

**HOUSE . . . . . No. 02660**

The Commonwealth of Massachusetts

PRESENTED BY:

*Carl M. Sciortino, Jr.*

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 passage of the accompanying bill:

An Act relative to transportation economic development and ridership.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Carl M. Sciortino, Jr.</i>	<i>34th Middlesex</i>
<i>John W. Scibak</i>	<i>2nd Hampshire</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>
<i>George Ross</i>	<i>2nd Bristol</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Cory Atkins</i>	<i>14th Middlesex</i>
<i>Carlo Basile</i>	<i>1st Suffolk</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>
<i>Kevin J. Murphy</i>	<i>18th Middlesex</i>
<i>Brian Ashe</i>	<i>2nd Hampden</i>
<i>Martha M. Walz</i>	<i>8th Suffolk</i>
<i>Denise Andrews</i>	<i>2nd Franklin</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>
<i>Katherine M. Clark</i>	<i>Middlesex and Essex</i>

<i>William N. Brownsberger</i>	<i>24th Middlesex</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Alice K. Wolf</i>	<i>25th Middlesex</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>

# HOUSE . . . . . No. 02660

By Mr. Sciortino of Medford, a petition (accompanied by bill, House, No. 2660) of Clark and others for legislation to promote the building of more modern transportation systems Joint Committee on Transportation.

## The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to transportation economic development and ridership.

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

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

3 Section 1: This bill is intended to build a safer, more modern transportation system across the  
4 entire commonwealth that enhances public transportation ridership, and spurs job creation and  
5 economic development. A better transportation system will encourage economic growth;  
6 promote fairness and equity; increase transportation choice and public transportation ridership;  
7 improve the health of Massachusetts residents; and reduce energy consumption, congestion,  
8 dependence on oil, and greenhouse gas emissions and other air pollution.

9 Section 2: Ridership Increases

10 Section 11 of chapter 6C of the General Laws, as appearing in the 2008 Official Edition, is  
11 hereby amended by inserting after the third sentence the following:

12 “The plan shall ensure that statewide public transportation ridership increases at least 2 percent  
13 each year.”

#### 14 Section 3: Registration Fees

15 Section 33 of chapter 90 of the General Laws as appearing in the 2008 Official Edition, is hereby  
16 amended to require the registrar of motor vehicles to issue rules and regulations to increase  
17 registration fees for all motor vehicles by at least 10 dollars annually and 20 dollars biannually  
18 on all passenger vehicles, commercial vehicles (per 1,000 lbs), motorcycles, mopeds and antique  
19 motor vehicles no later than 60 days after this legislation is signed into law. The registrar of  
20 motor vehicles shall also be allowed to further raise any other passenger or commercial motor  
21 vehicle fees.

22 For all passenger vehicles required to register pursuant to chapter 90 whose value, as determined  
23 pursuant to chapter 60A, exceeds \$35,000, the registrar shall collect an additional title fee at the  
24 time of registration equal to .1 percent of the value and additional registration renewal fee equal  
25 to .04 percent of the value for vehicles renewing annually and .08 percent of the value for  
26 vehicles renewing biannually. Every 5 years, the registrar of motor vehicles shall be allowed to  
27 raise the value amount of passenger vehicles from which this additional title fee and additional  
28 registration renewal fees are collected. Any such increase shall be proportional to the average  
29 increase of the value of passenger vehicles over the previous 5 years, as determined by Chapter  
30 60A.

31 The increase in funds will be distributed according to section 34 of chapter 90 of the General  
32 Laws, into the Commonwealth Transportation Fund, established by section 2ZZZ of chapter 29  
33 of the General Laws.

34 Section 4: Vehicle Miles Traveled Pilot Study

35 The federal Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy for  
36 Users (SAFETEA-LU), Public Law, 109-59, established the National Surface Transportation  
37 Policy and Revenue Study Commission to examine the condition and future needs of the nation’s  
38 surface transportation system, as well as short- and long-term alternatives to the fuel tax. The  
39 search for alternative revenue is driven by the diminishing value of the fuel tax, declining  
40 supplies of conventional petroleum-based fuels, and increasingly fuel-efficient vehicles.

