HOUSE DOCKET, NO. 2321 FILED ON: 1/15/2015

HOUSE . . . . . No. 3002

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:
Sean Garballey	*23rd Middlesex*
Timothy J. Toomey, Jr.	*26th Middlesex*

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HOUSE . . . . . No. 3002

By Mr. Garballey of Arlington, a petition (accompanied by bill, House, No. 3002) of Sean Garballey and Timothy J. Toomey, Jr., relative to the public transit fare structure. Transportation.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

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:

SECTION 1. Section 5 of chapter 161A of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out subsection (e) in its entirety and replacing it with the following new subsection:- (e) The board shall not establish a fare in excess of 35 per cent of the regular adult cash fare for children between the ages of 5 and 19 years, inclusive, or for persons 65 and older who reside within the commonwealth, or for persons with disabilities who reside within the commonwealth. Any such fare so established shall provide for free transfer privileges.

SECTION 2. Section 5 of said chapter 161A is hereby amended by inserting after subsection (r) the following subsection: (s) The authority shall not increase fares more often than once every two years. An increase in fares shall not be greater than the per cent increase in average wages in the authority service area based on the Quarterly Census of Employment and Wages published by the United States Department of Labor Bureau of Labor Statistics and

13 measured between the implementation date of the previous fare increase and the implementation
14 date of the proposed fare increase.

15 SECTION 3. Section 8 of chapter 161B of the General Laws is hereby amended by
16 inserting after the first sentence in subsection (d) the following text: Fares shall not be increased
17 more often than once every two years. An increase in fares shall not be greater than the per cent
18 increase in average wages in the authority service area based on the Quarterly Census of
19 Employment and Wages published by the United States Department of Labor Bureau of Labor
20 Statistics and measured between the implementation date of the previous fare increase and the
21 implementation date of the proposed fare increase. Fares shall not be in excess of 35 per cent of
22 the regular adult cash fare for children between the ages of 5 and 19 years, inclusive, or for
23 persons 65 and older who reside within the commonwealth, or for persons with disabilities who
24 reside within the commonwealth. Any such fare so established shall provide for free transfer
25 privileges.

26 SECTION 4. Chapter 6C of the General Laws is hereby amended by adding the
27 following three sections: Section 74 The paratransit fares of the Massachusetts Bay
28 Transportation Authority and the Regional Transit Authorities shall not exceed: (a) The regular
29 adult single ride local bus cash fare for persons who reside in the commonwealth and whose
30 income does not exceed 200 per cent of the Federal Poverty Guidelines as published and updated
31 by the United States Department of Health and Human Services; (b) One and one-half times the
32 regular adult single ride local bus cash fare for persons who reside in the commonwealth and
33 whose income is above 200 per cent and does not exceed 300 per cent of the Federal Poverty
34 Guidelines as published and updated by the United States Department of Health and Human
35 Services; and (c) Twice the regular adult single ride local bus cash fare for persons who reside in

36 the commonwealth and whose income exceeds 300 per cent of the Federal Poverty Guidelines as
37 published and updated by the United States Department of Health and Human Services. Section
38 75 (a) Universal University Pass Program. The department shall develop a mandatory Universal
39 University Pass Program (U-Pass) beginning in fiscal year 2015 for colleges and universities
40 throughout the commonwealth, with the purpose of providing unlimited rides on the
41 transportation systems of the Massachusetts Bay Transportation Authority (MBTA) and the
42 Regional Transit Authorities (RTA) to all full-time undergraduate and graduate students at the
43 colleges and universities that are located within 1 mile of MBTA or RTA service. The U-Pass
44 program shall contain all the terms of participation by the schools, the obligations of the
45 department, MBTA, and RTAs under the program, and such other terms as necessary. The U-
46 Pass fare for the first fiscal year of the program shall be no less than 65% of the full fare, per
47 student per semester. The department may increase the fare in later years. All colleges and
48 universities that are located within 1 mile of service provided by the MBTA or a RTA are
49 required to participate in the program and pay the applicable U-Pass fare for each full-time
50 undergraduate and graduate student at the school directly to the applicable RTA or MBTA. The
51 department may authorize alternative arrangements under unusual circumstances and may allow
52 for the continuation of contracts that provide unlimited rides for students. (b) Universal
53 Employer Pass Program. The department shall develop a voluntary Universal Employer Pass
54 Program (E-Pass) beginning in fiscal year 2015 for large employers throughout the
55 commonwealth, with the intended purpose of providing unlimited rides on the transportation
56 systems of the Massachusetts Bay Transportation Authority (MBTA) and the Regional Transit
57 Authorities (RTA) to all employees of participating large employers. The MBTA or RTA shall
58 make the program available to all large employers that are located within 1 mile of MBTA or

