HOUSE DOCKET, NO. 3009 FILED ON: 1/18/2019

HOUSE . . . . . No. 3008

The Commonwealth of Massachusetts

PRESENTED BY:

Lori A. Ehrlich and Eric P. Lesser

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 to advance modern and sustainable solutions for transportation.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
Lori A. Ehrlich	*8th Essex*	*1/18/2019*
Eric P. Lesser	*First Hampden and Hampshire*	*1/18/2019*
Steven Ultrino	*33rd Middlesex*	*1/22/2019*
James Arciero	*2nd Middlesex*	*1/29/2019*
Ruth B. Balser	*12th Middlesex*	*1/24/2019*
Christine P. Barber	*34th Middlesex*	*1/25/2019*
Jennifer E. Benson	*37th Middlesex*	*1/29/2019*
David Biele	*4th Suffolk*	*2/1/2019*
Natalie M. Blais	*1st Franklin*	*1/28/2019*
Joseph A. Boncore	*First Suffolk and Middlesex*	*1/30/2019*
Michael D. Brady	*Second Plymouth and Bristol*	*2/1/2019*
Daniel R. Carey	*2nd Hampshire*	*1/31/2019*
Tackey Chan	*2nd Norfolk*	*1/28/2019*
Harriette L. Chandler	*First Worcester*	*2/1/2019*
Michelle L. Ciccolo	*15th Middlesex*	*2/1/2019*
Mike Connolly	*26th Middlesex*	*1/25/2019*
Edward F. Coppinger	*10th Suffolk*	*1/31/2019*
Brendan P. Crighton	*Third Essex*	*1/31/2019*

Michael S. Day	*31st Middlesex*	*1/28/2019*
Marjorie C. Decker	*25th Middlesex*	*1/29/2019*
Marcos A. Devers	*16th Essex*	*1/27/2019*
Sal N. DiDomenico	*Middlesex and Suffolk*	*1/31/2019*
Mindy Domb	*3rd Hampshire*	*1/30/2019*
Daniel M. Donahue	*16th Worcester*	*1/29/2019*
Carolyn C. Dykema	*8th Middlesex*	*1/23/2019*
James B. Eldridge	*Middlesex and Worcester*	*2/1/2019*
Nika C. Elugardo	*15th Suffolk*	*1/31/2019*
Dylan A. Fernandes	*Barnstable, Dukes and Nantucket*	*1/24/2019*
Sean Garballey	*23rd Middlesex*	*2/1/2019*
Denise C. Garlick	*13th Norfolk*	*1/30/2019*
Carmine Lawrence Gentile	*13th Middlesex*	*1/25/2019*
Carlos González	*10th Hampden*	*1/30/2019*
Tami L. Gouveia	*14th Middlesex*	*1/29/2019*
James K. Hawkins	*2nd Bristol*	*1/28/2019*
Stephan Hay	*3rd Worcester*	*1/28/2019*
Jonathan Hecht	*29th Middlesex*	*1/31/2019*
Natalie M. Higgins	*4th Worcester*	*1/24/2019*
Russell E. Holmes	*6th Suffolk*	*2/1/2019*
Kevin G. Honan	*17th Suffolk*	*1/29/2019*
Daniel J. Hunt	*13th Suffolk*	*1/30/2019*
Patrick Joseph Kearney	*4th Plymouth*	*2/1/2019*
Mary S. Keefe	*15th Worcester*	*1/28/2019*
Kay Khan	*11th Middlesex*	*2/1/2019*
David Henry Argosky LeBoeuf	*17th Worcester*	*1/31/2019*
Jack Patrick Lewis	*7th Middlesex*	*1/25/2019*
Jay D. Livingstone	*8th Suffolk*	*1/22/2019*
Adrian C. Madaro	*1st Suffolk*	*1/28/2019*
John J. Mahoney	*13th Worcester*	*1/31/2019*
Elizabeth A. Malia	*11th Suffolk*	*2/1/2019*
Paul W. Mark	*2nd Berkshire*	*1/29/2019*
Joan Meschino	*3rd Plymouth*	*2/1/2019*
Christina A. Minicucci	*14th Essex*	*1/25/2019*
Rady Mom	*18th Middlesex*	*2/1/2019*
Frank A. Moran	*17th Essex*	*1/22/2019*
James M. Murphy	*4th Norfolk*	*1/31/2019*
Brian W. Murray	*10th Worcester*	*1/29/2019*
Harold P. Naughton, Jr.	*12th Worcester*	*1/31/2019*

