

# HOUSE . . . . . No. 04161

The committee on Ways and Means, reports, on the residue of House, No. 4109, a Bill relative to certain reforms relative to the Massachusetts Department of Transportation (House, No. 4161). June 11, 2012. Brian S. Dempsey, for the committee.

## The Commonwealth of Massachusetts

In the Year Two Thousand Twelve

An Act relative to certain reforms relative to the Massachusetts Department of Transportation.

*Whereas*, the deferred operation of this act would tend to defeat its purpose, which is forthwith to provide for an accelerated transportation development and improvement program for the commonwealth, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

□

*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 159 of the General Laws, as appearing in the 2010 Official Edition, is
- 2 hereby amended by striking out section 101 and inserting in place thereof the following section:-
- 3 Section 101. (a) Whoever fraudulently evades or attempts to evade the payment of a fare
- 4 lawfully established by a railroad corporation or railway company, either by giving a false
- 5 answer to the collector of the fare, or by traveling beyond the point to which the person has paid
- 6 the same, or by leaving the station, train, trolley, car, motor bus, or trackless trolley vehicle

7 without having paid the fare established for the distance traveled, or otherwise, shall forfeit not  
8 less than \$50 nor more than \$500. Whoever passes beyond the point where a fare is collected and  
9 does not first pay such fare shall not be entitled to be transported for any distance, and may be  
10 removed from a railway car, train, trolley, motor bus or trackless trolley vehicle; provided,  
11 however, that no person shall be removed from a car of a railroad corporation except as provided  
12 in section 93, nor from a train except at a regular passenger station.

13 (b) Passengers who fail to pay or prepay the required fare on any vehicle or ferry owned by or  
14 operated for the Massachusetts Bay Transportation Authority in violation of this section shall be  
15 subject to a noncriminal citation, and may be requested to provide identification to  
16 Massachusetts Bay Transportation Authority police or employees within the instructor, chief  
17 inspector, or inspector classifications for the purpose of issuing a noncriminal citation. Upon  
18 request by a Massachusetts Bay Transportation Authority police officer, a passenger shall make  
19 themselves known to police by personal identification or any other means for the purpose of  
20 issuing a noncriminal citation. Whoever fails or refuses to make oneself known by personal  
21 identification or any other means upon demand by a Massachusetts Bay Transportation Authority  
22 police officer for the purposes of issuing a noncriminal citation shall be subject to arrest for fare  
23 evasion pursuant to section 93. This paragraph does not confer any power of arrest or any other  
24 power, other than to inquire as to personal identification and to issue noncriminal citations to fare  
25 evaders, on Massachusetts Bay Transportation Authority employees classified as an instructor,  
26 chief inspector, or inspector.

27 (c) A person who is issued a noncriminal citation shall be assessed a fine as follows: \$75 for a  
28 first offense; \$200 for a second offense; or \$350 for a third or subsequent offense. If the person  
29 fails to pay the fine within 21 days of the date of the issuance of a noncriminal citation under this

30 section, or the violator fails to request a hearing within 21 days of the date of the issuance of a  
31 noncriminal citation under this section, the authority shall provide notice of nonpayment of a fine  
32 indicating that the person's license or right to operate a motor vehicle will be suspended until the  
33 fine is paid. The authority shall provide reasonable opportunity for a hearing and may waive or  
34 reduce a fine imposed under this section within its discretion. If the fine is not waived under this  
35 section, the violator shall have 21 days from the date of the hearing to pay the fine.

36 Each citation shall state: "This noncriminal citation may be returned by mail, personally or by an  
37 authorized person. A hearing may be obtained upon the written request of the violator. Failure to  
38 obey this notice within 21 days after the date of violation may result in the non-renewal of the  
39 license to operate a motor vehicle."

40 (d) Upon the report of the authority of nonpayment of a fine under this section, the registrar shall  
41 not renew that person's license or right to operate a motor vehicle under chapter 90 until the  
42 registrar receives a report from the authority indicating that the fine has been satisfied. Fines  
43 imposed under this section shall be paid to the general fund of the Massachusetts Bay  
44 Transportation Authority.

45 (e) If the records of the registrar indicate that the violator has no current information on file and  
46 the violator is under 17 years of age, the record shall be retained until such time the violator is  
47 eligible for a license to operate a motor vehicle under chapter 90. The violator must first pay the  
48 fine before being issued said license.

49 If the records of the registrar indicate that the violator has no current information on file and the  
50 violator is 17 years of age or older and the violator fails to pay the fine or request a hearing, a

51 surcharge of \$100 will be assessed to each violation and an application for a criminal complaint  
52 will be made in accordance with paragraph one of this section.

