

**HOUSE . . . . . No. 3449**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*William M. Straus*

*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 the creation of regional transit authorities for the provision of water transportation.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>William M. Straus</i>	<i>10th Bristol</i>	<i>1/20/2023</i>
<i>Peter Capano</i>	<i>11th Essex</i>	<i>2/9/2023</i>

**HOUSE . . . . . No. 3449**

By Representative Straus of Mattapoisett, a petition (accompanied by bill, House, No. 3449) of William M. Straus and Peter Capano relative to the creation of regional transit authorities for the provision of water transportation. Transportation.

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Third General Court  
(2023-2024)**

An Act relative to the creation of regional transit authorities for the provision of water transportation.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to enhance ferry service in the commonwealth , therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*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 1 of chapter 161B of the General Laws, as appearing in the 2020  
2 Official Edition, is hereby amended in lines 4-5 by striking the words “section three or section  
3 fourteen” and inserting in place thereof the following words:- “sections 3, 14 or 28”.

4 SECTION 2. Section 2 of said chapter 161B, as so appearing, is hereby amended in lines  
5 39-40 by striking the words “section three or section fourteen” and inserting in place thereof the  
6 following words:- “sections 3, 14 or 28”.

7 SECTION 3. Said chapter 161B, as so appearing, is hereby amended by adding the  
8 following section:-

9 Section 28. For the purposes of this section, the following terms shall have the following  
10 meanings:

11 “MBTA” shall mean the Massachusetts Bay Transportation Authority established under  
12 chapter 161A; and

13 “Department of Transportation” shall mean the Massachusetts Department of  
14 Transportation established under chapter 6C, any division thereof, and any predecessor thereto.

15 (a) Notwithstanding any general or special law to the contrary, the MBTA, Massport, or  
16 any city or town, or group or combination of cities or towns, may, upon compliance with this  
17 section and with the approval of a city manager in the case of a city under a Plan E form of  
18 government, the mayor and city council in the case of all other cities, or the board of selectmen  
19 in the case of a town, be made into a body politic and corporate and a political subdivision of the  
20 commonwealth for the purpose of providing water transportation services within the  
21 commonwealth under the name of the municipality within the new authority having the greatest  
22 population, or under any other appropriate regional name agreed to by a majority of the member  
23 municipalities, and followed by the words “Regional Port Authority.”

24 Any such authority shall be deemed to be established upon written notification to the  
25 governor that the member municipalities have voted to establish a regional transit authority.  
26 Having so notified the governor, the advisory board established pursuant to section five shall  
27 proceed to appoint an administrator in accordance with section four. Once established, each such  
28 authority shall have the same powers, limitations, duties and organization as an authority  
29 established pursuant to section fourteen and shall in all respects be subject to the provisions of  
30 this chapter, except section fourteen, as if it were an authority so established.

31 Any city or town, or group or combination of cities or towns, may, with the approval of a  
32 city manager in the case of a city under a Plan E form of government, the mayor and city council  
33 in the case of all other cities or the board of selectmen in the case of a town and subject to the  
34 approval of the advisory board to the regional transit authority, join such authority created under  
35 this section.

36 (b) Upon the creation of an authority under this section that includes all municipalities  
37 served by a particular line of ferry or commuter boat service operated by or pursuant to an  
38 agreement with the MBTA or the Department of Transportation, the MBTA or Department of  
39 Transportation, as applicable, shall: (i) assign the MBTA's or Department of Transportation's  
40 right, title and interest in any agreement related to the operation of such service to the authority;  
41 and (ii) transfer the MBTA's or Department of Transportation's right, title and interest in real  
42 and personal property used in the operation of such service, including but not limited to vessels,  
43 terminals, concessions, point of sale and ticketing equipment, to the authority.

44 (c) Not later than 30 days following the creation of an authority under this section that  
45 includes all municipalities served by a particular line of ferry or commuter boat service operated  
46 by or pursuant to an agreement with the MBTA or Department of Transportation, the MBTA or  
47 Department of Transportation, as applicable, shall file a report with the house and senate  
48 committees on ways and means and the house and senate chairs of the joint committee on  
49 transportation that identifies all operating and non-operating revenues and expenses attributable  
50 to the operation of such service for the prior fiscal year.

51           (d) Regional transit authorities established under this section shall not be subject to the  
52 jurisdiction, control or powers of the department of telecommunications and energy as provided  
53 in this chapter.