59 RTA service. The E-Pass agreements shall contain all the terms of participation by employers,
60 the obligations of the department, MBTA, and RTAs under the program, and such other terms as
61 necessary. The department shall establish a goal that at least 50 per cent of large employers in the
62 commonwealth have an E-Pass program in place within five years of the establishment of the
63 voluntary program. For purposes of this section, "large employer" shall mean employers that
64 employ at least 50 employees in the commonwealth. The E-Pass fare shall be negotiated by the
65 department with each participating employer and shall be set at a level to assure that no transit
66 authority has a reduction in fare revenue as a result of the program. Employers within one mile
67 of service provided by the MBTA or a RTA that participate would be required to pay the
68 applicable E-Pass fare for each employee directly to the applicable RTA or MBTA. The
69 department may authorize alternative arrangements under unusual circumstances. Section 76 The
70 Massachusetts Bay Transportation Authority and each Regional Transit Authority shall create
71 and implement a discount cash and pass fare program for low-income residents, based on
72 affordability and taking into consideration median household income and housing costs in their
73 service area. The Massachusetts Bay Transportation Authority and each Regional Transit
74 Authority shall report annually to the Massachusetts Department of Transportation the reduction
75 in fare revenue resulting from such reduced fares, using criteria developed by the department,
76 and shall be reimbursed annually by the department for the reduction in fare revenue from
77 transportation funds not otherwise required to be paid to said authorities.

78 SECTION 5. The Department of Transportation, in consultation with youth advocacy
79 groups, transit advocacy groups, the Massachusetts Bay Transportation Authority, and Regional
80 Transit Authorities, shall create and implement a 2 year long youth pass pilot program in the
81 Massachusetts Bay Transportation Authority system and in the transit system of at least 3

82 Regional Transit Authorities in which persons between the ages of 12 and 21, inclusive, would
83 be eligible to purchase a significantly discounted monthly local bus pass and combined monthly
84 bus and subway pass from the applicable transit authority. Persons who are eligible for the U-
85 Pass program shall not be eligible to participate in the youth pass program. The pilot shall
86 include at least 2000 eligible persons participating. The purpose of the pilot would be to
87 determine the costs of such program, rates of participation, the benefits to participating persons,
88 and such other factors as the department, in consultation with youth advocacy groups, transit
89 advocacy groups, the Massachusetts Bay Transportation Authority, and Regional Transit
90 Authorities, determines are necessary to provide a recommendation of whether and how to
91 implement such a program in the system of the Massachusetts Bay Transportation Authority and
92 1 or more Regional Transit Authorities. Within 1 year after the conclusion of the pilot program,
93 the department shall file a report and recommendation with the governor, the clerks of the house
94 of representatives and the senate, and the joint committee on transportation. The department shall
95 publish a draft report, allow at least 30 days for written public comments on the draft report, and
96 take the comments into consideration before filing its final report. The costs of the pilot program
97 shall be borne by the department, which shall also reimburse the Massachusetts Bay
98 Transportation Authority and the participating Regional Transit Authorities for any reduction in
99 fare revenue caused by the pilot.