

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Joseph A. Boncore

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 creating a New Deal for Transportation in the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Joseph A. Boncore</i>	<i>First Suffolk and Middlesex</i>	
<i>Harriette L. Chandler</i>	<i>First Worcester</i>	<i>2/25/2021</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/25/2021</i>
<i>Steven C. Owens</i>	<i>29th Middlesex</i>	<i>2/25/2021</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>2/26/2021</i>

SENATE No.

[Pin Slip]

The Commonwealth of Massachusetts

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

An Act creating a New Deal for Transportation in the Commonwealth.

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 6C is hereby amended by striking section 11A and replacing it with
2 the following new section:-

3 Section 11A. (a) There shall be a project selection advisory council which shall be
4 charged with developing a uniform project selection criteria to be used in the development of a
5 comprehensive state transportation plan as required by section 11.

6 (b) The council shall consist of the following members: the secretary or the secretary’s
7 designee, who shall serve as chair; 3 members to be appointed by the governor, 1 of whom shall
8 have practical experience in transportation planning and policy, 1 of whom shall be a registered
9 civil engineer with at least 10 years’ experience and 1 of whom shall be a member of a regional
10 planning agency; 1 member to be appointed by the president of the senate, who shall be an expert
11 in the field of transportation finance; 1 member to be appointed by the minority leader of the
12 senate, who shall be a member of the construction industry; 1 member to be appointed by the
13 speaker of the house of representatives, who shall be a representative of a transportation

14 consumer organization or other public interest organization; 1 member to be appointed by the
15 minority leader of the house of representatives, who shall be a member of a business association;
16 and a representative of the Massachusetts Municipal Association. The department shall provide
17 the council with qualified administrative staff and the regional planning agencies may provide
18 qualified technical assistance to the council.

19 (c) The project selection criteria developed under this section shall include a project
20 priority formula or other data-driven process that shall include, but not be limited to, the
21 following factors: climate impact or mitigation; effect on communities historically underserved
22 by transportation, including those with environmental justice populations as defined by section
23 62 of chapter 30 of the General Laws; effect on public health; engineering; condition of existing
24 assets; safety; economic impact; regional priorities; and the anticipated cost of the project. The
25 council may divide projects into several categories including, but not limited to: preservation and
26 maintenance of existing assets; modernization of existing assets that improve safety; expansion
27 projects that add to the existing system; and local construction. The factors chosen by the council
28 may be weighted to prioritize specific factors and such weighting of factors may differ by project
29 category as determined by the council.

30 (d) The council shall conduct at least 6 public hearings, 1 in each of the department's
31 highway districts, before final approval of the project selection criteria. The council shall provide
32 interested persons with an opportunity to submit their views orally and in writing and the
33 department may create and maintain a website to allow members of the public to submit
34 comments electronically and to review comments submitted by others. The council shall provide
35 notice of each public hearing by publication in a newspaper of general circulation in the highway
36 district in which the hearing is to be located in each of 2 successive weeks, the first publication

37 to be at least 14 days before the day of the hearing and, if feasible, by posting a notice in a
38 conspicuous place in the cities or towns within the highway district for at least 14 consecutive
39 days immediately prior to the day of the hearing

40 SECTION 2. The General laws is hereby amended, in section 13 of chapter 6C, by
41 striking out the following words:-

42 (c) All revenue received from tolls, rates, fees, rentals and other charges for transit over
43 or through all tolled roads, bridges or tunnels shall be applied exclusively to: (i) the payment of
44 existing debt service on such tolled roads; and (ii) the cost of owning, maintaining, repairing,
45 reconstructing, improving, rehabilitating, policing, using, administering, controlling and
46 operating such tolled roads.

47 SECTION 3. Chapter 6C of the General Laws, as so appearing, is hereby amended by
48 adding the following two new sections:-

49 Section 77. There shall be within the department an office of rail enhancement. The
50 office shall be dedicated to improving the productivity, equity and environmental sustainability
51 of the rail system. The office shall develop and implement short-term, medium-term and long-
52 term plans for each line of the rail system based on consideration of criteria developed by the
53 department, including, but not limited to: (i) enhancing performance and ensuring that the rail is
54 fully integrated into the commonwealth's transportation system; (ii) instituting a fare and parking
55 pricing policy that is designed to reduce congestion and maximize ridership and equity; (iii)
56 ensuring vehicle parking at rail stops; (iv) increasing accessibility for people with disabilities; (v)
57 prioritizing investments and decisions that maximize ridership return on investments; (vi)
58 reducing carbon emissions; (vii) increasing connectivity with regional transit authorities; and

59 (viii) increasing connectivity with alternative first/last mile transit modes. The office shall
60 develop and implement a stakeholder engagement plan to support its mission. The office shall
61 develop and monitor key metrics to measure performance of its mission and annually make
62 available on the department’s website a public report on the performance metrics and the short-
63 term, medium-term and long-term plans for each line of the rail system.

64 Section 78. There shall be within the department an office of bus transformation. The
65 office shall be dedicated to improving the productivity, equity and environmental sustainability
66 of the bus system except systems operated by a regional transit authority. The office shall
67 develop and implement short-term, medium-term and long-term plans for the bus system except
68 systems operated by a regional transit authority based on consideration of criteria developed by
69 the department, including, but not limited to: (i) increasing on-time performance, including, but
70 not limited to, efforts to reduce board times and increase priority bus lanes; (ii) instituting a fare
71 policy that maximizes equity and enhances the other missions of the office; (iii) maximizing
72 ridership return on investments; (iv) improving the accessibility of the system for people with
73 disabilities; (v) reducing carbon emissions; (vi) improving inter-municipal relationships to ensure
74 further development of bus lanes and complete street designs; (vii) increasing connectivity with
75 alternative first/last mile transit modes. The office shall develop and implement a stakeholder
76 engagement plan to support its mission. The office shall develop and monitor key metrics to
77 measure performance of its mission and annually make available on the department’s website a
78 public report on the performance metrics and the short-term, medium-term and long-term plans
79 for the bus system.

80 SECTION 4. Chapter 29 of the General laws, as so appearing, is hereby amended by
81 inserting after section 2HHHHH the following new section:-

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

90 SECTION 5. Chapter 29 of the General Laws is hereby amended by adding the
91 following new section at the end thereof:-

92 Section 2DDDDD: Transportation Climate Initiative

93 (a) As used in this section, the following words shall have the following meanings, unless
94 the context clearly requires otherwise:

95 "Allowance", an authorization to emit a fixed amount of carbon dioxide.

96 "Department", department of transportation

97 "Environmental justice population", a neighborhood that meets 1 or more of the
98 following criteria: (i) the annual median household income is not more than 65 per cent of the
99 statewide annual median household income; (ii) minorities comprise 40 per cent or more of the
100 population; (iii) 25 per cent or more of households lack English language proficiency; or (iv)
101 minorities comprise 25 per cent or more of the population and the annual median household
102 income of the municipality in which the neighborhood is located does not exceed 150 per cent of

103 the statewide annual median household income; provided, however, that for a neighborhood that
104 does not meet said criteria, but a geographic portion of that neighborhood meets at least 1
105 criterion, the secretary may designate that geographic portion as an environmental justice
106 population upon the petition of at least 10 residents of the geographic portion of that
107 neighborhood meeting any such criteria; provided further, that the secretary may determine that a
108 neighborhood, including any geographic portion thereof, shall not be designated an
109 environmental justice population upon finding that: (A) the annual median household income of
110 that neighborhood is greater than 125 per cent of the statewide median household income; (B) a
111 majority of persons age 25 and older in that neighborhood have a college education; (C) the
112 neighborhood does not bear an unfair burden of environmental pollution; and (D) the
113 neighborhood has more than limited access to natural resources, including open spaces and water
114 resources, playgrounds and other constructed outdoor recreational facilities and venues.

115 “Equity Advisory Body”, a stake holder group that shall be comprised of the following
116 members: The secretary of transportation ex officio; the secretary of Energy and Environmental
117 Affairs ex officio; the secretary of health and human ex officio; 1 representative of the
118 Massachusetts Association of Regional Planning Agencies; 1 representative of the Metropolitan
119 Mayors Association; 1 representative of the Mayor of the City of Boston; 1 representative of
120 Green Roots; 1 representative of each Massachusetts Executive Office of Health and Human
121 Services regions, specifically, 1 representative of a community-based group located within
122 Region 1 - Western; 1 representative of a community-based group located within Region 2 -
123 Central; 1 representative of a community-based group located within Region 3 - Northeast; 1
124 representative of a community-based group located within Region 4 - Metro West; 1
125 representative of a community-based group located within Region 5 - Southeast; 1 representative

126 of a community-based group located within Region 6 - Boston; and 1 representative of the Rural
127 Policy Advisory Commission. A majority of members not serving in an ex officio capacity shall
128 be residents of a community with an environmental justice population.

