

**HOUSE . . . . . No. 3059**

The Commonwealth of Massachusetts

PRESENTED BY:

*Sean Garballey*

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 establishing a more equitable public transit fare structure.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Timothy J. Toomey, Jr.</i>	<i>26th Middlesex</i>
<i>Paul J. Donato</i>	<i>35th Middlesex</i>
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>
<i>Carl M. Sciortino, Jr.</i>	<i>34th Middlesex</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>
<i>Christine E. Canavan</i>	<i>10th Plymouth</i>
<i>Michael D. Brady</i>	<i>9th Plymouth</i>
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Benjamin Swan</i>	<i>11th Hampden</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>
<i>Gloria L. Fox</i>	<i>7th Suffolk</i>
<i>Thomas P. Conroy</i>	<i>13th Middlesex</i>
<i>Cheryl A. Coakley-Rivera</i>	<i>10th Hampden</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>

<i>Christopher G. Fallon</i>	<i>33rd Middlesex</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Theodore C. Speliotis</i>	<i>13th Essex</i>

**HOUSE . . . . . No. 3059**

By Mr. Garballey of Arlington, a petition (accompanied by bill, House, No. 3059) of Sean Garballey and others for legislation to establish a public transit fare structure. Transportation.

**The Commonwealth of Massachusetts**

**In the Year Two Thousand Thirteen**

An Act establishing a more equitable public transit fare structure.

*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 5 of chapter 161A of the General Laws, as appearing in the 2010
- 2 Official Edition, is hereby amended by striking out subsection (e) in its entirety and replacing it
- 3 with the following new subsection:-
- 4  (e) The board shall not establish a fare in excess of 35 per cent of the regular adult cash fare for
- 5 children between the ages of 5 and 19 years, inclusive, or for persons 65 and older who reside
- 6 within the commonwealth, or for persons with disabilities who reside within the commonwealth.
- 7 Any such fare so established shall provide for free transfer privileges.
- 8
- 9  SECTION 2. Section 5 of said chapter 161A is hereby amended by inserting after subsection
- 10 (r) the following subsection:
- 11  (s) The authority shall not increase fares more often than once every two years. An increase in
- 12 fares shall not be greater than the per cent increase in average wages in the authority service area
- 13 based on the Quarterly Census of Employment and Wages published by the United States
- 14 Department of Labor Bureau of Labor Statistics and measured between the implementation date
- 15 of the previous fare increase and the implementation date of the proposed fare increase.
- 16  SECTION 3. Section 8 of chapter 161B of the General Laws is hereby amended by inserting
- 17 after the first sentence in subsection (d) the following text:
- 18  Fares shall not be increased more often than once every two years. An increase in fares shall
- 19 not be greater than the per cent increase in average wages in the authority service area based on
- 20 the Quarterly Census of Employment and Wages published by the United States Department of
- 21 Labor Bureau of Labor Statistics and measured between the implementation date of the previous
- 22 fare increase and the implementation date of the proposed fare increase. Fares shall not be in
- 23 excess of 35 per cent of the regular adult cash fare for children between the ages of 5 and 19

24 years, inclusive, or for persons 65 and older who reside within the commonwealth, or for persons  
25 with disabilities who reside within the commonwealth. Any such fare so established shall  
26 provide for free transfer privileges.

27

28 SECTION 4. Chapter 6C of the General Laws is hereby amended by adding the following  
29 three sections:

30 Section 74

31 The paratransit fares of the Massachusetts Bay Transportation Authority and the Regional  
32 Transit Authorities shall not exceed:

33  (a) The regular adult single ride local bus cash fare for persons who reside in the  
34 commonwealth and whose income does not exceed 200 per cent of the Federal Poverty  
35 Guidelines as published and updated by the United States Department of Health and Human  
36 Services;

37  (b) One and one-half times the regular adult single ride local bus cash fare for persons who  
38 reside in the commonwealth and whose income is above 200 per cent and does not exceed 300  
39 per cent of the Federal Poverty Guidelines as published and updated by the United States  
40 Department of Health and Human Services; and

41  (c) Twice the regular adult single ride local bus cash fare for persons who reside in the  
42 commonwealth and whose income exceeds 300 per cent of the Federal Poverty Guidelines as  
43 published and updated by the United States Department of Health and Human Services.

44 Section 75

45  (a) Universal University Pass Program. The department shall develop a mandatory Universal  
46 University Pass Program (U-Pass) beginning in fiscal year 2015 for colleges and universities  
47 throughout the commonwealth, with the purpose of providing unlimited rides on the  
48 transportation systems of the Massachusetts Bay Transportation Authority (MBTA) and the  
49 Regional Transit Authorities (RTA) to all full-time undergraduate and graduate students at the  
50 colleges and universities that are located within 1 mile of MBTA or RTA service. The U-Pass  
51 program shall contain all the terms of participation by the schools, the obligations of the  
52 department, MBTA, and RTAs under the program, and such other terms as necessary.

