regulation, to access the lane without paying  
35 a toll.

36 SECTION5B . Section 16 of said chapter 6C, as appearing in the 2010 Official Edition,  
37 is hereby amended by adding the following sentence:- The plan shall be made available on the  
38 department’s website.”; and

39 by inserting after section 6 the following 4 sections:-

40 “SECTION 6A. Section 28 of said chapter 6C, as so appearing, is hereby amended by  
41 inserting after the word ‘divisions’, in line 33, the following words:- including, but not limited  
42 to, revenues from parking fares, financial assistance from cities and towns, sponsorships, naming  
43 rights and advertising.

44 SECTION 6B. Section 30 of said chapter 6C, as so appearing, is hereby amended by  
45 inserting after subsection (c) the following subsection:-

46 (d) The secretary shall:

47 (1) develop, in consultation with the commonwealth development coordinating council,  
48 and administer a long-term statewide transportation plan that includes planning for intermodal  
49 and integrated transportation;

50 (2) develop, based on a public hearing process, procedures to be used for transportation  
51 project selection;

52 (3) establish criteria for project selection to be used in the procedures developed under  
53 clause (2);

54 (4) create a future project prioritization list, separated by mode of transportation;

55 (5) include detailed information regarding all construction projects for which the  
56 department has expended funds during the preceding 5 fiscal years, which shall include:

- 57 (i) the location and street name, including a brief description of the work to be  
58 performed;
- 59 (ii) all project identifying numbers used within the department or with respect to  
60 any federal or state grant or funding program including, without limitation, any contract  
61 numbers, transportation incentive program numbers or Transportation Infrastructure Finance and  
62 Innovation Act or other federal aid numbers;
- 63 (iii) all contractors, engineers, architects and other service professionals who have  
64 performed work on the project;
- 65 (iv) all amounts expended, including payee and date of disbursement with respect  
66 to each disbursement;
- 67 (v) total projected and actual cost;
- 68 (vi) projected and actual start and completion dates;
- 69 (vii) projected and actual milestone dates and details;
- 70 (viii) identification and a brief description of any issues, factors or other causes  
71 that have affected or are anticipated to affect the projected cost and completion date of any  
72 project; and
- 73 (ix) the names and contact information of the project manager within the  
74 department or other department personnel with oversight authority;
- 75 (6) compare each project to the metrics established by the by the department's office of  
76 performance management and innovation;
- 77 (7) document the attempts to engage the public-private partnership infrastructure  
78 oversight commission on each project; and
- 79 (8) make the long-term statewide transportation plan available on the department's  
80 website.

81 SECTION 6C. Section 34 of said chapter 6C, as so appearing, is hereby amended by  
82 adding the following 2 paragraphs:-

83 Final approval on a project contemplated in this section shall not be given until the  
84 public-private partnership infrastructure oversight commission has been given an opportunity to  
85 evaluate the project's suitability to be constructed in the design-build-finance-operate-maintain  
86 or design-build-operate-maintain project delivery method.

87 No project shall be given final approval unless it is properly identified and explained in  
88 the comprehensive state transportation plan under section 11.

89 SECTION 6D. Section 35 of chapter 6C, as so appearing, is hereby amended by adding  
90 the following sentence:-The secretary shall make the report and all such reports from previous  
91 years available on the department’s website.”; and

92 by inserting after section 41 the following 3 sections:-

93 “SECTION 41A. Section 10 of said chapter 161A of the General Laws, as so appearing,  
94 is hereby amended by inserting after the word “chapter”, in line 4, the following words:- ;  
95 provided, however, that notification of any formal communications attempting to secure federal  
96 assistance, together with the contents of those communications, shall be simultaneously  
97 transmitted to the house and senate committees on ways and means.

98 SECTION 41B. Said section 10 of said chapter 161A, as so appearing, is hereby further  
99 amended by adding the following sentence:- The chairman of the authority shall issue a  
100 quarterly report on communications with the federal government in furtherance of this section.  
101 The report shall include, but not be limited to, any actions by the authority committing or  
102 proposing to commit the commonwealth to provide financial assistance and shall be submitted to  
103 the house and senate committees on ways and means.”.