129 “TCI” or “Transportation Climate Initiative”, the Memorandum of Understanding dated
130 December 21, 2020 and any amendments thereto that establishes a transportation based cap-and-
131 invest program within the northeast region of the United States and other regions to the extent
132 that the Memorandum of Understanding is amended.

133 (b) There shall be established the Transportation Climate Initiative Trust Fund that shall
134 be administered by the Department of Transportation in consultation of the Executive office of
135 Energy and Environmental Affairs. All funds from the auction of allowances from the multi-
136 state Transportation Climate Initiative shall be deposited in said fund.

137 (c) A minimum of 70 percent of the annual proceeds shall be used to benefit under
138 overburden and underserved communities with an environmental justice population. A
139 minimum of 50 percent of all remaining proceeds shall be deposited in the Commonwealth
140 transportation Fund established under section 2ZZZ of Chapter 29.

141 (d) The proceeds shall be used, without further appropriation, to reduce greenhouse gas
142 emissions in the transportation sector and to otherwise achieve the goals of TCI. Funds deposited
143 in this account shall be used to promote projects and programs that support clean transportation
144 and promote mobility, including but not limited:

145 (1) The expansion and modernization of the Commonwealth’s public
146 transportation infrastructure and fleets.

147 (2) The electrification of the Commonwealths public transportation infrastructure
148 and fleets.

149 (3) The expansion of electric vehicle charging infrastructure within the
150 Commonwealth's municipalities

151 (4) Support of expanding multimodal infrastructure for alternative transportation
152 methods including, complete streets, dedicated bus lanes, bike paths, micro-mobility and
153 pedestrian walkways.

154 (5) Minimizing transportation costs for low and moderate income individuals and
155 families.

156 (6) Ensuring first- and last-mile connection to public transit.

157 (e) Monies in this fund shall only be used to support the programs and activities
158 authorized pursuant to this section and shall not be available to meet the general obligations of
159 the Commonwealth. Balances in this fund shall be carried forward and remain in the fund at the
160 end of each fiscal year and interest earned shall remain in the fund.

161 (f) Annually, not later than January 1 of each year, the department shall present the
162 Equity Advisory Body with a report for review and recommendation. The report shall detail: (i)
163 the total amount of allowances sold in the previous fiscal year; (ii) the total amount of monies
164 deposited within the trust fund; (iii) itemized distributions made from the fund; (iv) the status of
165 any project or program receiving monies from the fund; (v) the location of any project or
166 program receiving monies from the fund; (vi) planned allocation of monies for the upcoming
167 fiscal year.

168 (g) The Equity Advisory Body shall meet within four months of the enactment of this
169 legislation.

170 (h) The Equity Advisory Body shall meet at least four times each year.

171 (i) The members of the Equity Advisory Body shall be eligible but not required to accept
172 reimbursement to cover time and reasonable expenses incurred while serving on the Equity
173 Advisory Body, not to exceed \$6,000 annually per member.

174 (j) The Equity Advisory Body shall make recommendations to the secretary of Energy
175 and Environmental Affairs, secretary of Transportation, and commissioner of the Department of
176 Environmental Protection on any regulations necessary to implement or update TCI-P so that the
177 program benefits environmental justice communities. The secretary shall consider the
178 recommendations of the Equity Advisory Body.

179 SECTION 6. Section 16 of Chapter 62C is hereby amended by adding after clause (l) the
180 following words:-

181 (m). Every operator, as defined in section one of chapter 64P, subject to taxation under
182 chapter 64P, shall file a return with the commissioner for each calendar month. Each return shall
183 state the gross revenues derived by the operator during such month and such other information as
184 the commissioner may deem necessary.

185 SECTION 7. The General Laws are hereby amended by, in section 1 of chapter 64A by
186 striking the definition of “tax per gallon” and replacing it with the following new definition:-

187 “Tax per gallon”, shall be 28 cents per gallon. For aviation fuel, tax per gallon shall mean
188 7 ½ per cent of the average price, as determined by the commissioner, for each calendar quarter,

189 computed to the nearest tenth of a cent per gallon; provided, however, that such tax shall not be
190 less than 10 cents per gallon.

191 SECTION 8. The General Laws are hereby amended by, in section 1 of chapter 64A by
192 striking the definition of “tax per gallon” and replacing it with the following new definition:-

193 “Tax per gallon”, shall be 32 cents per gallon. For aviation fuel, tax per gallon shall mean
194 7 ½ per cent of the average price, as determined by the commissioner, for each calendar quarter,
195 computed to the nearest tenth of a cent per gallon; provided, however, that such tax shall not be
196 less than 10 cents per gallon.

197 SECTION 9. The General Laws are hereby amended by, in section 1 of chapter 64A by
198 striking the definition of “tax per gallon” and replacing it with the following new definition:-

199 “Tax per gallon”, shall be 36 cents per gallon. For aviation fuel, tax per gallon shall mean
200 7 ½ per cent of the average price, as determined by the commissioner, for each calendar quarter,
201 computed to the nearest tenth of a cent per gallon; provided, however, that such tax shall not be
202 less than 10 cents per gallon.

203 SECTION 10. The General Laws are hereby amended by inserting after chapter 64N the
204 following chapter:-

205 CHAPTER 64O.

206 LOCAL AND REGIONAL TRANSPORTATION BALLOT INITIATIVES.

207 Section 1. As used in this chapter, the following words shall have the following meanings
208 unless the context clearly requires otherwise:

209 “District agreement”, a document specifying the terms and conditions of the powers and
210 duties of at least 2 municipalities forming a district under section 4 pursuant to the laws
211 governing any such municipalities, this chapter and such procedural regulations as the
212 commissioner of revenue may promulgate.

213 “Governing body”, the city manager and city council in a city having a Plan D or Plan E
214 charter, the mayor and city council in any other city, the select board or equivalent body in
215 towns.

216 “Single subject of taxation”, sales, real or personal property, room occupancy or vehicle
217 excise.

218 “Transportation project”, a project or program for the planning, design or construction of
219 public or mass transportation transit systems, transit-oriented development, roads, bridges,
220 bikeways, pedestrian pathways or other transportation-related projects.

221 Section 2. (a) This chapter shall take effect in a city or town upon the approval of its
222 governing body and its acceptance by the voters of such city or town by a ballot question as set
223 forth in section 3.

224 (b) A city or town may impose a tax surcharge on a single subject of taxation within the
225 city or town; provided, however, that except as provided in section 4, no tax surcharge shall be
226 imposed within the city or town unless it has first been approved by the governing body of the
227 city or town and accepted by a majority of the voters of the city or town through a ballot question
228 as set forth in section 3.

229 (c) Notwithstanding chapters 59, 60A, 62 or 64H or any other general or special law to
230 the contrary, the governing body of a city or town may vote to accept this chapter authorizing a
231 surcharge on a single subject of taxation. A governing body that intends to accept this chapter
232 shall determine a single subject of taxation to be levied and the amount and rate of surcharge on
233 the single subject of taxation prior to approval by the voters. If the identified single subject of
234 taxation is a real or personal property excise, the amount of the surcharge shall not be included in
235 a calculation of total taxes assessed for purposes of section 21C of chapter 59.

236 (d) A taxpayer shall be eligible for all exemptions and abatements of any single subject of
237 taxation for which a taxpayer qualifies. A taxpayer receiving an exemption for any single subject
238 of taxation shall be exempt from any tax surcharge on any single subject of taxation established
239 under this section. The tax surcharge to be paid by a taxpayer receiving an abatement of any
240 single subject of taxation shall be reduced in proportion to the amount of such abatement.

241 (e) Any amount of the tax surcharge not paid by the due date shall bear interest at the rate
242 per annum as authorized by the law for any single subject of taxation.

243 (f) Revenues raised through the tax surcharge shall be separately accounted for and used
244 by the city or town for transportation projects.

245 Section 3. (a) Upon approval of the single subject of taxation to be levied and the amount
246 and rate of surcharge on the single subject of taxation by the governing body, the following
247 question shall be placed on the official ballot by the city or town clerk or the state secretary for
248 acceptance by the voters of the city or town at the next regularly scheduled municipal or state
249 election in the following form:-

250 “Shall the (city or town) of _____ accept sections 2 to 5, inclusive, of chapter 64O of
251 the General Laws, as approved by its (governing body), a summary of which appears below

252 (Set forth here a fair, concise summary and purpose of the law to be acted upon, as
253 determined by the city solicitor or town counsel, including the specific single subject of taxation
254 to be levied and the percentage of the surcharge to be imposed.)”

