

SENATE No. 2289

Senate, July 11, 2019 -- Message from His Excellency the Governor recommending legislation relative to public safety and transparency by transportation network companies.

The Commonwealth of Massachusetts



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July 10, 2019

To the Honorable Senate and House of Representatives,

I am pleased to submit for your consideration, “An Act Relative to Public Safety and Transparency by Transportation Network Companies.”

On August 5, 2016, I signed bipartisan legislation creating a cutting-edge, state-wide regulatory framework for transportation network companies (“TNCs”). The legislation, An Act Regulating Transportation Network Companies (Chapter 187 of the Acts of 2016) prioritizes public safety and further reinforces Massachusetts’ role as a leader in transportation innovation. It has now been nearly three years since that law came into effect and we have experienced first-hand the impressive growth of the TNC sector, including participants such as Uber and Lyft.

The legislation I am filing today includes enhancements to the safety and enforcement provisions of the existing TNC law. It also empowers the Department of Public Utilities (“DPU”) to obtain more specific categories of ride data from TNCs in order to assist planning agencies and other state and local entities with transportation planning, congestion management, and vehicle emissions tracking.

While Massachusetts is widely understood to have the most comprehensive TNC safety and enforcement laws in the country, important areas of improvement have come to light as this service has become more prolific. As such, these amendments include proposed enhancements to the safety and enforcement provisions of the TNC legislation. These enhancements are the

result of collaboration with law enforcement and the Massachusetts Port Authority, and provide for tougher penalties for “account renting,” a practice where a person not certified to provide services uses the credentials of a person who is certified to fraudulently provide rides. For example, in April 2019, a TNC driver at Logan Airport was identified as having unlawfully rented another person’s TNC account. That driver was later found to have a violent criminal history in two other states. Stricter criminal penalties for this crime are commensurate with the seriousness of the offense. The proposed amendments will also make it a criminal offense for a driver to exploit the personal information of a rider to stalk, harass or defraud the rider.

The goal of these changes is to ensure that any person using TNC services in the Commonwealth can feel safe and secure while doing so and so that law enforcement has the proper tools to clearly and concisely enforce the provisions of the statute. My Administration also expects to propose in the coming weeks regulatory changes that will further ensure the safety of TNC passengers.

In 2017, there were 64.8 million TNC rides that started in the Commonwealth. In 2018, use of TNCs increased by 25%, to 83.1 million rides. Around 223,000 TNC rides per day occurred across the Commonwealth in 2018 alone. Undoubtedly, TNCs have become an important thread in the fabric of our state’s transportation environment. Yet, under existing law, transportation planners cannot make informed decisions about ways to harmonize the public benefit of TNCs with the significant impact that these providers have on our transportation infrastructure. This is due to the fact that some of the most critical pieces of information are unknown. Transportation planners are thus left to make strategic decisions on the location of dedicated bus lanes; ways to encourage carpooling, and investments in infrastructure, without the necessary data. Accordingly, this bill authorizes the DPU to obtain more detailed trip data from TNCs and to share that data in an anonymized and confidential manner with state agencies, municipalities, and planning organizations for planning purposes. Lastly, with feedback from municipalities across the state, this bill proposes adjustments to the requirements for municipalities that receive a per ride assessment of less than \$25,000 based on the number of rides in that municipality, giving flexibility to those municipalities to spend such small sums without further appropriation.

This bill enhances public safety, provides necessary information to transportation planners while maintaining confidentiality, and reduces administrative burdens on our cities and towns. I urge your prompt enactment of this legislation.

Respectfully submitted,

Charles D. Baker,
Governor

SENATE No. 2289

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The Commonwealth of Massachusetts

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

An Act relative to public safety and transparency by transportation network companies.

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 1 of chapter 159A½ of the General Laws, as appearing in the 2018
2 Official Edition, is hereby amended by inserting after the definition of “division” the following
3 definition:-

4 “Non-shared ride”, a prearranged ride that is not a shared ride.

5 SECTION 2. Said section 1 of said chapter 159A½, as so appearing, is hereby further
6 amended by inserting after the definition of “prearranged ride” the following definition:-

7 “Shared ride”, a prearranged ride for which each rider requests or accepts a request to
8 share the prearranged ride with one or more riders, and for which each rider is charged a fare that
9 is calculated, in part, based on the rider’s request or acceptance of a request to share all or part of
10 the prearranged ride, regardless of whether the rider actually shares all or part of the ride with
11 one or more riders.

12 SECTION 3. Section 2 of said chapter 159A½, as so appearing, is hereby amended by
13 striking out subsection (e) and inserting in place thereof the following new subsection:-

14 (e) A transportation network company and driver shall not, unless approved to do so by
15 the division, raise base fares, impose additional charges or otherwise increase the price that a
16 rider is charged for transportation network services, including by imposing surge pricing or other
17 formulas based on increased demand, during a federal or a governor-declared state of
18 emergency.