53  The U-Pass fare for the first fiscal year of the program shall be no less than 65% of the full  
54 fare, per student per semester. The department may increase the fare in later years. All colleges  
55 and universities that are located within 1 mile of service provided by the MBTA or a RTA are  
56 required to participate in the program and pay the applicable U-Pass fare for each full-time  
57 undergraduate and graduate student at the school directly to the applicable RTA or MBTA. The  
58 department may authorize alternative arrangements under unusual circumstances and may allow  
59 for the continuation of contracts that provide unlimited rides for students.

60  (b) Universal Employer Pass Program. The department shall develop a voluntary Universal  
61 Employer Pass Program (E-Pass) beginning in fiscal year 2015 for large employers throughout  
62 the commonwealth, with the intended purpose of providing unlimited rides on the transportation  
63 systems of the Massachusetts Bay Transportation Authority (MBTA) and the Regional Transit

64 Authorities (RTA) to all employees of participating large employers. The MBTA or RTA shall  
65 make the program available to all large employers that are located within 1 mile of MBTA or  
66 RTA service. The E-Pass agreements shall contain all the terms of participation by employers,  
67 the obligations of the department, MBTA, and RTAs under the program, and such other terms as  
68 necessary. The department shall establish a goal that at least 50 per cent of large employers in the  
69 commonwealth have an E-Pass program in place within five years of the establishment of the  
70 voluntary program. For purposes of this section, "large employer" shall mean employers that  
71 employ at least 50 employees in the commonwealth.

72 □The E-Pass fare shall be negotiated by the department with each participating employer and  
73 shall be set at a level to assure that no transit authority has a reduction in fare revenue as a result  
74 of the program. Employers within one mile of service provided by the MBTA or a RTA that  
75 participate would be required to pay the applicable E-Pass fare for each employee directly to the  
76 applicable RTA or MBTA. The department may authorize alternative arrangements under  
77 unusual circumstances.

78 □Section 76

79 □By July 1, 2014, the Massachusetts Bay Transportation Authority and each Regional Transit  
80 Authority shall create and implement a discount cash and pass fare program for low-income  
81 residents, based on affordability and taking into consideration median household income and  
82 housing costs in their service area. The Massachusetts Bay Transportation Authority and each  
83 Regional Transit Authority shall report annually to the Massachusetts Department of  
84 Transportation the reduction in fare revenue resulting from such reduced fares, using criteria  
85 developed by the department, and shall be reimbursed annually by the department for the  
86 reduction in fare revenue from transportation funds not otherwise required to be paid to said  
87 authorities.

88 □SECTION 5. By July 1, 2014, the Department of Transportation, in consultation with youth  
89 advocacy groups, transit advocacy groups, the Massachusetts Bay Transportation Authority, and  
90 Regional Transit Authorities, shall create and implement a 2 year long youth pass pilot program  
91 in the Massachusetts Bay Transportation Authority system and in the transit system of at least 3  
92 Regional Transit Authorities in which persons between the ages of 12 and 21, inclusive, would  
93 be eligible to purchase a significantly discounted monthly local bus pass and combined monthly  
94 bus and subway pass from the applicable transit authority. Persons who are eligible for the U-  
95 Pass program shall not be eligible to participate in the youth pass program. The pilot shall  
96 include at least 2000 eligible persons participating. The purpose of the pilot would be to  
97 determine the costs of such program, rates of participation, the benefits to participating persons,  
98 and such other factors as the department, in consultation with youth advocacy groups, transit  
99 advocacy groups, the Massachusetts Bay Transportation Authority, and Regional Transit  
100 Authorities, determines are necessary to provide a recommendation of whether and how to  
101 implement such a program in the system of the Massachusetts Bay Transportation Authority and  
102 1 or more Regional Transit Authorities. Within 1 year after the conclusion of the pilot program,  
103 the department shall file a report and recommendation with the governor, the clerks of the house

104 of representatives and the senate, and the joint committee on transportation. The department shall  
105 publish a draft report, allow at least 30 days for written public comments on the draft report, and  
106 take the comments into consideration before filing its final report. The costs of the pilot program  
107 shall be borne by the department, which shall also reimburse the Massachusetts Bay  
108 Transportation Authority and the participating Regional Transit Authorities for any reduction in  
109 fare revenue caused by the pilot.  
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