104 SECTION 41C. The first paragraph of section 20 of said chapter 161A, as so appearing,  
105 is hereby amended by adding the following sentence:-The secretary shall make the preliminary  
106 and final itemized budgets available on the department’s website.”; and

107 By striking out sections 52 and 53 and inserting in place thereof the following 2  
108 sections:-

109 “SECTION 52. (a) Notwithstanding any general or special law to the contrary, the  
110 Massachusetts Department of Transportation shall, in the department’s annual budget, ensure  
111 that the budget includes sufficient revenue from sources of revenue listed in subsection (c) to  
112 meet the following benchmarks: (i) in fiscal year 2014, the department shall contribute 47 per  
113 cent of the department’s operating budget; (ii) in fiscal year 2015, the department shall  
114 contribute 48 per cent of the department’s operating budget; (iii) in fiscal year 2016, the  
115 department shall contribute 50 per cent of the department’s operating budget; (iv) in fiscal year  
116 2017, the department shall contribute 51 per cent of the department’s operating budget; and (v)  
117 in fiscal year 2018, the department shall contribute 51 per cent of the department’s operating  
118 budget. The salary, benefits or level of compensation of any department employee in a major  
119 policymaking position, as defined by section 1 of chapter 268B, shall not be increased if the  
120 department is not exceeding the benchmarks provided for in this section.

121 (b) The benchmarks in subsection (a) may be achieved through any combination of  
122 revenue increases under subsection (c) and savings to the department’s operating budget;  
123 provided, however, that the department shall submit a preliminary report of savings to the  
124 operating budget by October 1 of each fiscal year and a final report of savings to the operating

125 budget by January 1 of each fiscal year. Those preliminary and final reports shall be submitted  
126 to the house and senate committees on ways and means and the joint committee on  
127 transportation.

128 (c) The revenue generated to meet the benchmarks in subsection (a) may be derived from:  
129 (i) fees collected by the registrar of motor vehicles under section 34 of chapter 90 of the General  
130 Laws; (ii) funds available to the registry of motor vehicles through the Motor Vehicle Inspection  
131 Trust Fund under section 61 of chapter 10 of the General Laws; and (iii) any other funds directly  
132 collected by the department; provided, however, that no funds collected through increases in tolls  
133 charged and collected as of January 1, 2013 under section 13 of chapter 6C of the General Laws  
134 shall be counted towards the benchmarks in subsection (a); and provided further, that any  
135 revenue collected from tolls for transit on roads not tolled as of July 1, 2013 shall count towards  
136 the benchmarks in said subsection (a).

137 SECTION 53. (a) Notwithstanding any general or special law to the contrary, the  
138 Massachusetts Bay Transportation Authority shall, in the authority's budget as approved by the  
139 board of directors under section 20 of chapter 161A of the General Laws, ensure that the budget  
140 includes sufficient revenue from sources of revenue listed in subsection (c) to meet the following  
141 benchmarks: (i) in fiscal year 2014, the authority shall contribute 31.5 per cent of the authority's  
142 operating budget; (ii) in fiscal year 2015, the authority shall contribute 33 per cent of the  
143 authority's operating budget; (iii) in fiscal year 2016, the authority shall contribute 33.25 per cent  
144 of the authority's operating budget; (iv) in fiscal year 2017, the authority shall contribute 32.75  
145 per cent of the authority's operating budget; and (v) in fiscal year 2018, the authority shall  
146 contribute 34 per cent of the authority's operating budget. The salary, benefits or level of  
147 compensation of any department employee in a major policymaking position, as defined by  
148 section 1 of chapter 268B, shall not be increased if the department is not exceeding the  
149 benchmarks provided for in this section.

150 (b) The benchmarks in subsection (a) may be achieved through increasing non-fare  
151 revenues, increasing total fare revenues through ridership growth, increasing fare levels while  
152 accounting for potential loss of ridership from fare increases or from savings to the authority's  
153 operating budget; provided, however, that the authority shall submit a preliminary report of  
154 savings to the operating budget by October 1 of each fiscal year and a final report of savings to  
155 the operating budget by January 1 of each fiscal year. Those preliminary and final reports of  
156 savings shall be submitted to the house and senate committees on ways and means and the joint  
157 committee on transportation. Nothing in this section shall be construed to relieve the authority of  
158 any legal requirements it shall fulfill under state or federal law prior to increasing fares or  
159 eliminating service.

160 (c) The revenue generated to meet the benchmarks in subsection (a) may be derived from  
161 any funds collected by the authority through fees and fares and any other funds directly collected  
162 by the authority; provided, however, that such revenue shall not include funds contributed to the

163 Massachusetts Bay Transportation Authority State and Local Contribution Fund under section  
164 35T of chapter 10 of the General Laws.