Marc R. Pacheco	*First Plymouth and Bristol*	*2/1/2019*
Alice Hanlon Peisch	*14th Norfolk*	*1/31/2019*
Denise Provost	*27th Middlesex*	*1/29/2019*
Rebecca L. Rausch	*Norfolk, Bristol and Middlesex*	*2/1/2019*
Maria Duaime Robinson	*6th Middlesex*	*1/23/2019*
David M. Rogers	*24th Middlesex*	*1/28/2019*
Daniel J. Ryan	*2nd Suffolk*	*2/1/2019*
Lindsay N. Sabadosa	*1st Hampshire*	*1/31/2019*
Jon Santiago	*9th Suffolk*	*1/31/2019*
Thomas M. Stanley	*9th Middlesex*	*1/24/2019*
John C. Velis	*4th Hampden*	*1/29/2019*
Tommy Vitolo	*15th Norfolk*	*1/30/2019*

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HOUSE . . . . . No. 3008

By Representative Ehrlich of Marblehead and Senator Lesser, a joint petition (accompanied by bill, House, No. 3008) of Lori A. Ehrlich, Eric P. Lesser and others for legislation to authorize the Secretary of Transportation and the Secretary of Energy and Environmental Affairs to establish the modern and sustainable solutions for transportation trust fund. Transportation.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

An Act to advance modern and sustainable solutions for transportation.

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. Chapter 10, as appearing in the 2016 Official Edition of the General Laws, is hereby amended by inserting after section 35DDD the following section:-

Section 35EEE. (a) There shall be established and set up on the books of the commonwealth a separate fund to be known as the Modern and Sustainable Solutions for Transportation Trust Fund. The fund shall consist of amounts credited to the fund in accordance with section 10 of chapter 21N and expended exclusively for the following purposes:

(i) enhancing and expanding mass transportation services, particularly for both low-income communities and environmental justice populations, as defined in section 11 of chapter 21N, and communities currently underserved by mass transportation;

(ii) electrification of mass transportation services, including bus and rail in communities with disproportionate rates of exposure to diesel emissions and asthma incidence;

(iii) programs to accelerate adoption of zero-emission vehicles, including battery electric vehicles, plug-in hybrid electric vehicles and hydrogen fuel cell vehicles, particularly to make these vehicles more affordable and accessible for low-and moderate-income residents and rural drivers;

(iv) projects that expand and increase the safety of bicycle and pedestrian transportation and micromobility, particularly in rural or low-income communities;

(v) greater resiliency of transportation infrastructure to withstand the impacts of climate change;

(vi) programs that will promote density, reduce congestion, and increase the production of affordable housing near transit;

(vii) and reimbursement to the commonwealth for costs associated with the administration of the transportation climate program.

(b) The fund shall be administered jointly by the secretary of transportation and the secretary of energy and environmental affairs. The fund shall be an expendable trust fund and shall not be subject to appropriation or allotment. The secretaries shall report monthly by source all amounts credited to the fund and all expenditures by subsidies made from the fund to the executive office of administration and finance's operational services division through the division's Massachusetts management and accounting reporting system. Amounts remaining in the fund at the end of a fiscal year shall not revert to the General Fund and shall be available for expenditure in the next fiscal year and thereafter.

SECTION 2. Chapter 21N, as appearing in the 2016 Official Edition of the General Laws, is hereby amended by inserting after section 9 the following sections:-

Section 10. (a) The department of environmental protection, in consultation with the department of transportation and executive office of energy and environmental affairs, shall adopt rules and regulations establishing a transportation climate program to limit and reduce annually the total greenhouse gas emissions released by transportation sources in the commonwealth by January 1, 2021. The rules and regulations shall comply with any regional agreement or memorandum of understanding.

(b) Any proceeds recovered from the transportation climate program shall be deposited in the Modern and Sustainable Solutions for Transportation Trust Fund established in section 35EEE of chapter 10. The proceeds shall be used without further appropriation for the purposes established in said section 35EEE of chapter 10 to be determined by the Modern and Sustainable Transportation Investment Board, as defined in section 11 of chapter 21N.