41 The commission issued its report in December 2007. Among its recommendation was  
42 consideration of mileage-based user fee, also referred to as a vehicle miles traveled (VMT) fee,  
43 which involves several technological and institutional challenges.

44 The Massachusetts Department of Transportation (MassDOT) shall conduct a pilot study  
45 analyzing the benefits and challenges of implementing a vehicle miles traveled (VMT) fee for all  
46 Massachusetts drivers. The purpose of the pilot study will be to study the feasibility of  
47 supplementing or partially replacing the gas tax with a mileage-based fee based on miles driven  
48 in Massachusetts, and collected at fueling stations or through some alternative means; and to  
49 study the feasibility of using a VMT fee to collect congestion charges.

50 The pilot shall include 5000-10,000 volunteers across the commonwealth, who will have on-  
51 board mileage-counting VMT equipment added to their vehicles. The pilot will assess the  
52 following issues related to implementing a VMT fee in Massachusetts:

53 (1) Methods for calculating mileage;

54 (2) Process for transmitting data to protect the integrity of the data and ensure drivers'  
55 privacy;

56 (3) Types of equipment that may be required of the state and drivers to implement a VMT  
57 fee, including a discussion of the advantages and disadvantages of the equipment and  
58 contingencies in the event of equipment failure.

59 For a period of at least one year, volunteers will have their mileage, categorized location  
60 information, and timing of driving read at any participating service refueling stations or other  
61 locations. During an initial period of the study, the on-board VMT counter communicates with  
62 mileage reader but the volunteer will pay only the gas tax. During a final period of the study,  
63 volunteers will pay a road user fee or a combination of the gas tax and the road user fee.

64 The final pilot study and review by MassDOT shall fully examine alternative ways in which a  
65 VMT fee program could be implemented in Massachusetts, including charging varying mileage  
66 fees depending on the time and type of road, an appropriate rate-per-mile for vehicles that  
67 achieve a certain fuel efficiency, for motorists that avoid rush hour zones, for those participating  
68 in other environmentally-friendly transportation situations like car-shares, or for low-income  
69 drivers without a transit alternative; provide recommendations for implementation of a fully-  
70 implemented VMT fee program that minimizes confusion and inconvenience to drivers while  
71 ensuring their privacy; and propose guidelines for use and implementation, and shall also analyze  
72 and test other potential alternatives or supplements to the gas tax, including open road tolling.

73 MassDOT shall present its finding and recommendations for a fully-implemented VMT program  
74 to the Joint Committee on Transportation within two years from the adoption of this legislation.

75 Section 5. Rededication of Underground Storage Tank Funds

76 Chapter 29 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by  
77 inserting, after section 2BBBB, the following section:

78 Section 2CCCC. There shall be established and set up on the books of the commonwealth a  
79 separate fund to be known as the Underground Storage Tank Petroleum Product Cleanup Fund.  
80 Amounts credited to said fund shall be used, subject to appropriation, for the purposes set forth  
81 in chapter 21J of the Massachusetts General Laws. There shall be credited to such fund any fees,  
82 penalties, and other amounts collected pursuant to chapter 21J; any appropriation, grant, gift, or  
83 other contribution explicitly made to such fund; and any interest earned on monies within the  
84 fund.

85 Any and all monies collected in excess of the purposes outlined in chapter 21J will be dedicated  
86 to the Commonwealth Transportation Fund.

87 Section 6. Expenditures for Maintaining and Repairing Municipal Ways and Bridges

88 Section 4(b) of chapter 6C of the General Laws, as appearing in the 2008 Official addition, is  
89 hereby amended by striking the subsection and inserting in place thereof the following:

90 (b) for expenditure by the department for maintaining and repairing municipal ways and bridges,  
91 sidewalks adjacent to such ways and bridges, bikeways, public transportation projects, and other  
92 projects eligible for funding as a transportation enhancement project as described in the  
93 Intermodal Surface Transportation Efficiency Act of 1991, P.L. 102-240, provided that a city or  
94 town complies with the procedures established by the Massachusetts Department of  
95 Transportation, not less than the following amount shall be distributed to cities and towns each  
96 fiscal year: 300,000,000.00 for projects eligible under this section, which funds shall be  
97 distributed prior to April 1 of each year. The appropriation shall be considered as an available

98 fund upon approval of the commissioner of revenue, and the commonwealth shall reimburse a  
99 city or town under this item within 30 days after receipt by the Department of a request for  
100 reimbursement from the city or town.

