

HOUSE No. 1090

The Commonwealth of Massachusetts

PRESENTED BY:

Jay D. Livingstone

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to transportation network company fees.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|----------------------------|--------------------------------|------------------|
| <i>Jay D. Livingstone</i> | <i>8th Suffolk</i> | <i>1/20/2023</i> |
| <i>Lindsay N. Sabadosa</i> | <i>1st Hampshire</i> | <i>1/20/2023</i> |
| <i>Samantha Montaño</i> | <i>15th Suffolk</i> | <i>2/27/2023</i> |
| <i>James B. Eldridge</i> | <i>Middlesex and Worcester</i> | <i>3/4/2023</i> |

HOUSE No. 1090

By Representative Livingstone of Boston, a petition (accompanied by bill, House, No. 1090) of Jay D. Livingstone and others relative to transportation network company fees. Financial Services.

The Commonwealth of Massachusetts

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

An Act relative to transportation network company fees.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 8 of Chapter 187 of the Acts of 2016 is hereby amended by striking
2 (b) and replacing with the following section:

3 (b) Pursuant to Section 23 of Chapter 176 of the Acts of 2022, each transportation
4 network company shall submit to the director of the division established in the number of rides
5 from the previous month that originated in each city or town and the amount collected from
6 rider-assessments. Notwithstanding any other law, a rider-assessment is to be charged as follows:

7 (i) \$0.40 for a shared ride in which, prior to the commencement of the pre-arranged ride,
8 a passenger requests through the transportation network company’s digital network, to share the
9 ride with one or more passengers and each passenger is charged a fare that is calculated in whole
10 or in part, based on the passenger’s request to share all or part of the ride with one or more
11 passengers, regardless of whether the passenger actually shares all or part of the ride.

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

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

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

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

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

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

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

32 "Shared ride", a for-hire transportation trip, in which, prior to the commencement of the
33 ride, a passenger requests a pre-arranged ride through the transportation network company's

34 digital network to share the ride with one or more passengers, that separately request
35 transportation and are each charged the same predetermined amount per ride, or are billed
36 independently for a ride in an amount that is proportionate to the transportation they receive,
37 regardless of whether the passenger actually shares all or part of the ride.

38 “For-Hire Transportation Trip”, a ride in which, prior to the commencement of the ride, a
39 passenger requests a pre-arranged ride through the transportation network company’s digital
40 network as a single passenger between points chosen by the passenger, regardless of the number
41 of stops. This shall not include transportation provided by, or pursuant to a contract with a state
42 agency or an institution.

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

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

47 (d) A transportation network company shall provide clear and conspicuous transportation
48 fare estimates to riders at all times, including during surge pricing, high volume and demand
49 times; provided however, the per-ride assessment shall not apply to a pre-arranged ride requested
50 or selected by a rider who has requested or selected the pre arranged ride through a program
51 established by a public entity to provide transportation network services to individuals, including
52 those who are eligible for paratransit services.. Fare estimates shall include a clear rate estimate
53 or the amount of price increase resulting from surge pricing or increased demand and shall show
54 the price difference between the cost of a shared-ride and a single-occupancy ride.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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