In order to achieve these purposes, funds from the Modern and Sustainable Solutions for Transportation Trust Fund may be transferred to other funds and programs established by the commonwealth, provided that any such transferred funds may only be used for the purposes established in said subsection (a) section 35EEE of chapter 10.

(c) The responsibilities created by establishing a transportation climate program shall be in addition to any other responsibilities imposed by any other general or special law or rule or regulation and shall not diminish or reduce any power or authority of the department of environmental protection, including the authority to adopt standards and regulations necessary for the commonwealth to join and fully participate in a multistate program at any stage in the

development and implementation of such a program intended to control emissions of carbon dioxide or other substances that are determined by the department of environmental protection to be damaging or altering the climate.

Section 11. For the purposes of this section, the following terms shall have the following meanings:

“low-income”, shall be defined in a manner consistent with the Executive Office of Energy and Environmental Affairs’ Environmental Justice Policy.

“environmental justice population”, shall be defined in a manner consistent with the Executive Office of Energy and Environmental Affairs’ Environmental Justice Policy.

(a) There shall be established a 15 member board under the executive office of energy and environmental affairs, known as the Modern and Sustainable Solutions for Transportation Investment Board. Members of the board shall include: (i) the secretary of transportation; (ii) the secretary of energy and environmental affairs; (iii) the department of environmental protection, appointed by the commissioner; and (iv) the executive office of housing and economic development; and 1 person representing each of the following, each appointed by the governor: (v) organized labor; (vi) regional transit authorities; (vii) regional planning agencies; (viii) environmental justice populations; (ix) environmental organizations; (x) low-income consumers; (xi) businesses; (xii) clean transportation businesses and industry; (xiii) experts in the science of climate change; (xiv) the western region of the commonwealth; and (xv) municipal interests. The secretary of transportation and the secretary of environmental affairs shall co-chair the board. Members appointed by the governor shall serve for a term of 5 years and may be reappointed.

(c) The Modern and Sustainable Solutions for Transportation Investment Board shall establish a set of criteria that should determine how proposals should be evaluated in the context of the commonwealth's most critical transportation investment needs and the purposes identified under subsection (a) of section 35EEE of chapter 10. These criteria shall include clear objectives to advance statewide goals including but not limited to (i) emission reductions; (ii) benefits in disadvantaged or underserved communities, including environmental justice populations, rural communities, communities of color and low-income communities; (iii) consumer savings; (iv) public health benefits; and (v) economic growth.

(b) The Modern and Sustainable Solutions for Transportation Investment Board shall solicit suggestions for projects and programs that will achieve the objectives of subsection (a) of section 35EEE of chapter 10. Proposals shall be evaluated based on the criteria established under subsection (a) of section 35EEE of chapter 10.

(c) Beginning on July 1, 2020, and every 2 years thereafter, the Modern and Sustainable Solutions for Transportation Investment Board shall submit a plan of priority investments to the executive office of energy and environmental affairs. The Modern and Sustainable Solutions for Transportation Investment Board shall submit a draft plan by March 1, 2020, and every 2 years thereafter, to the executive office of environmental affairs and conduct public hearings to collect the input of the public on the proposed priorities. The public hearings shall begin within 30 days of the draft plan being submitted and at least one public hearing shall be held in all geographic regions of the commonwealth and in environmental justice populations.

(d) Beginning on December 31, 2022, and every 5 years thereafter, Modern and Sustainable Solutions for Transportation Investment Board shall conduct an analysis of the

performance of the commonwealth's transportation climate program and investments from the Modern and Sustainable Solutions for Transportation Trust Fund. This analysis shall include an evaluation of whether the state is on track to sufficiently reduce emissions in the transportation sector, as well as achieve the objectives of subsection (a) of section 35EEE of chapter 10. The report shall be developed after extensive opportunities for public comment. The report shall include, but is not limited to, recommendations on how the program can be improved to better achieve the commonwealth's transportation objectives.

SECTION 3. The provisions of this Act are severable and if any clause, sentence, paragraph or section of this Act, or an application thereof, shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section or application adjudged invalid.