

SENATE No. 2108

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>James B. Eldridge</i> | <i>Middlesex and Worcester</i> | <i>3/6/2023</i> |

SENATE No. 2108

By Mr. Crighton, a petition (accompanied by bill, Senate, No. 2108) of Brendan P. Crighton and James B. Eldridge for legislation to reduce congestion and encourage shared rides. Telecommunications, Utilities and Energy.

The Commonwealth of Massachusetts

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

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

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

14 (iii) \$2.20 for any pre-arranged ride that is reserved as a luxury ride.

15 (iv) A rider assessment shall not apply to a pre-arranged ride requested or selected by a
16 rider who has requested or selected the pre-arranged ride through a program established by a
17 public entity to provide transportation network services to individuals, including those who are
18 eligible for paratransit services.

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

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

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

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

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

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

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

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

47 SECTION 4. Section 2 of Chapter 159A½ as appearing in the 2020 Official Edition, is
48 amended as follows:

49 (d) A transportation network company shall provide clear and conspicuous transportation
50 fare estimates to riders at all times, including during surge pricing, high volume and demand
51 times. Fare estimates shall include a clear rate estimate or the amount of price increase resulting
52 from surge pricing or increased demand and shall show the price difference between the cost of a
53 shared-ride and a single-occupancy ride.

54 SECTION 5. Section 10 of Chapter 159A½ as appearing in the 2020 Official Edition, is
55 amended as follows:

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

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

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

73 Section 12. (a) There shall be a Transportation Infrastructure Enhancement Trust Fund.
74 The director of the division shall be the trustee of the Fund and shall expend money in the fund
75 to address the impact of transportation network services. There shall be credited to the Fund: (i)

76 any per-ride assessment collected pursuant to subsection (b); and (ii) any interest earned on
77 money in the Fund. Amounts credited to the Fund shall be expended by the division pursuant to
78 subsections (c) and (d) without further appropriation. Money remaining in the fund at the end of
79 a fiscal year shall not revert to the General Fund.

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

84 (c) From the funds received from the per-ride assessment of shared and non-shared rides,
85 the division shall: (i) proportionately distribute 50 percent to a city or town based on the number
86 of shared and non-shared rides from the previous calendar year that originated within that city or
87 town to address the impact of transportation network services on municipal roads, bridges and
88 other transportation infrastructure or any other public purpose substantially related to the
89 operation of transportation network services in the city or town including, but not limited to, the
90 complete streets program established in section 1 of chapter 90I and other programs that support
91 alternative modes of transportation; and (ii) distribute 50 percent to the Transit Authority Fund,
92 established in section 2MMMMM of chapter 29.

93 (d) From the funds received from the additional per-ride assessment for luxury rides,
94 pursuant to subsection (b), the division shall annually: (i) proportionately distribute 50 percent of
95 the amount received to a city or town based on the number of luxury rides from the previous
96 calendar year that originated within that city or town to address the impact of transportation
97 network services on municipal roads, bridges and other transportation infrastructure or any other

98 public purpose substantially related to the operation of transportation network services in the city
99 or town including, but not limited to, the complete streets program established in section 1 of
100 chapter 90I and other programs that support alternative modes of transportation; and (ii)
101 distribute 50 percent to the Commonwealth Transportation Fund, established in section 2ZZZ of
102 chapter 29.

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

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

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

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

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