

SENATE No. 2753

The Commonwealth of Massachusetts

—
**In the One Hundred and Ninety-Second General Court
(2021-2022)**
—

SENATE, March 10, 2022.

The committee on Transportation, to whom was referred the petition (accompanied by bill, Senate, No. 2267) of Joseph A. Boncore for legislation relative to transportation network company rider assessments, reports the accompanying bill (Senate, No. 2753).

For the committee,
John F. Keenan

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An Act relative to transportation network companies.

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. Chapter 29 of the General laws, as so appearing, is hereby amended by
2 inserting after section 2HHHHH the following new section:-

3 Section 2IIIII. (a) There shall be established and set up on the books of the
4 commonwealth a fund to be known as the Transit Authority Fund. The fund shall be credited any
5 monies transferred under section 12 of chapter 159A½ and all monies credited to or transferred
6 to the fund from any other fund or source. Expenditures from the fund shall be subject to
7 appropriation; provided, that 50 per cent of the funds received shall be appropriated for the
8 Massachusetts Bay Transportation Authority; and provided further, that 50 per cent of the funds
9 received shall be appropriated for the regional transit authorities organized under chapter 161B
10 or predecessor statutes.

11 SECTION 2. Section 1 of chapter 159A½ of the General Laws, as appearing in the 2018
12 Official Edition, is hereby amended by inserting the following new definitions:-

13 “Luxury ride”, a non-shared pre-arranged ride in a vehicle that is registered as a livery
14 vehicle.

15 “Non-shared ride”, a pre-arranged ride that is not a shared ride.

16 “Shared ride”, a pre-arranged ride requested or selected by a rider, which may be shared
17 with 1 or more riders, who each independently use transportation network services to select the
18 pre-arranged ride, regardless of whether the rider actually shares all or part of the ride with 1 or
19 more riders; provided, that each rider is charged a fare that is calculated, in part, based on the
20 rider’s request or acceptance of the request to share all or part of the pre-arranged ride.

21 SECTION 3. Said chapter 159A½, as so appearing, is hereby further amended by adding
22 the following 2 sections:-

23 Section 12. (a) There shall be a Transportation Infrastructure Enhancement Trust Fund.
24 The director of the division shall be the trustee of the Fund and shall expend money in the fund
25 to address the impact of transportation network services. There shall be credited to the Fund: (i)
26 any per-ride assessment collected pursuant to subsection (b); and (ii) any interest earned on
27 money in the Fund. Amounts credited to the Fund shall be expended by the director pursuant to
28 subsections (c) and (d) without further appropriation. Money remaining in the fund at the end of
29 a fiscal year shall not revert to the General Fund.

30 (b) Annually, not later than February 1, each transportation network company shall
31 submit to the director of the division the number of rides, broken down by shared rides and non-
32 shared rides, including the number of luxury rides, from the previous calendar year that
33 originated within each city or town and a per-ride assessment. The per-ride assessment shall be
34 as follows: (i) a shared ride shall have a per-ride assessment of \$0.40; and (ii) a non-shared ride

35 shall have a per-ride assessment of \$1.20; provided, that a shared or non-shared luxury ride shall
36 have an additional per-ride assessment of \$1.00; and provided further, that the per-ride
37 assessment shall be based upon the pre-arranged ride, as offered by the transportation network
38 company and selected by the rider; provided however, the per-ride assessment shall not apply to
39 a pre-arranged ride requested or selected by a rider who has requested or selected the pre-
40 arranged ride through a program established to provide transportation network services to
41 individuals who are eligible for paratransit services.

42 (c) From the funds received from the per-ride assessment of shared and non-shared rides,
43 the division shall: (i) proportionately distribute 25 per cent to a city or town based on the number
44 of shared and non-shared rides from the previous calendar year that originated within that city or
45 town to address the impact of transportation network services on municipal roads, bridges and
46 other transportation infrastructure or any other public purpose substantially related to the
47 operation of transportation network services in the city or town including, but not limited to, the
48 complete streets program established in section 1 of chapter 90I and other programs that support
49 alternative modes of transportation; (ii) distribute 50 per cent to the Commonwealth
50 Transportation Fund established in section 2ZZZ of chapter 29; and (iii) distribute 25 per cent to
51 the Transit Authority Fund, established in section 2IIII of chapter 29.

52 (d) From the funds received from the additional per-ride assessment for luxury rides,
53 pursuant to subsection (b), the division shall annually: (i) proportionately distribute 50 per cent
54 of the amount received to a city or town based on the number of luxury rides from the previous
55 calendar year that originated within that city or town to address the impact of transportation
56 network services on municipal roads, bridges and other transportation infrastructure or any other
57 public purpose substantially related to the operation of transportation network services in the city

58 or town including, but not limited to, the complete streets program established in section 1 of
59 chapter 90I and other programs that support alternative modes of transportation; and (ii)
60 distribute 50 per cent to the Commonwealth Transportation Fund, established in section 2ZZZ of
61 chapter 29.