19 SECTION 4. Subsection (f) of said section 2 of said chapter 159A½, as so appearing, is
20 hereby amended by adding the following 2 sentences:-

21 A transportation network driver shall carry proof of the completed transportation network
22 vehicle inspection at all times while providing transportation network services. Suitable proof
23 under this section shall be a copy of a vehicle inspection report issued pursuant to the sixth
24 paragraph of said section 7A of said chapter 90 and regulations promulgated thereunder.

25 SECTION 5. Subsection (l) of said section 2 of said chapter 159A½, as so appearing, is
26 hereby amended by adding the following sentence:-

27 When providing notice under this subsection, the transportation network company shall
28 also provide the following information to the division: (i) the universal unique identifier
29 associated with the driver; (ii) if reporting a violation of a law or rule or regulation, a citation to
30 said law or rule or regulation together with all reasonably available documentation and statement
31 demonstrating a violation by the driver; and (iii) if reporting a driver's unsuitability, a statement
32 demonstrating all reasons why the driver is not suitable to provide transportation network
33 services together with all reasonably available documentation supporting said reasons.

34 SECTION 6. Subsection (a) of section 7 of said chapter 159A½, as so appearing, is
35 hereby amended by striking out, in line 2, the words “subsection (b) of section 2 or sections 4 or
36 5” and inserting in place thereof the following words:- subsections (b) or (f) of section 2,
37 subsection (a) of section 4, or subsection (b) of section 5.

38 SECTION 7. Said subsection (a) of said section 7 of said chapter 159A½, as so
39 appearing, is hereby further amended by inserting after the words “chapter 90C”, in line 6, the
40 following words:- to the transportation network driver and may assess a fine of not more than
41 \$500.

42 SECTION 8. Subsection (b) of said section 7 of said chapter 159A½, as so appearing, is
43 hereby amended by striking out the figure “\$500”, in line 16, and inserting in place thereof the
44 following figure:- \$1,000.

45 SECTION 9. Said subsection (b) of said section 7 of said chapter 159A½, as so
46 appearing, is hereby further amended by striking out the figure “\$750”, in line 17, and inserting
47 in place thereof the following figure:- \$2,500.

48 SECTION 10. Said subsection (b) of said section 7 of said chapter 159A½, as so
49 appearing, is hereby further amended by striking out the figure “\$1,000”, in line 18, and inserting
50 in place thereof the following figure:- \$5,000.

51 SECTION 11. Said subsection (b) of said section 7 of said chapter 159A½, as so
52 appearing, is hereby further amended by striking out the words “6 months”, in line 19, and
53 inserting in place thereof the following words:- 2½ years.

54 SECTION 12. Said section 7 of said chapter 159A½, as so appearing, is hereby further
55 amended by striking out subsection (d) and inserting in place thereof the following 2
56 subsections:-

57 (d) A driver who fails to produce a physical paper copy of a transportation network driver
58 certificate or a physical paper copy of a background check clearance certificate upon request by
59 law enforcement shall be deemed to have committed a civil motor vehicle infraction, as defined
60 in section 1 of chapter 90C. State or local law enforcement officials may issue a citation for any
61 such violation in the manner provided for in said chapter 90C to the transportation network
62 driver and may assess a fine of not more than \$100 for a first offense, not more than \$500 for a
63 second offense, and not more than \$1,000 for a third or subsequent offense.

64 (e) No driver providing transportation network services shall knowingly and willfully
65 utilize rider information: (i) for any purpose that is inconsistent with the health, safety, welfare,
66 or privacy of the rider; (ii) to stalk, harass, annoy, or accost a rider in violation of sections 43 or
67 43A of chapter 265 or section 53 of chapter 272; or (iii) to defraud a rider in violation of section
68 37E of chapter 266. Any violation of this section shall be punished by imprisonment in the
69 house of correction for not more than 2 years. Each violation may be considered a separate
70 offense. Rider information as described in this subsection shall include, but not be limited to, a
71 rider's first and last name, home and mailing address, phone number, email address, and account
72 information.

73 SECTION 13. Subsection (e) of section 8 of said chapter 159A½, as so appearing, is
74 hereby amended by inserting after the words "chapter 66", in line 48, the following words:- ;

75 provided, however, that the division may post or share anonymized and aggregated data in the
76 manner provided in section 12.