255 In the ballot question, the city or town may include a list of specific transportation
256 projects for which the tax surcharge funds may be used or a general description of the types of
257 transportation projects for which the tax surcharge may be used. The city or town may also
258 include a sunset provision in the ballot question, but the authorization for the tax surcharge shall
259 not exceed 30 years.

260 If a majority of the votes cast in answer to the question vote is in the affirmative, this
261 chapter shall take effect in the city or town, or district as set forth in section 4, but not otherwise.

262 (b) The final date for notifying or filing a petition with the city or town clerk or the state
263 secretary to place this question on the ballot shall be 60 days before the city or town election or
264 100 days before the state election. For those petitions that will appear on the ballot for the state
265 election, notice shall be provided by filing with the state secretary a certified copy of the
266 governing body’s approval and a copy of the summary as provided in subsection (a).

267 Section 4. (a) Two or more municipalities may, with the approval of the governing body
268 of each such municipality, form a district for the purposes of implementing this chapter.

269 (b) For the purposes of subsection (a), if a majority of the votes cast in the district on the
270 question in the affirmative, this chapter shall take effect in the district, but not otherwise.

271 (c) Two or more municipalities that choose to form a district under this chapter shall
272 apply a tax surcharge to their preferred single subject of taxation. The amount and percentage of
273 the tax surcharge may vary for each municipality that comprises the district.

274 (d) Two or more municipalities forming a district under this chapter shall adopt a district
275 agreement with the approval of the applicable governing bodies prior to presentment to the
276 voters of the 2 or more municipalities by a ballot question pursuant to section 3. The district
277 agreement shall specify: (i) the purpose and nature of the agreement; (ii) the single municipality
278 to serve as the treasurer of the transportation fund or the regional planning agency to serve as the
279 fiscal agent of the transportation fund under section 7 and that said municipality or regional
280 planning agency shall also serve as the treasurer or fiscal agent for purposes of section 9; (iii)
281 how the transportation fund will be used and for what purposes and how the municipalities will
282 decide on details of use, plan changes or urgent circumstances; (iv) the work to be performed and
283 the division or sharing of responsibility among the municipalities; (v) the estimated costs and the
284 methods of financing the transportation projects; (vi) the method of administration of the
285 transportation fund and the transportation projects to be paid for through the fund; (vii) the
286 composition of the district's transportation committee, the length of its term and the criteria and
287 method of selecting its members; (viii) the duration of the proposed agreement; and (ix) the
288 amount, type and percentage of the tax surcharge for each municipality that comprises the
289 district.

290 (e) Nothing in this section shall be construed to: (i) amend, repeal or otherwise alter the
291 authority or jurisdiction of, or establish, a municipality; or (ii) confer any management authority
292 over transportation projects beyond the authority exercised by participating municipalities in the
293 district agreement pursuant to this chapter.

294 Section 5. (a) Upon acceptance of this chapter, the satisfaction of the requirements of this
295 chapter and the assessors' warrant to the tax collector, the accepted tax surcharge shall be
296 imposed in the city or town. The city, town or district shall notify the commissioner of revenue
297 of the date and terms on which the voters accepted this chapter.

298 (b) For a tax surcharge levied on either the property tax or excise, after receipt of the
299 warrant, the tax collector shall collect the tax surcharge in the amount and according to the
300 computation specified in the warrant and shall pay the amounts so collected, quarterly or semi-
301 annually, according to the schedule for collection of the single subject of taxation, to the
302 treasurer of the city, town or district. The tax collector shall maintain appropriate books and
303 accounts with respect to the tax surcharge, which shall be subject to public examination upon
304 reasonable request.

305 (c) Two or more municipalities forming a district shall select 1 of the municipalities or
306 the regional planning agency to serve as the district's treasurer for the purposes of this chapter.
307 The district agreement shall establish the method of selecting the district treasurer. The
308 municipality or regional planning agency selected to serve as the district treasurer shall perform
309 the duties thereof in accordance with section 5 and in accordance with chapter 41. Two or more
310 municipalities forming a district shall also select that same municipality or regional planning
311 agency to receive funds and provide certification for all municipalities within the district for the
312 purposes of section 9 and in accordance with section 4.

313 Section 6. (a) A city or town that accepts this chapter, either on its own or as part of a
314 district, shall, within 90 days after such acceptance, establish by ordinance or by-law and, in the
315 case of a district, the ordinance or by-law shall be established by all member municipalities, a

316 transportation committee. The committee shall consist of not less than 5 members. The ordinance
317 or by-law shall determine the composition of the committee, the length of the term of
318 appointment of the members and the criteria and method of selecting the members. The
319 committee shall include, but not be limited to, at least: (i) 1 representative from the municipality;
320 (ii) 1 member of each regional transit authority to which the city or town is a member
321 community, if any; (iii) 1 member of the regional planning agency to which the city or town is a
322 member community; and (vi) any other such persons, as determined by the ordinance or by-law.

323 (b) Each transportation committee shall study the transportation-related needs,
324 possibilities and resources of the city, town or district. The committee shall consult with existing
325 transportation agencies including, but not limited to, regional planning agencies, to develop
326 transportation projects in accordance with the ballot initiative. If a list of transportation projects
327 for which the tax surcharge funds may be used was included in a ballot question, the committee
328 shall include those projects in its study; provided, however, that the committee shall not be
329 required to recommend those projects unless otherwise required by the ballot initiative.

330 (c) Each transportation committee shall be subject to subsection (a) of section 19 of
331 chapter 30A. Each transportation committee shall keep a full and accurate account of all of its
332 actions, including its recommendations and the actions taken on them and records of all
333 appropriations or expenditures made from the Local and Regional Transportation Fund as set
334 forth in section 7. The records and accounts of the committee shall be public records.

335 (d) Each city, town or district, as applicable, shall consult with the entity proposed to own
336 and maintain the transportation project prior to listing any transportation project on the ballot as
337 set forth in this chapter. If any such city, town or district includes no specific transportation

338 projects in the ballot question, the transportation committee shall receive the approval of the
339 regional planning agency prior to submitting the local transportation committee's
340 recommendations to a governing body unless the transportation-related project or activity is
341 solely under local jurisdiction. The city, town or district shall study projects that promote access
342 to public transportation, biking and walking.

343 (e) At least once every 2 fiscal years, each transportation committee shall make
344 recommendations to the governing body of the applicable city, town or district regarding
345 efficient and effective ways to improve and enhance local transportation systems in the city,
346 town or district. Recommendations to the governing body of the city, town or district shall
347 include anticipated costs over the life cycle of the transportation project. The committee may
348 include in its recommendation to the governing body a recommendation to set aside for the later
349 spending of funds for specific purposes that are consistent with transportation-related purposes
350 but for which sufficient revenues are not currently available in the Local and Regional
351 Transportation Fund to accomplish those specific purposes, to satisfy debt payments incurred
352 from transportation-related projects or to set aside for later spending funds for general purposes
353 that are consistent with transportation improvements and in accordance with the ballot initiative.

354 (f) After receiving such recommendations from the transportation committee, the
355 governing body of a city, town or district shall take such action and approve such appropriations
356 from the Local and Regional Transportation Fund as may be necessary and appropriate for the
357 recommendations of the transportation committee and such additional appropriations as the
358 governing body deems appropriate to carry out the recommendations of the transportation
359 committee and in accordance with the ballot initiative.

360 Section 7. (a) Notwithstanding section 53 of chapter 44 or any other general or special
361 law to the contrary, a city, town or district that accepts this chapter shall establish a Local and
362 Regional Transportation Fund, of which the municipal treasurer or fiscal agent shall be the
363 custodian. The authority to approve expenditures from the fund shall be limited to the governing
364 body of any city or town, or the designated municipal treasurer or regional planning agency of
365 the district, as applicable, and the municipal treasurer or fiscal agent shall pay such expenditures
366 in accordance with chapter 41.

367 (b) Two or more municipalities forming a district shall select 1 of the municipalities or a
368 regional planning agency to establish a Local and Regional Transportation Fund. The
369 municipality or regional planning agency selected to establish the fund shall only use the funds
370 for the district as a whole through the designated fiscal agent and based solely upon the
371 recommendations and approvals of the transportation committee as set forth in this chapter.
372 Administration of the fund by the fiscal agent may, at the option of the governing body of any
373 member city or town, be subject to the further approval of the governing body.

