

SENATE No. 2295

The Commonwealth of Massachusetts

PRESENTED BY:

Brendan P. Crighton

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 reduce congestion and encourage shared rides.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Brendan P. Crighton</i>	<i>Third Essex</i>	
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>2/26/2021</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>3/2/2021</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>3/3/2021</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>3/5/2021</i>

SENATE No. 2295

By Mr. Crighton, a petition (accompanied by bill, Senate, No. 2295) of Brendan P. Crighton, Jack Patrick Lewis, James B. Eldridge, Joanne M. Comerford and others for legislation to reduce traffic and encourage shared rides. Transportation.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 2063 OF 2019-2020.]

The Commonwealth of Massachusetts

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

An Act to reduce congestion and encourage shared rides.

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 8 of Chapter 187 of the Acts of 2016 is hereby amended by striking
2 (b) and replacing with the following section:

3 (b) Annually, not later than February 1, each transportation network company shall
4 submit to the director of the division established in section 23 of chapter 25 the number of rides
5 from the previous calendar year that originated in each city or town and the amount collected
6 from rider-assessments. Notwithstanding any other law, a rider-assessment is to be charged as
7 follows:

8 (i) \$0.40 for a shared ride in which, prior to the commencement of the pre-arranged ride,
9 a passenger requests through the transportation network company's digital network, to share the

ride with one or more passengers and each passenger is charged a fare that is calculated in whole or in part, based on the passenger's request to share all or part of the ride with one or more passengers, regardless of whether the passenger actually shares all or part of the ride.

(ii) \$1.20 for a pre-arranged ride other than a ride described in (i).

(iii) \$1.00 for any pre-arranged ride that is reserved as a luxury ride.

(iv) A rider assessment shall not apply to a pre-arranged ride requested or selected by a rider who has requested or selected the pre-arranged ride through a program established to provide transportation network services to individuals who are eligible for paratransit services.

Not later than June 30, the director shall post on the division's website the aggregate number of rides from the previous calendar year originating within each city or town.

SECTION 2. Chapter 29 of the General Laws is hereby amended by inserting after section 2LLLLL the following section:-

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

SECTION 3. Section 1 of Mass General Laws Chapter 159A½ is amended by adding the following definitions:

“Shared ride”, a for-hire transportation trip, in which, prior to the commencement of the ride, a passenger requests a pre-arranged ride through the transportation network company’s digital network to share the ride with one or more passengers, that separately request transportation and are each charged the same predetermined amount per ride, or are billed independently for a ride in an amount that is proportionate to the transportation they receive, regardless of whether the passenger actually shares all or part of the ride.

“For-Hire Transportation Trip”, a ride in which, prior to the commencement of the ride, a passenger requests a pre-arranged ride through the transportation network company’s digital network as a single

passenger between points chosen by the passenger, regardless of the number of stops. This shall not include transportation provided by, or pursuant to a contract with a state agency or an institution.

“Luxury Ride”, a for-hire transportation trip which is reserved by the rider as a luxury ride, premier ride, or other similar ride as designated by the transportation network company.

SECTION 4. Section 2 of Chapter 159A½ as appearing in the 2016 Official Edition, is amended as follows:

(d) A transportation network company shall provide clear and conspicuous transportation fare estimates to riders at all times, including during surge pricing, high volume and demand times. Fare estimates shall include a clear rate estimate or the amount of price increase resulting

51 from surge pricing or increased demand and shall show the price difference between the cost of a
52 shared-ride and a single-occupancy ride.

53 SECTION 5. Section 10 of Chapter 159A½ as appearing in the 2016 Official Edition, is
54 amended as follows:

55 (a)A municipality identified in the fourteen cities or towns defined in Chapter 161A,
56 section 1, that accepts the provisions of this section, may impose a congestion assessment of no
57 more than \$2.25 per ride during regular MBTA service hours. These funds would be dedicated
58 for municipal investment in public transportation, bicycle and pedestrian investments, and
59 electric vehicle charging infrastructure.

