

**HOUSE . . . . . No. 3431**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Jack Lewis*

*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 the commuter rail patrons' bill of rights.

PETITION OF:

| NAME:                     | DISTRICT/ADDRESS:              | DATE ADDED:      |
|---------------------------|--------------------------------|------------------|
| <i>Jack Lewis</i>         | <i>7th Middlesex</i>           | <i>1/20/2017</i> |
| <i>Mike Connolly</i>      | <i>26th Middlesex</i>          | <i>2/1/2017</i>  |
| <i>Diana DiZoglio</i>     | <i>14th Essex</i>              | <i>2/3/2017</i>  |
| <i>James B. Eldridge</i>  | <i>Middlesex and Worcester</i> | <i>2/2/2017</i>  |
| <i>Sean Garballey</i>     | <i>23rd Middlesex</i>          | <i>2/3/2017</i>  |
| <i>Carmine L. Gentile</i> | <i>13th Middlesex</i>          | <i>1/27/2017</i> |
| <i>Paul R. Heroux</i>     | <i>2nd Bristol</i>             | <i>2/1/2017</i>  |
| <i>Natalie Higgins</i>    | <i>4th Worcester</i>           | <i>1/31/2017</i> |
| <i>Bradford R. Hill</i>   | <i>4th Essex</i>               | <i>2/2/2017</i>  |
| <i>David M. Rogers</i>    | <i>24th Middlesex</i>          | <i>2/3/2017</i>  |
| <i>Chris Walsh</i>        | <i>6th Middlesex</i>           | <i>2/2/2017</i>  |

**HOUSE . . . . . No. 3431**

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By Mr. Lewis of Framingham, a petition (accompanied by bill, House, No. 3431) of Jack Lewis and others for legislation to establish the commuter rail patrons’ bill of rights. Transportation.

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**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninetieth General Court  
(2017-2018)**  
\_\_\_\_\_

An Act establishing the commuter rail patrons’ bill of rights.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Notwithstanding any general or special law to the contrary:

2 (a) Any public or private entity offering service as a common rail carrier for natural  
3 persons within the territorial jurisdiction of the Commonwealth of Massachusetts shall establish  
4 and post a Passenger’s Bill of Rights.

5 (b) Said entity must establish and post the Passenger’s Bill of Rights within 180 days of  
6 attaining initial certification to operate within the Commonwealth or within 180 days of the  
7 enactment of this law.

8 (c) Such Bill of Rights must ensure paying passengers receive reasonable service to  
9 include, at a minimum, prioritization of safety, adherence to posted schedules, and respectful  
10 treatment by staff.

11 (1)Adherence to a posted scheduled requires, but is not limited to

12 (i) The schedule be reasonably available in hardcopy and digital form;

13 (ii) The schedule be available in English, Spanish and Portuguese;

14 (iii) No route, service or specific train be cancelled without advertising such change 30  
15 days in advance;

16 (A) Exception may be granted for unusually severe weather or an accident on the track  
17 that requires investigation, but not for performing maintenance or repairs; for the purposes of this  
18 act unusually severe weather shall mean adverse weather, which at the time of year it occurred is  
19 unusual for the place in which it occurred. No matter how severe or destructive, if the weather is  
20 not unusual for the particular time and place, or if a public or private entity offering service  
21 should have reasonably anticipated it, an exception is not allowed.

22 (iv) The schedule be accurate with any changes advertised at least 30 days in advance;

23 and

24 (v) The train arrive at each designated stop no later than 30 minutes from posted time.

25 (A) Exception may be granted for unusually severe weather or an accident on the track  
26 that requires investigation, but not for performing maintenance or repairs; for the purposes of this  
27 act unusually severe weather shall mean adverse weather, which at the time of year it occurred is  
28 unusual for the place in which it occurred. No matter how severe or destructive, if the weather is  
29 not unusual for the particular time and place, or if a public or private entity offering service  
30 should have reasonably anticipated it, an exception is not allowed.

31 (d) An infraction of the Passenger's Bill of Rights subjects the common rail carrier entity  
32 to treble damages such that, should any paying passenger or group of paying passengers give

33 timely notice of a breach of the Passenger's Bill of Rights through an official avenue, that  
34 passenger or group of passengers shall be entitled to a voucher for three free rides on the same  
35 line in the form of a 3-Free-Ride voucher.

36 (1) A timely notice of Passenger's Bill of Rights infraction generally means while the  
37 passenger is still on the train, or within 24 hours of a train service that was cancelled or more  
38 than 30 minutes late to arrive.

39 (2) An official avenue for notice includes, but is not limited to, a communication to an  
40 on-duty conductor or ticket-collector, or an email to the entity's customer service or general  
41 account.

42 (3) It is permissible for the 3-Free-Ride voucher to be non-transferable.

43 (4) It is permissible for the 3-Free-Ride voucher to be issued to a particular person and  
44 redeemable only with production of corroborating personal identification.

45 (5) Should the line for which the 3-Free-Ride voucher is redeemable be cancelled prior to  
46 the expiration of the voucher, said voucher may be redeemed on any other line serviced by the  
47 same entity.

48 (6) The 3-Free-Ride voucher shall be redeemable for its equivalent value on the purchase  
49 of a monthly or ten ride pass.