

HOUSE No. 3452

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 transportation safety reform within the Massachusetts Bay Transportation Authority.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>William M. Straus</i>	<i>10th Bristol</i>	<i>1/20/2023</i>

HOUSE No. 3452

By Representative Straus of Mattapoisett, a petition (accompanied by bill, House, No. 3452) of William M. Straus relative to transportation safety reform within the Massachusetts Bay Transportation Authority. Transportation.

The Commonwealth of Massachusetts

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

An Act relative to transportation safety reform within the Massachusetts Bay Transportation Authority.

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: Subsection (a) of section 12 of chapter 159 of the General Laws, as
2 appearing in the 2020 Official Edition, is hereby amended by striking the subsection in its
3 entirety and inserting in its place the following subsection:-

4 (a) The transportation or carriage of persons or property, or both, between points within
5 the commonwealth by railroads, street railways, in this chapter called railways, electric railroads,
6 and trackless trolleys, including express service and car service carried on, upon or rendered in
7 connection with such railroads, railways, electric railroads, or trackless trolleys.

8 SECTION 2: Chapter 161A of the General Laws, as appearing in the 2020 Official
9 Edition is hereby amended by inserting the following section:-

10 Section 7B (a) The chief safety officer (CSO) within the Massachusetts Bay
11 Transportation Authority (MBTA) shall immediately notify the inspector general in writing of

12 the existence of a documented critical disagreement between the CSO and the secretary of
13 transportation, the MBTA general manager, deputy general manager, or the MBTA board of
14 directors or an individual member thereof concerning an investigation, audit, or review. For the
15 purposes of this section, a documented critical disagreement includes a disagreement involving
16 the scope, manner, necessity, or thoroughness of an investigation, audit, or review. Failure of a
17 party to comply with the good faith requests of the CSO shall constitute a documented critical
18 disagreement. The writing shall contain: i) a summary of the investigation, audit, or review; ii)
19 the nature of the disagreement between the CSO and the secretary, the general manager, the
20 deputy general manager, or the board or an individual member thereof; iii) whether the matter
21 under review presents a public safety risk, and if so, describe the nature of that risk; and iv) the
22 CSO's proposed recommendations, if any. Notification provided to the inspector general shall
23 not be cause for dismissal or other retaliatory action taken against the CSO or any other person
24 employed within the MBTA.

25 (b) The general manager shall not initiate termination proceedings against the chief safety
26 officer without first producing and filing with the inspector general written findings
27 demonstrating gross misconduct on the part of the chief safety officer. Termination of the chief
28 safety officer shall not take effect without the consent of the inspector general and a ratification
29 of the written findings by the MBTA board of directors.

30 SECTION 3: (a) For the purposes of this section, the following words shall, unless the
31 context otherwise requires, have the following meanings: -

32 "Commuter rail", transportation of passengers by rail in metropolitan and suburban areas
33 on a regularly scheduled daily timetable, generally originating or terminating in the city of

34 Boston, offering a variety of fare media generally based on distance travelled across specified
35 price zones. Commuter rail shall not include transportation of passengers by rail to, from, and
36 between the following rail stations: Newmarket; Uphams Corner; Four Corners/Geneva; Talbot
37 Avenue; Morton Street; Blue Hill Avenue; Fairmount; and Readville, otherwise known as the
38 Fairmount Line.

39 “Passenger rail”, transportation of passengers by rail between metropolitan areas within
40 the commonwealth, not including commuter rail. Passenger rail shall not include heavy rail and
41 light rail rapid transit services provided by the Massachusetts Bay Transportation Authority.

42 (b) The Massachusetts Bay Transportation Authority shall assign and transfer to the rail
43 and transit division of the Massachusetts Department of Transportation all rights, title, interests,
44 and obligations in the operating agreement with Keolis Commuter Services to provide commuter
45 rail service.

46 (c) The Massachusetts Bay Transportation Authority shall make an inventory of all
47 commuter rail assets, and shall transfer all such assets to the rail and transit division of the
48 Massachusetts Department of Transportation.

49 (d) Notwithstanding any general or special law to the contrary, the rail and transit
50 division of the Massachusetts Department of Transportation established by Chapter 6C of the
51 General Laws, shall be the exclusive operator of commuter rail and passenger rail service in the
52 commonwealth; provided that the rail and transit division may contract with private operators or
53 the National Railroad Passenger Corporation for the provision of such service.

54 SECTION 4: Notwithstanding any general or special law to the contrary, the secretary of
55 transportation who shall serve as chair, the chair of the commonwealth utilities commission, the

56 director of the transportation division of the Department of Public Utilities, the general manager
57 of the Massachusetts Bay Transportation Authority, the inspector general, the speaker and the
58 minority leader of the House of Representatives, the president and the minority leader of the
59 Senate or their respective designees shall convene a working group to produce a proposal and
60 framework necessary to transfer state safety oversight of the Massachusetts Bay Transportation
61 Authority from the Department of Public Utilities to the Office of the Inspector General, or in the
62 alternative identify another suitable entity capable of assuming said state safety oversight. The
63 working group shall consult with and seek the guidance of the Federal Transit Administration
64 while developing the proposal. The proposal shall include at a minimum: i) identification of an
65 entity suitable to assume responsibility for the oversight of safety at the MBTA with a clear
66 mission statement detailing the entity's responsibilities and obligations; ii) staffing and human
67 resource plans to ensure the state safety oversight agency is adequately staffed and equipped to
68 handle its oversight responsibilities as specified by federal regulation; iii) proposed regulations
69 necessary to permit the state safety oversight agency to fulfill its obligations; iv)
70 recommendations for legislative language necessary to create the entity or facilitate transfer of
71 responsibilities; v) a proposed budget; and vi) a plan to seek federal certification and approval of
72 the proposed transfer of state safety oversight agency responsibilities from the Department of
73 Public Utilities to the selected entity. The working group shall be supported by staff from the
74 Massachusetts Department of Transportation.

75 The working group shall file its proposal with the clerks of the house and senate, the
76 house and senate committees on ways and means, and the joint committee on transportation no
77 later than January 1, 2024 and such proposal shall be published on the department of
78 transportation's website.