60 (b)Other than those municipalities identified in (a), no municipality or other local state
61 entity, except the Massachusetts Port Authority, may: (i) impose a tax on or require any
62 additional license for a transportation network company, a transportation network driver or a
63 vehicle used by a transportation network driver where the tax or licenses relate to facilitating or
64 providing pre-arranged rides; (ii) require any additional license for a transportation network
65 company or transportation network driver; or (iii) subject a transportation network company to
66 the municipality's or other local or state entity's rates or other requirements, including but not
67 limited to entry or operational requirements; provided, however, that a municipality or other
68 local or state entity may regulate traffic flow and traffic patterns to ensure public safety and
69 convenience.

70 SECTION 6. Said chapter 159A½, as so appearing, is hereby further amended by adding
71 the following 2 sections:-

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

(b) Annually, not later than February 1, each transportation network company shall submit to the director of the division the number of rides, broken down by shared rides and non-shared rides, including the number of luxury rides, from the previous calendar year that originated within each city or town and a per-ride assessment.

(c) From the funds received from the per-ride assessment of shared and non-shared rides, the division shall: (i) proportionately distribute 25 per cent to a city or town based on the number of shared and non-shared rides from the previous calendar year that originated within that city or town to address the impact of transportation network services on municipal roads, bridges and other transportation infrastructure or any other public purpose substantially related to the operation of transportation network services in the city or town including, but not limited to, the complete streets program established in section 1 of chapter 90I and other programs that support alternative modes of transportation; (ii) distribute 50 per cent to the Commonwealth Transportation Fund established in section 2ZZZ of chapter 29; provided, that the director shall annually distribute \$6,000,000 from the Fund to the Massachusetts Development Finance Agency, established in section 2 of chapter 23G, to provide financial assistance to small businesses operating in the taxicab, livery or hackney industries to encourage the adoption of

new technologies and advanced services, safety and operational capabilities and support workforce development; and (iii) distribute 25 per cent to the Transit Authority Fund, established in section 2MMMMM of chapter 29.

(d) From the funds received from the additional per-ride assessment for luxury rides, pursuant to subsection (b), the division shall annually: (i) proportionately distribute 50 per cent of the amount received to a city or town based on the number of luxury rides from the previous calendar year that originated within that city or town to address the impact of transportation network services on municipal roads, bridges and other transportation infrastructure or any other public purpose substantially related to the operation of transportation network services in the city or town including, but not limited to, the complete streets program established in section 1 of chapter 90I and other programs that support alternative modes of transportation; and (ii) distribute 50 per cent to the Commonwealth Transportation Fund, established in section 2ZZZ of chapter 29.

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

By December 31 of the year in which a city or town receives a cumulative total of more than \$25,000 in disbursements from the Fund since its last report to the director of the division, that city or town shall submit a report to the director of the division that details the projects and the amount used or planned to be used for transportation-related projects as described in

subsections (c) and (d) for each disbursement from the Fund since the city or town's last report to the director of the division.

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

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

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

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

(i) for each non-shared ride: (A) the latitude and longitude for the points of the origination and termination, calculated to 0.0001 decimal degrees; (B) the date and time of the origination and termination, calculated to the nearest minute; (C) the total cost paid by the rider for the ride; (D) the universally-unique identifier associated with the transportation network driver; (E) the transportation network driver's city or town of residence as appearing on the

