

SENATE No. 2106

The Commonwealth of Massachusetts

PRESENTED BY:

Eric P. Lesser

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 to advance modern and sustainable solutions for transportation.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Eric P. Lesser</i>	<i>First Hampden and Hampshire</i>	
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>	
<i>Joseph A. Boncore</i>	<i>First Suffolk and Middlesex</i>	<i>1/30/2019</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>1/23/2019</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>1/29/2019</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>1/31/2019</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>2/1/2019</i>
<i>Marc R. Pacheco</i>	<i>First Plymouth and Bristol</i>	<i>2/1/2019</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>	<i>2/1/2019</i>
<i>Harriette L. Chandler</i>	<i>First Worcester</i>	<i>2/1/2019</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>1/29/2019</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>	<i>1/29/2019</i>
<i>Maria Duaiame Robinson</i>	<i>6th Middlesex</i>	<i>1/25/2019</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>1/25/2019</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>1/25/2019</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>	<i>1/30/2019</i>
<i>Mary S. Keefe</i>	<i>15th Worcester</i>	<i>2/1/2019</i>
<i>Carlos Gonzalez</i>	<i>10th Hampden</i>	<i>2/1/2019</i>

James K. Hawkins

2nd Bristol

2/5/2019

SENATE No. 2106

By Mr. Lesser, a petition (accompanied by bill, Senate, No. 2106) of Eric P. Lesser, Lori A. Ehrlich, Joseph A. Boncore, Jason M. Lewis and other members of the General Court for legislation to advance modern and sustainable solutions for transportation. Transportation.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act to advance modern and sustainable solutions for transportation.

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 10, as appearing in the 2016 Official Edition of the General Laws,
2 is hereby amended by inserting after section 35DDD the following section:-

3 Section 35EEE. (a) There shall be established and set up on the books of the
4 commonwealth a separate fund to be known as the Modern and Sustainable Solutions for
5 Transportation Trust Fund. The fund shall consist of amounts credited to the fund in accordance
6 with section 10 of chapter 21N and expended exclusively for the following purposes:

7 (i) enhancing and expanding mass transportation services, particularly for both low-
8 income communities and environmental justice populations, as defined in section 11 of chapter
9 21N, and communities currently underserved by mass transportation;

10 (ii) electrification of mass transportation services, including bus and rail in communities
11 with disproportionate rates of exposure to diesel emissions and asthma incidence;

12 (iii) programs to accelerate adoption of zero-emission vehicles, including battery electric
13 vehicles, plug-in hybrid electric vehicles and hydrogen fuel cell vehicles, particularly to make
14 these vehicles more affordable and accessible for low-and moderate-income residents and rural
15 drivers;

16 (iv) projects that expand and increase the safety of bicycle and pedestrian transportation
17 and micromobility, particularly in rural or low-income communities;

18 (v) greater resiliency of transportation infrastructure to withstand the impacts of climate
19 change;

20 (vi) programs that will promote density, reduce congestion, and increase the production
21 of affordable housing near transit;

22 (vii) and reimbursement to the commonwealth for costs associated with the
23 administration of the transportation climate program.

24 (b) The fund shall be administered jointly by the secretary of transportation and the
25 secretary of energy and environmental affairs. The fund shall be an expendable trust fund and
26 shall not be subject to appropriation or allotment. The secretaries shall report monthly by source
27 all amounts credited to the fund and all expenditures by subsidies made from the fund to the
28 executive office of administration and finance's operational services division through the
29 division's Massachusetts management and accounting reporting system. Amounts remaining in
30 the fund at the end of a fiscal year shall not revert to the General Fund and shall be available for
31 expenditure in the next fiscal year and thereafter.

32 SECTION 2. Chapter 21N, as appearing in the 2016 Official Edition of the General
33 Laws, is hereby amended by inserting after section 9 the following sections:-

34 Section 10. (a) The department of environmental protection, in consultation with the
35 department of transportation and executive office of energy and environmental affairs, shall
36 adopt rules and regulations establishing a transportation climate program to limit and reduce
37 annually the total greenhouse gas emissions released by transportation sources in the
38 commonwealth by January 1, 2021. The rules and regulations shall comply with any regional
39 agreement or memorandum of understanding.

40 (b) Any proceeds recovered from the transportation climate program shall be deposited in
41 the Modern and Sustainable Solutions for Transportation Trust Fund established in section
42 35EEE of chapter 10. The proceeds shall be used without further appropriation for the purposes
43 established in said section 35EEE of chapter 10 to be determined by the Modern and Sustainable
44 Transportation Investment Board, as defined in section 11 of chapter 21N.