53 SECTION 2. Line item 1595-6368 in section 2E of chapter 68 of the Acts of 2011 is hereby  
54 amended by adding at the end thereof the following:-

55 ;provided further, that the Secretary of Transportation shall transfer the remaining snow and ice  
56 budget funded from this line item, in an amount not to exceed \$1,500,000, to the regional transit  
57 authorities organized under chapter 161B of the General Laws; provided, however, that  
58 notwithstanding the provisions of section 23 of said chapter 161B, such funds shall be distributed  
59 to each regional transit authority as supplemental assistance pro rata based upon the percentage  
60 of funds received by each regional transit authority from the total amount of state contract  
61 assistance distributed to such authorities in fiscal year 2012.

62 SECTION 3. Notwithstanding any general or special law or regulation to the contrary, the  
63 registrar of motor vehicles is hereby authorized to transfer \$51,000,000 from the Motor Vehicle  
64 Inspection Trust Fund to the Massachusetts Transportation Trust Fund, such authorization  
65 limited to fiscal year 2013 only and expiring on June 30, 2013. Not later than 30 days following  
66 said transfer, the secretary of transportation shall transfer: (a) \$49,000,000 from the  
67 Massachusetts Transportation Trust Fund to the Massachusetts Bay Transportation Authority or  
68 any fund controlled by that authority; and (b) subject to the following conditions, \$2,000,000, in  
69 the aggregate, from the Massachusetts Transportation Trust Fund to the regional transit  
70 authorities organized under chapter 161B of the General Laws, provided, however, that (i)  
71 notwithstanding the provisions of section 23 of said chapter 161B, said \$2,000,000 shall be  
72 distributed to each regional transit authority as supplemental assistance pro rata based upon the

73 percentage of funds received by each regional transit authority from the total amount of state  
74 contract assistance distributed to the regional transit authorities in state fiscal year 2012; (ii) such  
75 funds shall only be used to reimburse the authorities for the prior fiscal year's "preventative  
76 maintenance expenses" of the vehicle fleet, as that term is defined within the federal national  
77 transit database definitions, and (iii) any regional transit authorities not required to file with the  
78 national transit database shall file with the department of transportation the same information  
79 required by the national transit database with respect to preventative maintenance expenses.

80 SECTION 4. Notwithstanding chapter 66A of the General Laws or any other general or special  
81 law or regulation to the contrary, the Massachusetts Bay Transportation Authority and the  
82 Regional Transit Authorities organized under the provisions of chapter 161B of the General  
83 Laws are hereby authorized to provide the Executive Office of Health and Human Services  
84 personal data relative to customers utilizing the paratransit services of the authorities for the  
85 purpose of securing federal reimbursement and administration of the MassHealth program.

86 SECTION 5. (a) Notwithstanding any general or special law, rule or regulation to the contrary,  
87 the Massachusetts Department of Transportation shall submit a report to the House and Senate  
88 committees on Ways and Means and the Joint Committee on Transportation not later than July 9,  
89 2012, describing the time required to free the properties located at 703 Washington Street in  
90 Quincy, Massachusetts (Fore River Shipyard Ferry) and 349 Lincoln Street in Hingham,  
91 Massachusetts, the Commuter Boat Service piers (including Charlestown) and the Fore River  
92 Terminal currently owned and operated by the Massachusetts Bay Transportation Authority  
93 (MBTA), from any legal encumbrances in order to prepare said properties for appraisal and sale  
94 to the Massachusetts Port Authority (Massport) during Fiscal Year 2013. The report shall

95 include an estimated schedule of when the properties will be available for sale and any  
96 requirements that must be met in meeting the schedule submitted.

97 (b) Notwithstanding any general or special law, rule or regulation to the contrary, the  
98 Massachusetts Department of Transportation shall submit a report to the House and Senate  
99 committees on Ways and Means and the Joint Committee on Transportation not later than  
100 August 31, 2012, on the procedural requirements of the MBTA to transfer operation and  
101 ownership of the commuter boats "Lightning" and "Flying Cloud" to Massport during Fiscal  
102 Year 2013. The report shall include a fair market appraisal of properties, as approved by the  
103 Inspector General, financial obligations to the federal government, if any, and any other  
104 requirements that would be associated with said transfer.

105 SECTION 6. Notwithstanding any general or special law, rule or regulation to the contrary the  
106 Massachusetts Port Authority shall submit a proposal to the House and Senate committees on  
107 Ways and Means and the Joint Committee on Transportation not later than August 31, 2012, on  
108 how the authority will own, operate and maintain commuter boat service once the Massachusetts  
109 Bay Transportation Authority transfers all rights, title and interest in its properties affiliated with  
110 its commuter boat service to the authority. The proposal shall detail any (a) federal  
111 requirements, if any, with the authority's implementation of the purchase and operation of  
112 commuter boat service; (b) solvency issues associated with the operation of commuter boat  
113 service and the authority's plan to address those issues; and (c) how commuter boat service  
114 operation will relate to the economic development of the seaport district.