

HOUSE No. 3641

The Commonwealth of Massachusetts

PRESENTED BY:

Brian Murray

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 relative to electronic tolling.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|--------------------------|-----------------------|------------------|
| <i>Brian Murray</i> | <i>10th Worcester</i> | <i>1/19/2017</i> |
| <i>Carolyn C. Dykema</i> | <i>8th Middlesex</i> | |
| <i>Chris Walsh</i> | <i>6th Middlesex</i> | |
| <i>Thomas M. McGee</i> | <i>Third Essex</i> | <i>4/4/2017</i> |

HOUSE No. 3641

By Mr. Murray of Milford, a petition (accompanied by bill, House, No. 3641) of Brian Murray and others relative to electronic tolling on certain state and interstate highways. Transportation.

The Commonwealth of Massachusetts

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

An Act relative to electronic tolling.

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 3 of chapter 6C of the General Laws, as appearing in the 2014
2 Official Edition, is hereby amended by striking out the words “and the turnpike”, in line 69, and
3 inserting in place thereof the following words:- , the turnpike, interstate route 93 and the state
4 highway system.

5 SECTION 2. Said section 3 of said chapter 6C, as so appearing, is hereby further
6 amended by striking out the words “and turnpike”, in lines 71 and 73 and 74, and inserting in
7 place thereof the following words, in each instance:- , turnpike, interstate route 93 or the state
8 highway system.

9 SECTION 3. Said section 3 of said chapter 6C, as so appearing, is hereby further
10 amended by inserting after the word “system,”, in lines 80 and 81, the following words:- or
11 abutting the relevant part of interstate route 93 or the state highway system,.

12 SECTION 4. Said section 3 of said chapter 6C, as so appearing, is hereby further
13 amended by striking out, in lines 82 and 83, the words “or metropolitan highway system,” and
14 inserting in place thereof the following words:- metropolitan highway system, interstate route 93
15 or state highway system,.

16 SECTION 5. Section 13 of chapter 6C of the General Laws is hereby amended by adding
17 the following 2 subsections:-

18 (d) The department may charge and collect and, from time to time, fix and revise tolls for
19 transit over the state highway system from time to time designated by the department to be
20 subject to such tolls, subject to such classifications of vehicles and manners of collection as the
21 department determines desirable and subject to section 3. Such tolls shall be so fixed and
22 adjusted as to provide, at a minimum, funds sufficient with other revenues, if any, to pay: (i)
23 costs incurred in furtherance of this chapter related to said state highway system, but not limited
24 to, the cost of owning, maintaining, repairing, reconstructing, improving, rehabilitating, policing,
25 using, administering, controlling and operating the state highway system; and (ii) the principal
26 of, redemption premium, if any, and the interest on notes or bonds relating to the state highway
27 system as the same shall become due and payable and to create and maintain reserves established
28 for any of the department's corporate purposes. Such tolls shall not be subject to supervision,
29 regulation, approval or disapproval by any department, division, commission, board, bureau or
30 agency of the commonwealth or any political subdivision thereof. The department shall maintain
31 the confidentiality of all information including, but not limited to, photographs or other recorded
32 images and credit and account data relative to account holders who participate in its electronic
33 toll collection system. Such information shall not be a public record under clause Twenty-sixth
34 of section 7 of chapter 4 or section 10 of chapter 66 and shall be used for enforcement purposes

35 only with respect to toll collection regulations. An account holder may, upon written request to
36 the department, have access to all information pertaining solely to the account holder. For each
37 violation of applicable department regulations related to electronic toll collection, a violation
38 notice shall be sent to the registered owner of the vehicle in violation. The notice shall include
39 the registration number of the vehicle, the state of issuance of such registration and the date, time
40 and place of the violation. The notice may be based, in whole or in part, upon inspection of any
41 photographic or other recorded image of a vehicle and the written certification by a state police
42 officer or other person employed by or under contract with the department or its electronic toll
43 collection system contractor that it is so based shall be prima facie evidence of the facts
44 contained therein and shall be admissible in any administrative or judicial proceeding to
45 adjudicate the liability for such violation.

46 (e) The department may charge and collect and, from time to time, fix and revise tolls for
47 transit over parts of interstate route 93 designated by the department to be subject to such tolls,
48 subject to such classifications of vehicles and manners of collection as the department
49 determines desirable and subject to section 3. Such tolls shall be so fixed and adjusted as to
50 provide, at a minimum, funds sufficient with other revenues, if any, to pay: (i) costs incurred in
51 furtherance of this chapter related to said interstate route 93, but not limited to, the cost of
52 owning, maintaining, repairing, reconstructing, improving, rehabilitating, policing, using,
53 administering, controlling and operating interstate route 93; and (ii) the principal of, redemption
54 premium, if any, and the interest on notes or bonds relating to interstate route 93 as the same
55 shall become due and payable and to create and maintain reserves established for any of the
56 department's corporate purposes. Such tolls shall not be subject to supervision, regulation,
57 approval or disapproval by any department, division, commission, board, bureau or agency of the

58 commonwealth or any political subdivision thereof. The department shall maintain the
59 confidentiality of all information including, but not limited to, photographs or other recorded
60 images and credit and account data relative to account holders who participate in its electronic
61 toll collection system. Such information shall not be a public record under clause Twenty-sixth
62 of section 7 of chapter 4 or section 10 of chapter 66 and shall be used for enforcement purposes
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68 and place of the violation. The notice may be based, in whole or in part, upon inspection of any
69 photographic or other recorded image of a vehicle and the written certification by a state police
70 officer or other person employed by or under contract with the department or its electronic toll
71 collection system contractor that it is so based shall be prima facie evidence of the facts
72 contained therein and shall be admissible in any administrative or judicial proceeding to
73 adjudicate the liability for such violation.

74 SECTION 6. The Massachusetts Department of Transportation shall erect and maintain
75 all-electronic tolling gantry systems on state highway route 3, state highway route 128, and
76 interstate highway route 93.