62 (e) By December 31 of each year in which a city or town receives a disbursement of more
63 than \$25,000 from the Fund, that city or town shall submit a report to the director of the division
64 that details the projects and the amount used or planned to be used for transportation-related
65 projects as described in subsections (c) and (d).

66 By December 31 of the year in which a city or town receives a cumulative total of more
67 than \$25,000 in disbursements from the Fund since its last report to the director of the division,
68 that city or town shall submit a report to the director of the division that details the projects and
69 the amount used or planned to be used for transportation-related projects as described in
70 subsections (c) and (d) for each disbursement from the Fund since the city or town's last report
71 to the director of the division.

72 For a city or town whose cumulative total disbursements from the Fund have not
73 exceeded \$25,000 in the 5 years since its last report to the director of the division, that city or
74 town shall submit a report to the director of the division by December 31 of the fifth year since
75 its last report to the director of the division. That report shall detail the projects and the amount
76 used or planned to be used for transportation-related projects as described in subsections (c) and
77 (d) for each annual disbursement from the Fund since the city or town's last report to the director
78 of the division.

79 The division shall withhold future disbursements from the Fund from any city or town
80 that does not comply with the reporting requirements of this subsection. The withheld funds shall
81 be disbursed when the city or town complies with the requirements of this subsection.

82 On an annual basis, the director shall compile the reports and post the projects and
83 amounts of money expended on the website of the division.

84 (f) A public transit access fee of \$0.20 shall be assessed on each pre-arranged ride that
85 both originates and terminates within the fourteen cities and towns, as defined in section 1 of
86 chapter 161A. All public transit access fees collected by the Division pursuant to this subsection
87 shall be deposited into a segregated account within the Commonwealth Transportation Fund
88 established under section 2ZZZ of chapter 29, and, subject to appropriation, shall only be
89 expended for capital or operating expenses, including but not limited to the low income fare
90 program, of the Massachusetts Bay Transportation Authority.

91 SECTION 4. Said chapter 159A½ is hereby further amended by adding the following
92 section:-

93 Section 13. (a) On the first day of each month, each transportation network company
94 shall submit to the division, in a format approved by the division, data related to each pre-
95 arranged ride provided in the month prior to the previous month and shall include:

96 (i) for each non-shared ride: (A) the latitude and longitude for the points of the
97 origination and termination, calculated to 0.001 decimal degrees; (B) the date and time of the
98 origination and termination, calculated to the nearest minute; (C) the total cost paid by the rider
99 for the ride; (D) the universally-unique identifier associated with the transportation network
100 driver; (E) the transportation network driver's city or town of residence as appearing on the

101 driver's license; (F) whether the rider requested a shared ride but was not successfully matched
102 with another rider; (G) whether the rider requested accommodation for special needs; (H)
103 whether the ride was provided by a wheelchair accessible vehicle; (I) whether there were any
104 driver or rider-initiated cancellations; (J) the total time that the transportation network driver
105 spent on the way to pick up the rider; (K) the total time that the transportation network driver
106 spent providing the pre-arranged ride; (L) the geographic position of the vehicle during the entire
107 duration of the pre-arranged ride, provided at intervals of not less than every 60 seconds of the
108 pre-arranged ride; (M) the total mileage driven by the transportation network driver while on the
109 way to pick up the rider; (N) the total mileage driven by the transportation network driver while
110 providing the pre-arranged ride; (O) the transportation network vehicle license plate; (P) whether
111 the transportation network driver is a professional driver, as advertised by the transportation
112 network company; (Q) the total number of riders in the vehicle; and (R) whether the pre-
113 arranged ride was advertised by the transportation network company as a luxury or premium
114 ride, regardless of whether the transportation network vehicle was registered as a livery vehicle;
115 provided, that if the pre-arranged ride was advertised by the transportation network company as a
116 luxury or premium ride the factors that were considered in that designation, including, but not
117 limited to, vehicle make, model, year, and, if available, trim, whether the transportation network
118 driver was a professional driver, as advertised by the transportation network company and
119 whether the ride was available by an exclusive membership option;

120 (ii) for each shared ride: (A) the latitude and longitude for the points of the origination
121 and termination of the entire shared ride, calculated to 0.001 decimal degrees; (B) the total
122 number of riders in the vehicle; (C) for each pre-arranged ride that was part of a shared ride: (1)
123 the latitude and longitude for the points of each respective pre-arranged ride's origination and