374 (c) The following funds shall be deposited in the Local and Regional Transportation
375 Fund: (i) all funds collected from the tax surcharge on any single subject of taxation pursuant to
376 section 3; provided, however, that if the single subject of taxation is a tax collected at the state
377 level, such funds shall be deposited with the department of revenue in accordance with sections 8
378 and 9; and (ii) all funds received from the commonwealth or any other source for such purposes.
379 The treasurer or fiscal agent may: (i) deposit or invest the proceeds of the fund in savings banks,
380 trust companies incorporated under the laws of the commonwealth, banking companies
381 incorporated under the laws of the commonwealth that are members of the Federal Deposit
382 Insurance Corporation or national banks; or (ii) invest the proceeds in paid-up shares and

383 accounts of and in co-operative banks, in shares of savings and loan associations or in shares of
384 federal savings and loan associations doing business in the commonwealth or in the manner
385 authorized by section 54 of chapter 44; provided, however, that any income derived therefrom
386 shall be credited to the fund.

387 The expenditure of revenues from the fund shall be limited to implementing the
388 recommendations of the transportation committees, to providing administrative and operating
389 expenses to the committees and in accordance with the ballot initiative. The city or town, or the
390 municipal treasurer or regional planning agency of the district as set forth in section 4, shall not
391 divert revenues derived from the tax surcharge into any other fund created by law or ordinance.

392 (d) Only those cities, towns and districts that adopt the tax surcharge allowed by this
393 chapter shall be eligible to receive funds through the Local and Regional Transportation Fund.

394 Section 8. (a) There shall be a Massachusetts Local and Regional Transportation Trust
395 Fund, for the benefit of cities, towns and districts that have accepted this chapter and imposed a
396 surcharge on a tax collected by the commonwealth, subject to any exemptions adopted by the
397 city, town or district. The fund shall consist of all of the following revenues received by the
398 commonwealth from: (i) the tax surcharge pursuant to section 3; (ii) public and private sources
399 as gifts, grants and donations to further local or regional transportation projects; and (iii) any
400 other fund or source credited or transferred to it pursuant to law.

401 (b) The state treasurer shall deposit revenues received by any such tax surcharge into the
402 fund in accordance with section 9 in such manner as will secure the highest interest rate available
403 consistent with the safety of the fund and with the requirement that all amounts on deposit be
404 available for withdrawal without penalty for such withdrawal at any time. All interest accrued

405 and earnings thereon shall be deposited into the fund. The fund shall be administered in a manner
406 to separately account for revenues raised by each city, town or district and held for the benefit of
407 such city, town or district. The fund shall be expended solely for the administration and
408 implementation of this chapter. Any unexpended balances shall be redeposited for future use by
409 the city, town or district consistent with this chapter.

410 (c) The state treasurer shall make all disbursements and expenditures from the fund
411 without further appropriation, as directed by the commissioner of revenue in accordance with
412 section 9. The department of revenue shall report by source all amounts credited to said fund and
413 all expenditures from said fund. The commissioner of revenue shall assign personnel of the
414 department as it may need to administer and manage the fund disbursements and any expense
415 incurred by the department shall be deemed an operating and administrative expense of the
416 program. The operating and administrative expenses shall not exceed 3 per cent of the annual
417 total revenue deposited into the fund.

418 Section 9. (a) Upon certification of the commissioner of revenue, all funds received by
419 the commissioner under this chapter shall, not less than quarterly, be distributed, credited and
420 paid by the state treasurer to each city or town, or to the municipal treasurer or regional planning
421 agency of a district. The city or town or the municipal treasurer or regional planning agency of a
422 district shall notify the commissioner of its acceptance of the funds.

423 (b) The state treasurer, upon certification of the commissioner, shall distribute the funds
424 to the city or town or to the municipal treasurer or regional planning agency of the district based
425 on the proportional amount the city, town or district has raised by imposing the tax surcharge.
426 The total distribution of funds shall include all sources of revenue raised in the previous year as

427 set forth in subsection (a) of section 8, less not more than 3 per cent of the annual total revenue
428 of the fund, as set forth in subsection (c) of said section 8. Any city, town or district seeking to
429 dispute the commissioner's calculation of its distribution under this subsection shall notify the
430 commissioner, in writing, not later than 1 year from the date the funds were distributed by the
431 commissioner to the city, town or district.

432 (c) The commissioner shall not divert revenues derived from the tax surcharge into any
433 other fund created by law.

434 (d) Notwithstanding any general or special law to the contrary, the commissioner may
435 make available to cities, towns and districts any information necessary for the administration of
436 the tax surcharge authorized by this chapter including, but not limited to, a report of the amount
437 of the surcharge on tax collected in the aggregate by each city, town or district in the preceding
438 fiscal year and the identification of each individual vendor collecting the surcharge on sales tax
439 collected under this chapter.

440 Section 10. (a) At any time after imposition of the tax surcharge, the governing body of
441 each city or town may approve and the voters may accept an amendment to the amount and
442 computation of the tax surcharge in the same manner and subject to the same requirements as set
443 forth in this chapter.

444 (b) At any time after imposition of the tax surcharge, a district under section 4, with the
445 approval of the majority of voters in the district may accept an amendment to the amount and
446 computation of the tax surcharge in the same manner and subject to the same requirements as set
447 forth in this chapter so that the surcharge becomes uniform in all municipalities of the district.

448 Section 11. The commissioner of revenue may promulgate rules and regulations to
449 implement this chapter.

450 SECTION 11. The General Laws are hereby amended by after chapter 64O by adding
451 the following new chapter:-

452 Chapter 64P – Commercial Parking Surcharge

453 Section 1. As used in this chapter, the following words shall have the following meanings
454 unless the context clearly requires otherwise:

455 “Commercial parking Facility”, Any area, other than a street, used for the temporary
456 parking of two or more vehicles, maintained for profit or gain of an operator.

457 “Commissioner”, the commissioner of Revenue

458 “Operator”, a person operating a commercial or residential parking facility including, but
459 not limited to, the owner, proprietor, manager, lessee, sublessee mortgagee in possession or any
460 other person operating a commercial or residential parking facility.

461 “parking space”, an area within a commercial or residential parking facility used for the
462 temporary parking of one vehicle.

463 “Residential housing”, any building of twenty or more units used for the purposes of
464 providing housing, but not any building maintained by the Commonwealth or a municipality for
465 the purposes of providing public housing nor any building that is provided a subsidy by the
466 commonwealth or a municipality for the purposes of providing affordable housing.

467 “Residential Parking Facility”, any area, other than a street, used for the temporary or
468 permanent parking of twenty or more vehicles, maintained for the purposes of providing parking
469 for residential housing.

470 Section 2. An excise is hereby imposed upon the sale, rental, leasing or licensing of a
471 parking space within a commercial or residential parking facility by an operator at a rate of 6.25
472 percent of the total sales price received as consideration for the use of the parking space. The
473 excise tax shall be levied in addition to state tax imposed upon the sale of property or services as
474 provided in section 2 of chapter 64H of the General Laws and shall be paid by an operator to the
475 commissioner at the time provided for filing the return required by section 16 of chapter 62C of
476 the General Laws.

477 Section 3. a) A city or town that accepts this section in the manner provided in section 4
478 of chapter 4 may impose a local sales tax upon sale, rental, leasing or licensing of parking spaces
479 within a commercial or residential parking facility by an operator operating within the city or
480 town not greater than 2.5 per cent of the total sales price received by the operator as a
481 consideration for the use of the parking space; provided that a city or town that accepts this
482 section may also impose a cap on total number of commercial or residential parking spaces
483 within the municipality. The operator shall pay the local sales tax imposed under this section to
484 the commissioner at the same time and in the same manner as the sales tax due to the
485 commonwealth.

486 (b) All sums received by the commissioner under this section shall, at least quarterly, be
487 distributed, credited and paid by the treasurer and receiver-general upon certification of the
488 commissioner to each city or town that has accepted this section in proportion to the amount of

489 the sums received in that city or town. Any city or town seeking to dispute the commissioner's
490 calculation of its distribution under this subsection shall notify the commissioner, in writing, not
491 later than 1 year from the date the tax was distributed by the commissioner to the city or town.

492 (c) any sums received by a city or town shall be dedicated to improving transportation
493 within the municipality, including but not limited to the construction or development of:
494 complete streets, pedestrian walkways, dedicated bus lanes, bike lanes or paths, micro-mobility
495 infrastructure, and electric vehicle charging infrastructure.

496 Section 4. The provisions of this chapter shall not apply to any facility providing parking
497 to public transportation stations.

498 Section 5. The commissioner shall deposit revenue collected pursuant to this chapter,
499 other than revenue collected pursuant to section 2 of chapter 64H of the General Laws, in the
500 Commonwealth Transportation Fund, established under section 2zzz of Chapter 29 of the
501 General Laws.