165 (d) The authority may achieve these benchmarks by restraining operating costs and  
166 increasing ridership prior to proposing a fare increase. The authority shall, in the authority's  
167 budget plan, regularly create and update 5-year pro forma financials and, as part of the budget  
168 planning process, may plan for small, regular fare increases of not more than 5 per cent for all  
169 modes and populations. The authority shall not increase fares at intervals of less than 24 months  
170 or at a rate greater than 5 per cent. The authority shall not implement any fare increase unless it is  
171 in strict compliance with section 5 of chapter 161A of the General Laws. If the authority's  
172 budget plan does not achieve a required benchmark within a given budget year, but is within 0.5  
173 percentage points of the benchmark, and fares have been increased within the previous budget  
174 year, the authority shall increase the subsequent year's benchmark by an equivalent amount and  
175 make needed adjustments to the operating budget and fare levels in the subsequent budget year.";  
176 and

177 by inserting after section 58 the following 6 sections:-

178 "SECTION 58A.(a) The secretary of transportation shall conduct a study and issue a  
179 report on the taxicab market in the commonwealth. The study shall include, but not be limited  
180 to, an analysis of the level of competition in the industry, any unserved or underserved needs and  
181 an evaluation of a state licensing alternative to stimulate competition, better serve the needs of  
182 customers and employees in the market and to address regional and environmental concerns.  
183 The report, together with any legislative recommendations, shall be filed electronically with the  
184 clerks of the senate and house of representatives and the joint committee on transportation not  
185 later than August 15, 2013.

186 SECTION 58B. Notwithstanding any general or special law to the contrary, the director  
187 of the internal special audit unit shall conduct a comprehensive investigation of the financial  
188 impact of chapter 25 of the acts of 2009. The investigation shall include a review of total  
189 savings to date, anticipated future savings, an analysis of how the savings compare to projected  
190 savings at the time of the effective date of the act and recommendations to increase future  
191 savings and efficiencies. The director shall publish its findings on the department's website and  
192 submit an electronic copy of the report to the clerks of the senate and house of representatives,  
193 the house and senate committees on ways and means and the joint committee on transportation  
194 not later than November 1, 2013.

195 SECTION 58C. Notwithstanding any general or special law to the contrary, the  
196 Massachusetts Bay Transportation Authority shall, as mandated by section 14 of chapter 132 of  
197 the acts of 2012, issue a report on revenues collected through the use of sponsorship agreements.  
198 The report shall include, but not be limited to, an analysis of revenues collected, offers to  
199 sponsor which have been declined and attempts to increase and promote sponsorship

200 opportunities. The report and recommendations shall be filed with the clerks of the house of  
201 representatives and the senate and to the house and senate committees on ways and means and  
202 the joint committee on transportation not later than August 30, 2013.

203 SECTION 58D. Notwithstanding any general or special law to the contrary, the secretary  
204 of transportation shall issue a 5-year transportation plan not less than 180 days after the effective  
205 date of this act. The plan shall prioritize projects to provide for the reduction in the number of  
206 structurally-deficient bridges, to reduce congestion attributable to disrepair, to improve urban  
207 and rural primary pavement conditions, to improve interstate pavement conditions, to increase  
208 maintenance disbursements per mile to the level necessary to achieve and maintain a state of  
209 good repair, to move bus and transit assets into a state of good repair, to improve track and  
210 signalization conditions and to otherwise eliminate the backlog on transit, road and bridge  
211 projects. The plan shall not include any capital expansion projects and shall be published on the  
212 department's website and filed electronically with the clerks of the senate and house of  
213 representatives and the joint committee on transportation.

214 SECTION 58E. Notwithstanding any general or special law to the contrary, the  
215 Massachusetts Bay Transportation Authority shall create a pilot program at 3 high-volume  
216 parking station facilities dedicating not more than 10 per cent of the available parking to  
217 customers willing to pay an increased premium for a reserved parking spot that is guaranteed to  
218 be available to them if they arrive at the spot before a certain hour, as determined by the  
219 authority; provided, however, that all net proceeds received as a result of the pilot program shall  
220 be dedicated to the authority.

221 SECTION 58F. Notwithstanding any general or special law to the contrary, the  
222 Massachusetts Bay Transportation Authority shall issue a request for proposals from business,  
223 civic and nonprofit entities to enter into sponsorship agreements for providing transportation  
224 services beyond the current hours of operation.”