45 In order to achieve these purposes, funds from the Modern and Sustainable Solutions for
46 Transportation Trust Fund may be transferred to other funds and programs established by the
47 commonwealth, provided that any such transferred funds may only be used for the purposes
48 established in said subsection (a) section 35EEE of chapter 10.

49 (c) The responsibilities created by establishing a transportation climate program shall be
50 in addition to any other responsibilities imposed by any other general or special law or rule or
51 regulation and shall not diminish or reduce any power or authority of the department of
52 environmental protection, including the authority to adopt standards and regulations necessary
53 for the commonwealth to join and fully participate in a multistate program at any stage in the

54 development and implementation of such a program intended to control emissions of carbon
55 dioxide or other substances that are determined by the department of environmental protection to
56 be damaging or altering the climate.

57 Section 11. For the purposes of this section, the following terms shall have the following
58 meanings:

59 “Low-income”, shall be defined in a manner consistent with the Executive Office of
60 Energy and Environmental Affairs’ Environmental Justice Policy.

61 “Environmental justice population”, shall be defined in a manner consistent with the
62 Executive Office of Energy and Environmental Affairs’ Environmental Justice Policy.

63 (a) There shall be established a 15 member board under the executive office of energy
64 and environmental affairs, known as the Modern and Sustainable Solutions for Transportation
65 Investment Board. Members of the board shall include: (i) the secretary of transportation; (ii) the
66 secretary of energy and environmental affairs; (iii) the department of environmental protection,
67 appointed by the commissioner; and (iv) the executive office of housing and economic
68 development; and 1 person representing each of the following, each appointed by the governor:
69 (v) organized labor; (vi) regional transit authorities; (vii) regional planning agencies; (viii)
70 environmental justice populations; (ix) environmental organizations; (x) low-income consumers;
71 (xi) businesses; (xii) clean transportation businesses and industry; (xiii) experts in the science of
72 climate change; (xiv) the western region of the commonwealth; and (xv) municipal interests. The
73 secretary of transportation and the secretary of environmental affairs shall co-chair the board.
74 Members appointed by the governor shall serve for a term of 5 years and may be reappointed.

75 (c) The Modern and Sustainable Solutions for Transportation Investment Board shall
76 establish a set of criteria that should determine how proposals should be evaluated in the context
77 of the commonwealth's most critical transportation investment needs and the purposes identified
78 under subsection (a) of section 35EEE of chapter 10. These criteria shall include clear objectives
79 to advance statewide goals including but not limited to (i) emission reductions; (ii) benefits in
80 disadvantaged or underserved communities, including environmental justice populations, rural
81 communities, communities of color and low-income communities; (iii) consumer savings; (iv)
82 public health benefits; and (v) economic growth.

83 (b) The Modern and Sustainable Solutions for Transportation Investment Board shall
84 solicit suggestions for projects and programs that will achieve the objectives of subsection (a) of
85 section 35EEE of chapter 10. Proposals shall be evaluated based on the criteria established under
86 subsection (a) of section 35EEE of chapter 10.

87 (c) Beginning on July 1, 2020, and every 2 years thereafter, the Modern and Sustainable
88 Solutions for Transportation Investment Board shall submit a plan of priority investments to the
89 executive office of energy and environmental affairs. The Modern and Sustainable Solutions for
90 Transportation Investment Board shall submit a draft plan by March 1, 2020, and every 2 years
91 thereafter, to the executive office of environmental affairs and conduct public hearings to collect
92 the input of the public on the proposed priorities. The public hearings shall begin within 30 days
93 of the draft plan being submitted and at least one public hearing shall be held in all geographic
94 regions of the commonwealth and in environmental justice populations.

95 (d) Beginning on December 31, 2022, and every 5 years thereafter, Modern and
96 Sustainable Solutions for Transportation Investment Board shall conduct an analysis of the

97 performance of the commonwealth’s transportation climate program and investments from the
98 Modern and Sustainable Solutions for Transportation Trust Fund. This analysis shall include an
99 evaluation of whether the state is on track to sufficiently reduce emissions in the transportation
100 sector, as well as achieve the objectives of subsection (a) of section 35EEE of chapter 10. The
101 report shall be developed after extensive opportunities for public comment. The report shall
102 include, but is not limited to, recommendations on how the program can be improved to better
103 achieve the commonwealth’s transportation objectives.

104 SECTION 3. The provisions of this Act are severable and if any clause, sentence,
105 paragraph or section of this Act, or an application thereof, shall be adjudged by any court of
106 competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the
107 remainder thereof but shall be confined in its operation to the clause, sentence, paragraph,
108 section or application adjudged invalid.