124 termination, calculated to 0.001 decimal degrees; (2) the date and time of each respective
125 prearranged ride's origination and termination, calculated to the nearest minute; (3) the total time
126 that the transportation network driver spent on the way to pick up each rider; (4) the total time
127 that the transportation network driver spent providing each pre-arranged ride; (5) the total
128 mileage driven by the transportation network driver while on the way to pick up each rider; (6)
129 the total mileage driven by the transportation network while providing each pre-arranged ride;
130 (7) the total cost paid by each rider for each pre-arranged ride; (8) the universally-unique
131 identifier associated with the transportation network driver; (9) the transportation network
132 driver's city or town of residence as appearing on the driver's license; (10) the transportation
133 network vehicle license plate; and (11) whether the rider requested a shared ride but was not
134 successfully matched with another rider;

135 (iii) for each transportation network vehicle that provided at least 1 pre-arranged ride: (A)
136 the vehicle license plate; (B) the vehicle make, model, year and, if available, trim; (C) the vehicle
137 identification number; (D) the total number of minutes and miles while the vehicle was on the
138 way to pick up transportation network riders; (E) the total number of minutes and miles while the
139 vehicle was engaged in pre-arranged rides, whether shared or non-shared; (F) the total number of
140 minutes and miles while the vehicle was logged into the transportation network vehicle's digital
141 network for purposes of accepting a pre-arranged ride, but not on the way to pick up riders or
142 engaged in pre-arranged rides; and (G) whether the vehicle is propelled by internal combustion,
143 battery-sourced electricity or a hybrid; and (H) whether the pre-arranged ride was advertised by
144 the transportation network company as a luxury or premium ride, regardless of whether the
145 transportation network vehicle was registered as a livery vehicle; and

146 (iv) for each accident or crash involving a transportation network driver while logged into
147 the transportation network vehicle's digital network: (A) the latitude and longitude of the
148 location of the accident or crash, calculated to 0.001 decimal degrees; (B) the date and time of
149 the accident or crash, calculated to the nearest minute; and (C) the universally-unique identifier
150 associated with the transportation network driver.

151 (b) The division may obtain additional ride data from a transportation network company
152 for the purposes of congestion management, which may include, but shall not be limited to: (i)
153 the total number of transportation network drivers that utilized the transportation network
154 vehicle's digital network within specified geographic areas and time periods as determined by
155 the division; (ii) the total time spent and total miles driven by transportation network drivers in
156 such geographic areas or time periods as determined by the division: (A) while on the way to
157 pick up a rider; or (B) while engaged in a prearranged ride.

158 The division shall promulgate regulations relative to data collection pursuant to this
159 subsection prior to obtaining the data.

160 (c) Annually, not later than June 30, the division shall post on its website, in aggregate
161 form, the total number of rides provided by all transportation network companies that originated
162 in each city or town, each city or town where the rides originating in each city or town
163 terminated and the average miles and minutes of the rides that originated in each city or town
164 and terminated in each other respective city or town.

165 (d) For the purposes of congestion management, transportation planning or emissions
166 tracking, the division may enter into confidential data-sharing agreements to share de-identified,
167 trip-level data received by the division pursuant to this section with the executive office of

168 technology services and security, the executive office of energy and environmental affairs, the
169 Massachusetts Department of Transportation, the Massachusetts Port Authority, the
170 Massachusetts Bay Transportation Authority, the department of environmental protection, a
171 Massachusetts regional transit authority established under section 3 of chapter 161B, a
172 Massachusetts regional planning agency and a Massachusetts metropolitan planning
173 organization. The division shall prescribe the form and content of a confidential data-sharing
174 agreement, the manner of transmitting the information and the information security measures
175 that must be employed by any entity receiving the data. Any confidential data-sharing agreement
176 shall specify that the information provided by the division shall be aggregated and de-identified
177 and may be used only for the purposes set forth in the agreement. Any data received by an entity
178 from the division through a confidential data-sharing agreement under this subsection shall not
179 be considered a public record under clause Twenty-sixth of section 7 of chapter 4 or chapter 66
180 and shall not be disclosed to any person or entity other than those listed or described in the
181 confidential data-sharing agreement; provided, however, that a state or municipal government
182 agency or transportation planning entity may disclose conclusions and analyses derived from the
183 information and data received pursuant to a confidential data-sharing agreement.

184 (e) A violation of the terms of a confidential data-sharing agreement by an entity listed in
185 subsection (d) may result in the division declining to enter into future confidential data-sharing
186 agreements with the violating entity and in the termination of any existing data-sharing
187 agreement with the entity. The division shall notify each transportation network company whose
188 data was shared in violation of the terms of a confidential data-sharing agreement of the violating
189 entity and what data was shared. An entity listed in subsection (d) that violates the terms of a

190 confidential data-sharing agreement shall delete all data received as a result of the confidential
191 data-sharing agreement.

192 SECTION 5. Sections 8 to 10, inclusive, and sections 17 to 18 of chapter 187 of the acts
193 of 2016 are hereby repealed.