502 SECTION 12. Section 33 of Chapter 90 of the General Laws, as so appearing, is hereby
503 amended by striking clause (2) in its entirety and replacing it with the following words:-

504 (2) For the registration of every motor vehicle; provided that the registrar shall establish
505 the following tiered schedule of fees for motor vehicles: Tier 1 vehicles with a resale value of not
506 less than \$50,000; Tier 2 vehicles with a resale value of not more than \$50,000; and Tier 3 zero
507 emission vehicles; provided that Tier 2 fees shall not be more than 50% of the amount charged
508 for Tier 1 vehicles; provided further that Tier 3 fees shall not be more than 10% of the amount
509 charged for Tier 1 vehicles; provided that said fee shall be collected every other year. The
510 registrar shall collect such similar fee, in addition to incurred administrative costs for the

511 issuance in connection therewith, at the request of the applicant, of a distinctive initial plate, or
512 of a particular number plate other than a distinctive initial plate; provided, however, that the
513 registrar shall collect a similar fee for the issuance of a number plate bearing the station call
514 letters of an amateur radio operator. Said registrar shall make available to registered owners of
515 motor vehicles any unissued or returned distinctive initialed or numbered registration plates.

516 SECTION 13. Section 1 of chapter 159A½ of the General Laws, as appearing in the 2018
517 Official Edition, is hereby amended by inserting the following new definitions:-

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

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

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

526 SECTION 14. Said chapter 159A½, as so appearing, is hereby further amended by
527 adding the following 2 sections:-

528 Section 12. (a) There shall be a Transportation Infrastructure Enhancement Trust Fund.
529 The director of the division shall be the trustee of the Fund and shall expend money in the fund
530 to address the impact of transportation network services. There shall be credited to the Fund: (i)
531 any per-ride assessment collected pursuant to subsection (b); and (ii) any interest earned on

532 money in the Fund. Amounts credited to the Fund shall be expended by the director pursuant to
533 subsections (c) and (d) without further appropriation. Money remaining in the fund at the end of
534 a fiscal year shall not revert to the General Fund.

535 (b) Annually, not later than February 1, each transportation network company shall
536 submit to the director of the division the number of rides, broken down by shared rides and non-
537 shared rides, including the number of luxury rides, from the previous calendar year that
538 originated within each city or town and a per-ride assessment. The per-ride assessment shall be
539 as follows: (i) a shared ride shall have a per-ride assessment of \$0.40; and (ii) a non-shared ride
540 shall have a per-ride assessment of \$1.20; provided, that a shared or non-shared luxury ride shall
541 have an additional per-ride assessment of \$1.00; and provided further, that the per-ride
542 assessment shall be based upon the pre-arranged ride, as offered by the transportation network
543 company and selected by the rider; provided however, the per-ride assessment shall not apply to
544 a pre-arranged ride requested or selected by a rider who has requested or selected the pre-
545 arranged ride through a program established to provide transportation network services to
546 individuals who are eligible for paratransit services.

547 (c) From the funds received from the per-ride assessment of shared and non-shared rides,
548 the division shall: (i) proportionately distribute 25 per cent to a city or town based on the number
549 of shared and non-shared rides from the previous calendar year that originated within that city or
550 town to address the impact of transportation network services on municipal roads, bridges and
551 other transportation infrastructure or any other public purpose substantially related to the
552 operation of transportation network services in the city or town including, but not limited to, the
553 complete streets program established in section 1 of chapter 90I and other programs that support
554 alternative modes of transportation; (ii) distribute 50 per cent to the Commonwealth

555 Transportation Fund established in section 2ZZZ of chapter 29; and (iii) distribute 25 per cent to
556 the Transit Authority Fund, established in section 2IIII of chapter 29.

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

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

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

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

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

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

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

596 SECTION 15. Said chapter 159A½ is hereby further amended by adding the following
597 section:-

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

601 (i) for each non-shared ride: (A) the latitude and longitude for the points of the
602 origination and termination, calculated to 0.001 decimal degrees; (B) the date and time of the
603 origination and termination, calculated to the nearest minute; (C) the total cost paid by the rider
604 for the ride; (D) the universally-unique identifier associated with the transportation network
605 driver; (E) the transportation network driver's city or town of residence as appearing on the
606 driver's license; (F) whether the rider requested a shared ride but was not successfully matched
607 with another rider; (G) whether the rider requested accommodation for special needs; (H)
608 whether the ride was provided by a wheelchair accessible vehicle; (I) whether there were any
609 driver or rider-initiated cancellations; (J) the total time that the transportation network driver
610 spent on the way to pick up the rider; (K) the total time that the transportation network driver
611 spent providing the pre-arranged ride; (L) the geographic position of the vehicle during the entire
612 duration of the pre-arranged ride, provided at intervals of not less than every 60 seconds of the
613 pre-arranged ride; (M) the total mileage driven by the transportation network driver while on the
614 way to pick up the rider; (N) the total mileage driven by the transportation network driver while
615 providing the pre-arranged ride; (O) the total number of riders in the vehicle; and (P) the
616 transportation network vehicle license plate;

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

621 termination, calculated to 0.001 decimal degrees; (2) the date and time of each respective
622 prearranged ride's origination and termination, calculated to the nearest minute; (3) the total time
623 that the transportation network driver spent on the way to pick up each rider; (4) the total time
624 that the transportation network driver spent providing each pre-arranged ride; (5) the total
625 mileage driven by the transportation network driver while on the way to pick up each rider; (6)
626 the total mileage driven by the transportation network while providing each pre-arranged ride;
627 (7) the total cost paid by each rider for each pre-arranged ride; (8) the universally-unique
628 identifier associated with the transportation network driver; (9) the transportation network
629 driver's city or town of residence as appearing on the driver's license; (10) the transportation
630 network vehicle license plate; and (11) whether the rider requested a shared ride but was not
631 successfully matched with another rider;

632 (iii) for each transportation network vehicle that provided at least 1 pre-arranged ride: (A)
633 the vehicle license plate; (B) the vehicle make, model, year and, if available, trim; (C) the vehicle
634 identification number; (D) the total number of minutes and miles while the vehicle was on the
635 way to pick up transportation network riders; (E) the total number of minutes and miles while the
636 vehicle was engaged in pre-arranged rides, whether shared or non-shared; (F) the total number of
637 minutes and miles while the vehicle was logged into the transportation network vehicle's digital
638 network for purposes of accepting a pre-arranged ride, but not on the way to pick up riders or
639 engaged in pre-arranged rides; and (G) whether the vehicle is propelled by internal combustion,
640 battery-sourced electricity or a hybrid; and

641 (iv) for each accident or crash involving a transportation network driver while logged into
642 the transportation network vehicle's digital network: (A) the latitude and longitude of the
643 location of the accident or crash, calculated to 0.001 decimal degrees; (B) the date and time of

644 the accident or crash, calculated to the nearest minute; and (C) the universally-unique identifier
645 associated with the transportation network driver.

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

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

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

660 (d) For the purposes of congestion management, transportation planning or emissions
661 tracking, the division may enter into confidential data-sharing agreements to share de-identified,
662 trip-level data received by the division pursuant to this section with the executive office of
663 technology services and security, the executive office of energy and environmental affairs, the
664 Massachusetts Department of Transportation, the Massachusetts Port Authority, the
665 Massachusetts Bay Transportation Authority, the department of environmental protection, a

666 Massachusetts regional transit authority established under section 3 of chapter 161B, a
667 Massachusetts regional planning agency and a Massachusetts metropolitan planning
668 organization. The division shall prescribe the form and content of a confidential data-sharing
669 agreement, the manner of transmitting the information and the information security measures
670 that must be employed by any entity receiving the data. Any confidential data-sharing agreement
671 shall specify that the information provided by the division shall be aggregated and de-identified
672 and may be used only for the purposes set forth in the agreement. Any data received by an entity
673 from the division through a confidential data-sharing agreement under this subsection shall not
674 be considered a public record under clause Twenty-sixth of section 7 of chapter 4 or chapter 66
675 and shall not be disclosed to any person or entity other than those listed or described in the
676 confidential data-sharing agreement; provided, however, that a state or municipal government
677 agency or transportation planning entity may disclose conclusions and analyses derived from the
678 information and data received pursuant to a confidential data-sharing agreement.

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

687 SECTION 16. Sections 8 to 10, inclusive, and sections 17 to 18 of chapter 187 of the acts
688 of 2016 are hereby repealed.