138 driver's license; (F) whether the rider requested a shared ride but was not successfully matched
139 with another rider; (G) whether the rider requested accommodation for special needs; (H)
140 whether the ride was provided by a wheelchair accessible vehicle; (I) whether there were any
141 driver or rider-initiated cancellations; (J) the total time that the transportation network driver
142 spent on the way to pick up the rider; (K) the total time that the transportation network driver
143 spent providing the pre-arranged ride; (L) the geographic position of the vehicle during the entire
144 duration of the pre-arranged ride, provided at intervals of not less than every 60 seconds of the
145 pre-arranged ride; (M) the total mileage driven by the transportation network driver while on the
146 way to pick up the rider; (N) the total mileage driven by the transportation network driver while
147 providing the pre-arranged ride; (O) the transportation network vehicle license plate; (P) whether
148 the transportation network driver is a professional driver, as advertised by the transportation
149 network company; and (Q) whether the pre-arranged ride was advertised by the transportation
150 network company as a luxury or premium ride, regardless of whether the transportation network
151 vehicle was registered as a livery vehicle; provided, that if the pre-arranged ride was advertised
152 by the transportation network company as a luxury or premium ride the factors that were
153 considered in that designation, including, but not limited to, vehicle make, model, year, and, if
154 available, trim, whether the transportation network driver was a professional driver, as advertised
155 by the transportation network company and whether the ride was available by an exclusive
156 membership option;

157 (ii) for each shared ride: (A) the latitude and longitude for the points of the origination
158 and termination of the entire shared ride, calculated to 0.0001 decimal degrees; (B) the total
159 number of riders in the vehicle; (C) for each pre-arranged ride that was part of a shared ride: (1)
160 the latitude and longitude for the points of each respective pre-arranged ride's origination and

161 termination, calculated to 0.0001 decimal degrees; (2) the date and time of each respective
162 prearranged ride's origination and termination, calculated to the nearest minute; (3) the total time
163 that the transportation network driver spent on the way to pick up each rider; (4) the total time
164 that the transportation network driver spent providing each pre-arranged ride; (5) the total
165 mileage driven by the transportation network driver while on the way to pick up each rider; (6)
166 the total mileage driven by the transportation network while providing each pre-arranged ride;
167 (7) the total cost paid by each rider for each pre-arranged ride; (8) the universally-unique
168 identifier associated with the transportation network driver; (9) the transportation network
169 driver's city or town of residence as appearing on the driver's license; (10) the transportation
170 network vehicle license plate; and (11) whether the rider requested a shared ride but was not
171 successfully matched with another rider;

172 (iii) for each transportation network vehicle that provided at least 1 pre-arranged ride: (A)
173 the vehicle license plate; (B) the vehicle make, model, year and, if available, trim; (C) the vehicle
174 identification number; (D) the total number of minutes and miles while the vehicle was on the
175 way to pick up transportation network riders; (E) the total number of minutes and miles while the
176 vehicle was engaged in pre-arranged rides, whether shared or non-shared; (F) the total number of
177 minutes and miles while the vehicle was logged into the transportation network vehicle's digital
178 network for purposes of accepting a pre-arranged ride, but not on the way to pick up riders or
179 engaged in pre-arranged rides; and (G) whether the vehicle is propelled by internal combustion,
180 battery-sourced electricity or a hybrid; and (H) whether the pre-arranged ride was advertised by
181 the transportation network company as a luxury or premium ride, regardless of whether the
182 transportation network vehicle was registered as a livery vehicle; and

(iv) for each accident or crash involving a transportation network driver while logged into the transportation network vehicle's digital network: (A) the latitude and longitude of the location of the accident or crash, calculated to 0.0001 decimal degrees; (B) the date and time of the accident or crash, calculated to the nearest minute; and (C) the universally-unique identifier associated with the transportation network driver.

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

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

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

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

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

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

227 confidential data-sharing agreement shall delete all data received as a result of the confidential
228 data-sharing agreement.

229 SECTION 7. Subsection (c) of section 12 of said chapter 159A½, as appearing in this act,
230 is hereby amended by striking out the words “; provided, that the division shall annually
231 distribute \$6,000,000 from the Fund to the Massachusetts Development Finance Agency,
232 established in section 2 of chapter 23G, to provide financial assistance to small businesses
233 operating in the taxicab, livery or hackney industries to encourage the adoption of new
234 technologies and advanced services, safety and operational capabilities and support workforce
235 development”.

236 SECTION 8. Section 7 shall take effect on January 1, 2023.