101 It is recommended that when cities and towns pursue transportation enhancement projects, they  
102 shall include the goal of setting multi-modal accommodation and using appropriate traffic  
103 calming measures to ensure that the needs of bicyclists, pedestrians, transit users, and disabled  
104 people are integrated into the design, operation, and maintenance of streets to promote safe and  
105 convenient access and travel for all users.

106 Five percent of the funding in this section will be set aside for cities and towns that incorporate  
107 complete streets philosophies to expand transportation choices; encourage healthy and active  
108 living; reduce traffic congestion and fossil fuel use; and provide safe, convenient and  
109 comfortable routes for walking, bicycling, and public transportation.

110 Complete streets infrastructure includes, but is not limited to, street and sidewalk lighting;  
111 sidewalks and pedestrian safety improvements such as median refuges or crosswalk  
112 improvements; improvements that provide ADA (Americans with Disabilities Act) compliant  
113 accessibility; transit accommodations including improved pedestrian access to transit stops and  
114 bus shelters; bicycle accommodations including bicycle storage, bicycle parking, bicycle routes,  
115 shared-use lanes, wide travel lanes or bike lanes as appropriate; street trees, boulevard  
116 landscaping, street furniture and adequate drainage facilities; and reduction in the number of  
117 travel lanes or removal of on-street parking.

118 Section 7. Universal University Pass Program



119 The Massachusetts Department of Transportation shall develop a program beginning in fiscal  
120 year 2012 a mandatory Universal University Pass (U-Pass) program at colleges and universities  
121 throughout the commonwealth, with the intended purpose of providing unlimited rides on buses  
122 and trains operated by the Massachusetts Bay Transportation Authority (MBTA) and the  
123 Regional Transit Authorities (RTA) to all full-time undergraduate and graduate students at  
124 accredited colleges and universities located within 1 mile of MBTA or RTA services. The U-  
125 Pass agreements shall contain all terms of participation by the schools, the Department's  
126 obligations under the Program, and such other terms as necessary.

127 The U-Pass fare for fiscal year 2012 shall be \$100 per student, per academic semester. The  
128 Massachusetts Department of Transportation shall determine any increase in the U-Pass fare for  
129 succeeding years. All colleges and universities within the service area of the MBTA or one of  
130 the RTAs shall be required to pay the current U-Pass fare for each full-time undergraduate and  
131 graduate student, directly to the applicable transit authority.

#### 132 Section 8. Massachusetts Transportation Infrastructure Bank

133 The Massachusetts Transportation Infrastructure Bank will be established to provide loans,  
134 grants, and other financial assistance to cities, towns, and transit authorities to apply for all or  
135 part of the eligible cost of a qualified transportation project. Preference will be given to those  
136 projects that contribute to economic growth, lead to job creation and workforce development,  
137 prioritize smart growth and equal protection principles in urban areas and gateway cities, reduce  
138 traffic congestion, and are of local or regional significance, prioritizing projects that make bike  
139 and pedestrian improvements, public transportation investments, and road and bridge

140 maintenance or repairs aimed at fixing roads and bridges rather than building new ones, taking  
141 into account the economic, environmental and social benefits of each project.

142 The Bank will be governed by a five-member Board of Directors, appointed by the Governor and  
143 confirmed by the legislature. The Directors shall include individuals representing different  
144 regions of the state. The Board shall enter into financing agreements with qualified borrowers  
145 and shall have the power to make loans and loan guarantees; acquire, hold, and sell loan  
146 obligations; establish policies and procedures for administering loans and other financial  
147 assistance; issue and sell debt security, borrow money through the issuance of bonds and other  
148 indebtedness, and to monitor and oversee projects financed in whole or in part by the Bank.

149 The Bank may be capitalized from the following sources:

- 150 (1) Commonwealth Transportation Fund;
- 151 (2) Federal funds made available to the commonwealth;
- 152 (3) Federal funds made available to the commonwealth for the purposes of the Bank;
- 153 (4) Legislative appropriations;
- 154 (5) Other lawful sources deemed appropriate by the Board.