689 SECTION 17. Section 3 of chapter 161A of the General Laws, as appearing in the 2018
690 Official Edition, is hereby amended by striking out, in lines 2 and 3, the words “board of
691 directors of the Massachusetts Department of Transportation established in chapter 6C” and
692 inserting in place thereof the following words:- Massachusetts Bay Transportation Authority
693 board of directors established in section 7.

694 SECTION 18 Said section 3 of said chapter 161A, as so appearing, is hereby further
695 amended by striking out, in line 16, the words “secretary of transportation” and inserting in place
696 thereof the following word:- board.

697 SECTION 19. Said section 3 of said chapter 161A, as so appearing, is hereby further
698 amended by striking out, in line 23, the words “Said secretary” and inserting in place thereof the
699 following words:- The secretary of transportation.

700 SECTION 20. Clause (d) of said section 3 of said chapter 161A, as so appearing, is
701 hereby amended by adding the following sentence:- A vote under this clause relative to the
702 employment status of the general manager shall require the affirmative vote of not less than 5
703 members of the board if the secretary is not in the voting majority.

704 SECTION 21. Said section 3 of said chapter 161A, as so appearing, is hereby further
705 amended by striking out, in lines 39 to 41, inclusive, the words “secretary of transportation; and
706 provided further, that said secretary shall notify the secretary of administration and finance of
707 any such approval” and inserting in place thereof the following words:- board; and provided
708 further, that approval of any such agreement shall require the affirmative vote of not less than 5
709 members of the board if the secretary is not in the voting majority.

710 SECTION 22. Said chapter 161A is hereby further amended by striking out section 7, as
711 so appearing, and inserting in place thereof the following section:-

712 Section 7. (a) The authority shall be governed and its corporate powers exercised by a
713 Massachusetts Bay Transportation Authority board of directors that shall consist of 7 members.

714 The secretary of transportation shall be a member and shall serve ex officio.

715 The governor shall appoint 5 members, 1 of whom shall have experience in transportation
716 operations and safety, 1 of whom shall have experience in public or private finance, 1 of whom
717 shall have experience in transportation or urban planning, 1 of whom shall be a representative of
718 a labor organization and 1 of whom shall have municipal government experience in the service
719 area constituting the authority. At least 1 of the members appointed by the governor shall be a
720 rider, as defined in section 1, shall be a resident of an environmental justice population.

721 The advisory board, as established under section 7A, shall appoint 1 member who shall
722 have municipal government experience in the service area constituting the authority.

723 The members appointed with municipal government experience in the service area
724 constituting the authority shall represent not less than 2 of the following service areas: (i) the 14
725 cities and towns; (ii) the 51 cities and towns; or (iii) the other served communities. A vacancy
726 from a member appointed with municipal government experience in the service area constituting
727 the authority who has served for 2 full terms shall be filled with a member with municipal
728 government experience from a different service area of the authority than the departing member.

729 Not less than 2 of the appointed members shall also be members of the board of directors
730 of the Massachusetts Department of Transportation established under section 2 of chapter 6C.

731 In making selections to the Massachusetts Bay Transportation Authority board of
732 directors, the appointing authority shall strive to ensure a board whose diversity and inclusion are
733 reflective of the population served by the authority.

734 (b) The term of each member, except for the secretary of transportation, shall be 4 years;
735 provided, however, that 3 of the members appointed by the governor, not including the secretary
736 of transportation, shall serve for terms that are coterminous with the governor. A member shall
737 be eligible for reappointment; provided, however, that a member shall not serve more than 2
738 terms. A member appointed to fill a vacancy in the board shall serve only for the unexpired
739 portion of the term of the former member but may be appointed to serve 2 full terms thereafter.

740 (c) The governor shall designate 1 member to serve as chair and the board shall elect 1
741 member to serve as vice-chair; provided, however, the secretary of transportation shall not serve
742 as chair or vice-chair.

743 (d) Four members of the board shall constitute a quorum and the affirmative vote of a
744 majority of members present at a duly called meeting, if a quorum is present, shall be necessary
745 for any action taken by the board; provided however, that a vote under clause (d) or (f) of section
746 3 shall require the affirmative vote of not less than 5 members if the secretary is not in the voting
747 majority if provided for in said clauses (d) and (f) of said section 3. Any action required or
748 permitted to be taken at a meeting of the board may be taken without a meeting if all of the
749 members consent in writing to such action and such written consent is filed with the records of
750 the minutes of the board. Such consent shall be treated for all purposes as a vote at a meeting.

751 (e) The board shall be afforded all the powers, responsibilities and obligations under this
752 chapter. The board may delegate any powers, responsibilities and obligations specifically

753 afforded to it to the general manager unless otherwise prohibited by this section. The board shall
754 adopt a written policy providing for the delegation of any of its powers and duties.

755 (f) The members of the board, except for the secretary of transportation, shall receive a
756 stipend of \$12,000 per year for the discharge of their official duties.

757 (g) Meetings of the board and its subcommittees shall be subject to sections 18 to 25,
758 inclusive, of chapter 30A. Records of the board shall be subject to section 10 of chapter 66.

759 (h) The board shall meet at least 1 time per month and not less than 20 times per calendar
760 year.

761 (i) Each member shall make full disclosure of financial interest, if any, in matters before
762 the board by notifying the state ethics commission, in writing, and shall abstain from voting on
763 any matter before the board in which the member has a financial interest, unless otherwise
764 permissible under chapter 268A. Chapters 268A and 268B shall apply to the secretary of
765 transportation in the secretary's capacity as an ex officio member. Said chapters 268A and 268B
766 shall apply to all other members of the board, except that the board may purchase from, sell to,
767 borrow from, loan to, contract with or otherwise deal with any person with which any member of
768 the board has an interest or involvement; provided, however, that: (i) such interest or
769 involvement is disclosed in advance to the members of the board and recorded in the minutes of
770 the board; and (ii) no member having such interest or involvement may participate in a decision
771 of the board relating to such interest or involvement. Employment by the commonwealth or
772 service in any agency thereof shall not be deemed to be such an interest or involvement.

773 (j) Members shall not be liable to the commonwealth, the authority, or any other person
774 as a result of their activities related to their duties as members of the board, whether ministerial

775 or discretionary, except for willful dishonesty or intentional violations of law. The board may
776 purchase liability insurance for members, officers and employees of the board and may
777 indemnify such persons against the claims of others.

778 SECTION 23. Section 20 of said chapter 161A is hereby amended by striking out, in line
779 5, the word “secretary” and inserting in place thereof the following word:- authority.

780 SECTION 24. Said section 20 of said chapter 161A is hereby further amended by striking
781 out, in line 29, the word “secretary” and inserting in place thereof the following word:- authority.

782 SECTION 25. Chapter 46 of the acts of 2015 is here by amended by striking out sections
783 199 to 208, inclusive.

784 SECTION 26. Notwithstanding any general or special law to the contrary, in making
785 initial appointments to the Massachusetts Bay Transportation Authority board of directors
786 established under section 7 of chapter 161A of the General Laws, the governor shall appoint the
787 governor’s 2 members whose terms are not coterminous with the term of the governor to the
788 following initial terms: 1 member shall be appointed for a term of 1 year and 1 member shall be
789 appointed for a term of 3 years.

790 SECTION 27. Notwithstanding any general or special law to the contrary, the
791 Massachusetts Bay Transportation Authority, in coordination with the Office of Bus
792 Transformation as established under section 78 of Chapter 6C, shall establish a bus system
793 master plan. The plan shall include, but not be limited to: i) goals for increasing frequency,
794 ridership and fleet size; ii) an established plan for expanding dedicated bus lanes; iii) planned
795 improvements for signal prioritization; iv) a regionalized plan that emphasizes connectivity to
796 multi-modal transportation options; v) enforcement of bus lane violations; vi) repairs and

797 expansions of storage and maintenance facilities; vii) increases to maintenance and service staff
798 levels; viii) a detailed plan for reducing the authority's carbon each year; and ix) targets for
799 conversion to a zero emission vehicle fleet by 2035. In developing the master plan, the
800 Authority shall consult with transportation organizations, developers, affected municipalities and
801 other stakeholders including but not limited to: i) The MBTA Advisory Board as established
802 under section 7A of Chapter 161A of the General Laws; ii) the Massachusetts Department of
803 Transportation; iii) the cities and towns included in the area of service as defined in section 1 of
804 said chapter 161A; iv) the Boston Planning and Development Agency; v) The Chief of Streets
805 for the City of Boston; vi) Metropolitan Mayors Coalition; vii) The Mayor of the City Lynn or its
806 designee; viii) TransitMatters; ix) the Conservation Law Foundation; and x) Livable Streets. The
807 Authority shall file the plan with towns and cities within the area of service, the clerks of the
808 House and Senate, and the Joint Committee on Transportation not later than July 31, 2023.

809 SECTION 28. (a) There shall be a special commission on the formula for reimbursing
810 municipalities for the costs of constructing, repairing and improving municipal roadways and
811 bridges, as established under section 4(b) of chapter 6C of the General Laws. The commission
812 shall consist of: the secretary of transportation or a designee; 2 legislators to be appointed by the
813 Senate President; 2 legislators to be appointed by the Speaker of the House of Representatives; 2
814 representatives of Massachusetts Association of Regional Planning Authorities; 1 representative
815 of the Massachusetts Municipal Association; 1 representative of the Metropolitan Mayors
816 Coalition; 1 representative of the town of Lee; 1 representative of the town of Mount
817 Washington; the Mayor of Pittsfield or a designee; the Mayor of Springfield or a designee; 1
818 representative of the South Coast Chamber of Commerce; 1 representative of the Cape Cod
819 Regional Transit Authority; and 1 representative from the 495 Partnership.

820 (b) the commission shall (i) identify and analyze the needs and methods of distributing
821 funds to municipalities for the purposes of maintaining, repairing and improving roads and
822 bridges; ii) the study and analyze costs associated with maintaining and improving roads and
823 bridges in rural municipalities; iii) study and analyze the needs of communities with limited
824 access to public transportation; iv) recommend reimbursement rates based on road milage; v)
825 recommend reimbursement rates based on employment rates in a municipality; and vi)
826 recommend reimbursement rates based on population of the municipality.

827 (c) Not later than January 1, 2023, the commission shall file a written report of its
828 findings and recommendations, including legislative recommendations, with the clerks of the
829 senate and house of representatives, the house and senate committees on ways and means and the
830 joint committee on transportation. The report shall include, but not be limited to, an analysis of
831 mitigation measures to address social equity issues including, but not limited to, social equity
832 issues for communities underserved by the current transportation.

833 SECTION 29. (a) There shall be a special task force on commuter rail parking and
834 access to investigate, study and make recommendations on the development, expansion and
835 improvement of Commuter rail parking and connectivity. The task force shall consist of 7
836 members: the general manager of the MBTA or a designee, 1 person representing the
837 organization or contractor operating commuter rail services, 1 representing the 128 Business
838 Council, 1 person representing the MetroWest Regional Transit Authority, 1 person representing
839 the 495 partnership, 1 person representing the institute for transportation & development policy,
840 1 person representing Mass Commute, and 1 person representing the Massachusetts Association
841 of Regional Planning Authorities.

842 (b). The commission shall (i) identify and analyze commuter rail stations with a need for
843 expanded parking access or connectivity; (ii) the propose detailed methods and plans for
844 expanding parking at existing commuter rail stations; (iii) propose detail methods and plans for
845 increasing connectivity to stations by use of RTA, TMA, micro-mobility, and other first/last mile
846 solutions; (iv) review and analyze ridership levels at commuter rail stations; (v) review and
847 analyze highway congestion patterns along commuter rail routes; (vi) engage with municipal
848 leaders to develop programs to improve connectivity and parking access; (vii) propose methods
849 for reducing or eliminating parking fees at commuter rail stations; (viii) propose plans for and
850 improving electric vehicle charging infrastructure at commuter rail parking facilities.

851 (c) Not later than January 1, 2023, the commission shall file a written report of its
852 findings and recommendations, including legislative recommendations, with the clerks of the
853 senate and house of representatives, the house and senate committees on ways and means and the
854 joint committee on transportation. The report shall include, but not be limited to, an analysis of
855 mitigation measures to address social equity issues including, but not limited to, social equity
856 issues for communities underserved by the current transportation.

857 SECTION 30. (a) There shall be a special commission on roadway and congestion
858 pricing to investigate, study and make recommendations on the development and deployment of
859 comprehensive and regionally-equitable roadway pricing and congestion pricing mechanisms
860 which shall include, without limitation, greater Boston metropolitan area roadways, major
861 bridges and interstate highways near the commonwealth's borders. The commission shall consist
862 of: the secretary of transportation or a designee; 2 persons to be appointed by the senate
863 president, 1 of whom shall be the senate chair of the joint committee on transportation; 2 persons
864 to be appointed by the speaker of the house of representatives, 1 of whom shall be the house

865 chair of the joint committee on transportation; and 13 members to be appointed by the governor:
866 1 of whom shall be an expert in transportation planning and policy who is not an employee of the
867 commonwealth or any political subdivision, who shall serve as chair, 1 of whom shall be an
868 expert in tolling systems or toll authorities, 1 of who shall be a member of the Metropolitan Area
869 Planning Council, 1 of whom shall be an expert in transportation financing, 2 of whom shall be
870 experts in traffic congestion and congestion pricing, 1 of whom shall be a representative of
871 transportation network companies, 1 of whom shall be a representative of the Boston Chamber of
872 Commerce, 2 of whom shall be members of the Massachusetts Municipal Association who
873 represent geographically diverse areas, 1 of whom shall be a member of the business community
874 and 2 of whom shall be employed by organizations that represents low-income communities that
875 have been historically underserved by transit and acutely adversely affected by the public health
876 impacts of traffic congestion; provided, however, that the members shall not be from the same
877 organization.

878 (b) The commission shall: (i) identify and analyze physical, technological, legal and other
879 issues or requirements related to roadway pricing in the commonwealth; (ii) propose detailed
880 specifications and regionally-equitable locations for toll gantries and other equipment necessary
881 to assess and collect tolls; (iii) advise the Massachusetts Department of Transportation on
882 roadway pricing scenarios under the federal Value Pricing Pilot Program; (iv) provide estimates
883 of annual operation and maintenance costs; (v) provide estimates of annual revenue; (vi) provide
884 traffic forecasts including forecasts of traffic diversion impacts; (vii) provide a regional and
885 social equity analysis with specific recommendations related to mitigating adverse impacts; and
886 (viii) provide potential impacts on vehicular emissions reduction. The commission shall also

887 identify all local, state and federal approvals necessary to deploy new tolls and other roadway
888 pricing mechanisms on relevant roadways.

889 (c) Not later than January 1, 2023, the commission shall file a written report of its
890 findings and recommendations, including legislative recommendations, with the clerks of the
891 senate and house of representatives, the house and senate committees on ways and means and the
892 joint committee on transportation. The report shall include, but not be limited to, an analysis of
893 mitigation measures to address social equity issues including, but not limited to, social equity
894 issues for communities underserved by the current transportation system and most directly
895 impacted by congestion.

896 SECTION 31. Not later than December 31, 2021, the Massachusetts Department of
897 Transportation shall seek approval from the Federal Highway Administration under the Value
898 Pricing Pilot Program established in Section 1012 (b) of the Intermodal Surface Transportation
899 Efficiency Act, Pub. L. 102-240; 105 Sta. 1914, as amended by section 1216(a) of the
900 Transportation Equity Act, Pub. L. 105-178; 112 Sta. 107, and section 1604(a) of the Safe,
901 Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, Pub.L.109-
902 59;119 Stat. 1144 or shall apply to the United States Department of Transportation to enter into a
903 tolling agreement or memorandum of understanding with the Federal Highway Administration.
904 The department shall take all actions necessary to gain approval, including completion of all
905 feasibility traffic, revenue and other studies necessary to ensure compliance with applicable
906 federal and state requirements. The department, in coordination and consultation with the special
907 commission on roadway and congestion pricing established in section 40, shall commence or
908 support activities in support of an application for road pricing under the federal program
909 including, but not limited to, feasibility studies, records of decisions, site selection,

910 environmental impact studies, traffic diversion studies, revenue studies and any other studies or
911 analyses required to implement this section.

912 SECTION 32. The Massachusetts Department of Transportation shall conduct a study to
913 examine the feasibility of mileage-based revenue collection for the commonwealth's roads and
914 highways as an alternative to the current system of taxing roadway use. The study shall: (i) test
915 the reliability, ease of use, cost and public acceptance of technology and methods for: (A)
916 counting the number of miles traveled by particular vehicles; (B) reporting the number of miles
917 traveled by particular vehicles; and (C) collecting payments from individuals; (ii) analyze and
918 evaluate the effectiveness of different technologies and methods to: (A) protect the integrity of
919 data collected and reported; (B) ensure driver privacy; and (C) vary pricing based on the time of
920 driving, type of road, proximity to transit, vehicle fuel efficiency, participation in car sharing or
921 pooling of income of the driver; and (iii) examine the impact of assessing a vehicle mileage user
922 fee on the economy, the environment and traffic congestion. The department shall submit its
923 findings to the clerks of the senate and house of representatives and the joint committee on
924 transportation not later than March 31, 2023

925 SECTION 33. Notwithstanding any general or special law to the contrary, the amounts
926 distributed under clause (iii) of subsection (c) of section 8 of chapter 187 of the acts of 2016 and
927 clause (ii) of section 9 of said chapter 187 shall be dedicated to the purposes of the fare programs
928 established under sections 33 through 35.