155 In fiscal year 2012, the bank shall receive no less than \$50 million, transferred from the monies  
156 in the Commonwealth Transportation Fund.

#### 157 Section 9. Transportation Finance Commission

158 There is hereby established a special transportation finance commission to develop a  
159 comprehensive, multi-modal transportation funding distribution plan for the commonwealth.

160 The commission shall have 10 members, including the following: 3 members who shall not be  
161 employees of the executive branch and who shall reside in different geographic regions of the  
162 commonwealth, 1 of whom shall be a representative of the Construction Industries of  
163 Massachusetts, to be appointed by the governor to serve terms of 2 years; 2 members, who shall  
164 not be members of the general court and who shall reside in different geographic regions of the  
165 commonwealth, to be appointed by the president of the senate to serve a term of 2 years; and 2  
166 members, who shall not be members of the general court and who shall reside in different  
167 geographic regions of the commonwealth, to be appointed by the speaker of the house of  
168 representatives to serve a term of 2 years; a representative of the Massachusetts Taxpayers  
169 Foundation, a representative of Massachusetts Business Roundtable, and a representative of  
170 advocacy groups on the T Riders Oversight Committee. One of the members appointed by the  
171 governor, 1 of the members appointed by the senate president, and 1 of the members appointed  
172 by the speaker of the house of representatives shall be representatives of environmental  
173 organizations, planning organizations, transportation consumer organizations or other public  
174 interest organizations. One of the members shall be appointed by the governor to serve as  
175 chairperson of the commission. The members of the commission shall be appointed no later than  
176 September 1, 2011.

177 The commission shall examine the current distribution of transportation funding in the  
178 commonwealth, and shall make a priority of examining whether funding distribution is  
179 regionally equitable, specifically whether cities and towns outside of the major metropolitan  
180 areas receive enough funding to pursue public transportation and bike and pedestrian  
181 transportation projects that meet the needs of residents. Recognizing that public transportation  
182 and equity issues affect the entire commonwealth, the commission shall examine and develop

183 recommendations on alternative funding distribution mechanisms, specifically designed to  
184 increase statewide public transportation options. The commission shall examine the feasibility of  
185 transportation funding distribution based on the existing 13 regional planning organizations, or  
186 based on Chapter 90 formula funding to cities and towns.

187 The commission shall also develop specific performance measures for transportation projects  
188 including without limitation performance measures regarding cost efficiency, greenhouse gas  
189 emission and other air pollution reduction, potential for economic growth, fairness and equity.  
190 Any distribution of transportation funding shall be consistent with the performance measures set  
191 by the commission within 2 years of passage of this legislation.

192 The commission shall also examine all avenues available to the MBTA for cost efficiencies and  
193 debt reduction, with the goal of reducing MBTA debt service to 8 percent of the MBTA's  
194 operating budget. The commission shall make specific recommendations of fair and equitable  
195 cost efficiencies and debt reduction measures that the MBTA can implement, and shall analyze  
196 the MBTA's true projected revenue necessary over the next twenty years to operate in a state of  
197 good repair. The commission shall submit a report to the legislature no later than one year of  
198 passage of this legislation.

199 The commission's report shall include recommended legislative language, on which the sitting  
200 legislature will have one year to act.

201 Any research, analysis or other staff support that the commission reasonably requires shall be  
202 provided by the Massachusetts Department of Transportation.

203 Section 10. Location Efficient Mortgages

204 The Undersecretary of the Massachusetts Department of Housing and Community Development  
205 shall establish annual goals for location efficient mortgages. Within one year of this legislation,  
206 the Undersecretary shall develop a plan providing for the use and purchase of location-efficient  
207 mortgages in a manner designed to help achieve a significant reduction in the number of vehicle  
208 miles traveled and submit a report to the Legislature that describes the extent of mortgage  
209 purchases in compliance with the goals established.

210 For the purposes of this section, the term “location efficient mortgage” means a mortgage loan  
211 under which the income of the borrower, for purposes of qualification for such loan, is  
212 considered to be increased by not less than \$1 for each \$1 of savings projected to be realized by  
213 the borrower because the location of the home for which loan is made results in decreased  
214 transportation costs for the household of the borrower.