929 SECTION 34. (a) Notwithstanding any general or special law to the contrary, the
930 Massachusetts Bay Transportation Authority shall implement a fare free system to all riders on
931 bus routes operated by said Authority or its contractors.

932 (b) In implementing the fare free bus system, the Massachusetts Bay Transportation
933 Authority shall conduct a review of costs associated with operating bus service in the
934 Commonwealth. The authority shall consider the costs associated with fare collection, costs
935 associated fare enforcement on bus routes, The projected costs associated with implementing
936 AFC 2.0, any savings associated with the removal of fare collection services, ridership levels,
937 and changes in congestion along bus routes. In conducting the study, the Authority shall consult
938 with municipalities within the Authority’s service area and transportation advocacy organizations
939 including the Metropolitan Area Planning Council, Livable Streets, and the City of Boston. The
940 Authority shall file the report with the Clerks of the House and Senate and the Joint Committee
941 on Transportation not later than January 1, 2024.

942 SECTION 35. Notwithstanding any general or special law to the contrary, the Regional
943 Transit Authority Council, as established in section 27 of chapter 161B of the General Laws,
944 shall provide each regional transit authority with assistance to implement a fare free program to
945 all riders on all modes of transportation operated by each authority.

946 SECTION 36. (a) Notwithstanding any general or special law to the contrary, the
947 Massachusetts Bay Transportation Authority, in coordination with the secretary of health and
948 human services, shall implement a low-income fare program that provides free or discounted
949 transit fares to qualifying riders on all modes of transportation operated by the authority.

950 (b) In developing the low-income fare program, the Massachusetts Bay Transit Authority
951 shall develop a stakeholder engagement plan and implementation analysis. The engagement plan
952 shall ensure engagement with relevant stakeholders and provide opportunities for public input in
953 geographically-diverse service areas of the authority.

954 The analysis shall include, but not be limited to, an examination of: (i) the number of
955 riders anticipated to benefit from the program; (ii) the average reductions of each fare, by mode;
956 (iii) the overall impact on revenue to the system; (iv) partnership models for determining
957 eligibility requirements and the verification method; and (v) estimated costs associated with the
958 administration and marketing of the program.

959 The implementation analysis shall be filed with the clerks of the senate and house of
960 representatives, the senate and house committees on ways and means and the joint committee on
961 transportation not later than March 15, 2023.

962 SECTION 37. Notwithstanding any general of special law to the contrary, the
963 Massachusetts Bay Transportation Authority shall implement a temporary pilot program for late
964 night service on bus and rapid transit rail lines. The late-night service shall run Monday through
965 Thursday with cessation in service occurring not earlier than 2am and Friday through Saturday
966 with cession in service occurring not earlier than 3am.

967 The Massachusetts Bay Transportation Authority shall issue a report on the results of the
968 pilot program, including, but not limited to 1) the scope of the pilot; 2) implementation
969 challenges and lessons learned; 3) data on customer satisfaction; 4) ridership data pre-pilot; 5)
970 ridership data during the pilot; 6) an analysis on how late night service can incentivize ridership;
971 and 7) next steps toward permanent implementation. Not later than 60 days after the conclusion
972 of the program, the report shall be filed with the clerks of the senate and the house of
973 representatives, the chairs of the senate and house committees on ways and means and the chairs
974 of the joint committee on transportation.

975 SECTION 38. Notwithstanding any general or special law to the contrary, the
976 Massachusetts Bay Transportation Authority or its board of directors as established by section 7
977 of chapter 161A of the General Laws shall not increase the fare charged to riders, as defined in
978 section 1 of chapter 161A of the General Laws.

979 SECTION 39. Notwithstanding any general or special law to the contrary, the
980 Massachusetts Bay Transportation Authority shall implement a temporary pilot program that
981 reduces the rate of rider fares on off-peak hour commuter rail trips, with the goal of incentivizing
982 ridership on hours outside of peak commuter times. The program shall not result in an increase
983 in fares during for any rider at any time and shall include a discount structure of off-peak
984 discounts of not less than 25 per cent. The pilot program shall commence not earlier than
985 January 1, 2022 and not later than January 1, 2024.

986 The Massachusetts Bay Transportation Authority shall issue a report on the results of the
987 pilot program, including, but not limited to 1) the scope of the pilot; 2) implementation
988 challenges and lessons learned; 3) data on customer satisfaction; 4) ridership data pre-pilot; 5)
989 ridership data during the pilot; 6) an analysis on how off-peak discount programs can incentivize
990 ridership; and 7) next steps toward permeant implementation. Not later than 60 days after the
991 conclusion of the program, the report shall be filed with the clerks of the senate and the house of
992 representatives, the chairs of the senate and house committees on ways and means and the chairs
993 of the joint committee on transportation.

994 SECTION 40. (a) Notwithstanding any general or special law to the contrary, the
995 Massachusetts Bay Transit Authority shall create a fund called the “Stimulus-Ready Projects”
996 fund that can be used by the authority to advance planning, design, and engineering work on

997 capital infrastructure projects that would improve transit reliability, increase transit service
998 capacity, reduce greenhouse gas and particulate matter emissions, and improve overall resiliency
999 of the system, in preparation for future federal infrastructure funds

1000 (b) Within thirty days of the passage of this Act, the Massachusetts Bay Transit Authority
1001 shall deposit an amount into the Stimulus-Ready Projects Fund (hereinafter referred to as the
1002 “Stimulus Ready Fund”) equal to no less than five percent but no greater than ten percent of total
1003 amounts received by the authority from federal emergency aid to transit systems in years 2020
1004 and 2021, including funding from the Coronavirus Aid, Relief, and Economic Security (CARES)
1005 Act, the Consolidated Appropriations Act of December 2020, and all future federal
1006 appropriations that deliver COVID-related emergency aid to the authority. Future deposits into
1007 the fund must be made by the authority within ten days of receipt of federal funds.

1008 (c) The mission of the Stimulus Ready Fund is to expedite the planning, design, and
1009 engineering of infrastructure projects so that projects can be eligible to receive, or take best
1010 advantage of, federal infrastructure funding from any federal appropriation or authorization bills
1011 providing funding for transportation projects that is necessary to complete construction and
1012 implementation of capital projects that meet one or more of the following eligibility
1013 requirements: i) projects unfunded or not fully funded in the authority’s Capital Investment Plan,
1014 with a priority for projects that improve transit access and connectivity on the Blue, Red and
1015 Silver lines; ii) projects specifically related to improving transit reliability, increasing transit
1016 service capacity, reduce greenhouse gas and particulate matter emissions, and improving overall
1017 resiliency of the system, iii) projects related to the improvements recommended by the regional
1018 rail vision, including without limitation electrification of the commuter rail system, increasing
1019 capacity of commuter rail track infrastructure, and station infrastructure, and (iv) projects related

1020 to infrastructure, facilities, and maintenance needs for a battery-operated bus network. No funds
1021 in the Stimulus Ready Fund shall be used for ongoing programmed and funded maintenance or
1022 repair programs conducted by the authority.

1023 (d) Money deposited in the fund must be obligated by the authority within 90 days of this
1024 act and within 60 days of future deposits into the fund.

1025 (e) On July 1, 2022, all unobligated amounts from this fund on January 1, 2023 shall be
1026 transferred to the Boston Metropolitan Planning Organization for their use to improve or expand
1027 dedicated bus lanes, build dedicated bike lanes, or support complete street infrastructure needs
1028 within the authority's service plan region.

1029 (f) The MBTA shall file a written report detailing its progress fulfilling the terms of this
1030 Act and all amounts spent from this fund, and submit said report to the House and Senate
1031 Committees on Transportation no later than May 1, 2021.

1032 SECTION 41. Sections 7 and 14 shall take effect on January 1, 2023.

1033 SECTION 42. Section 8 Shall take effect on January 1, 2024.

1034 SECTION 43. Section 9 shall take effect on January 1, 2025.

1035 SECTION 44. Section 38 is hereby repealed.

1036 SECTION 45. Section 44 shall take effect on January 1, 2028.

1037 SECTION 46. Section 33 shall take effect on July 31, 2025.

1038 SECTION 47. Section 2 shall take effect upon the implementation of recommendations
1039 described in Section 30.