77 SECTION 14. Chapter 159A¹/₂ of the General Laws is hereby further amended by adding
78 the following section:-

79 Section 12. (a) By the 1st of each month, each transportation network company shall
80 submit to the division, in a format approved by the division, data related to each prearranged ride
81 provided in the previous month and include the following categories of information:

82 (1) for each non-shared ride: (i) the latitude and longitude for the points of the origination
83 and termination, calculated to three decimal degrees; (ii) the date and time, calculated to the
84 nearest minute, of the origination and termination; (iii) the total cost paid by the rider for the
85 ride; (iv) the universally unique identifier associated with the transportation network driver; (v)
86 the transportation network driver's city or town of residence; and (vi) the transportation network
87 driver's state of driver licensure; (vii) whether the rider requested a shared ride but was not
88 successfully matched with another rider; (viii) whether the prearranged ride accommodated a
89 rider with special needs and, if so, whether the ride was provided by a wheelchair accessible
90 vehicle; (ix) the total time that the transportation network driver spent en route to pick up the
91 rider; (x) the total time that the transportation network driver spent providing the prearranged
92 ride; (xi) the total mileage driven by the transportation network driver while en route to pick up
93 the rider; (xii) the total mileage driven by the transportation network driver while providing the
94 prearranged ride; (xiii) the total number of riders in the vehicle; and (xiv) the transportation
95 network vehicle license plate;

96 (2) for each shared ride: (i) the latitude and longitude for the points of the origination and
97 termination of the entire shared ride, calculated to three decimal degrees; (ii) the total number of
98 riders in the vehicle; (iii) for each prearranged ride that was part of a shared ride:

99 (A) the latitude and longitude for the points of each respective prearranged ride's
100 origination and termination, calculated to three decimal degrees; (B) the date and time,
101 calculated to the nearest minute, of each respective prearranged ride's origination and
102 termination; (C) the total time that the transportation network driver spent en route to pick up
103 each rider; (D) the total time that the transportation network driver spent providing each
104 prearranged ride; (E) the total mileage driven by the transportation network driver while en route
105 to pick up each rider; (F) the total mileage driven by the transportation network while providing
106 each prearranged ride; (G) the total cost paid by each rider for each prearranged ride within a
107 shared ride; (H) the universally unique identifier associated with the transportation network
108 driver; (I) the transportation network driver's city or town of residence; (J) the transportation
109 network driver's state of driver licensure; and (K) the transportation network vehicle license
110 plate;

111 (3) for each transportation network vehicle that provided at least one prearranged ride: (i)
112 vehicle license plate; (ii) vehicle make, model, year, and, if available, trim; (iii) vehicle
113 identification number; (iv) total number of minutes and miles while the vehicle was en route to
114 pick up transportation network riders; (v) total number of minutes and miles while the vehicle
115 was engaged in prearranged rides, whether shared or non-shared; and (vi) the total number of
116 minutes and miles while the vehicle was logged into the transportation network vehicle's digital
117 network for purposes of accepting a prearranged ride, but not en route to pick up riders or
118 engaged in prearranged rides;

119 (4) for each accident or crash involving a transportation network driver while logged into
120 the transportation network company's digital network: (i) the latitude and longitude of the
121 location of the accident or crash, calculated to four decimal degrees; (ii) the date and time of the
122 accident or crash, calculated to the nearest minute; (iii) the license plate of the transportation
123 network vehicle; and (iv) the universally unique identifier associated with the transportation
124 network driver.

125 (b) The division may obtain additional ride data from a transportation network company
126 for purposes of congestion management, including, but not limited to:

127 (1) the total number of transportation network drivers that utilized the transportation
128 network vehicle's digital network within specified geographic areas and time periods as
129 determined by the division;

130 (2) the total time spent and total miles driven by transportation network drivers in such
131 geographic areas or time periods as determined by the division: (i) while en route to pick up a
132 rider; (ii) while engaged in a prearranged ride; and (iii) while logged into a digital network for
133 purposes of accepting a prearranged ride, but not en route to pick up a passenger or engaged in a
134 prearranged ride.

135 The division shall promulgate regulations prior to obtaining data pursuant to this
136 subsection.

137 (c) On an annual basis and not later than June 30, the division shall post on its website
138 in aggregate form, the total number of rides provided by all transportation network companies
139 that originated in each city or town, the cities or towns where the rides originating in each city or

140 town terminated, and the average miles and minutes of the rides that originated in each city or
141 town and terminated in each other respective city or town.

142 (d) The division may, for purposes of congestion management, transportation planning or
143 emissions tracking, enter into confidential data sharing agreements to share anonymized and
144 aggregated data received by the division pursuant to this section with the Executive Office of
145 Technology Services and Security, Executive Office of Energy and Environmental Affairs,
146 Massachusetts Department of Transportation, the Massachusetts Port Authority, the
147 Massachusetts Bay Transportation Authority, the Massachusetts Department of Environmental
148 Protection, a city or town that receives a disbursement from the Transportation Infrastructure
149 Enhancement Trust Fund established in section 8 of chapter 187 of the acts of 2016, a
150 Massachusetts regional transit authority formed pursuant to section 3 of chapter 161B of the
151 General Laws, a Massachusetts regional planning agency, and a Massachusetts metropolitan
152 planning organization. The division shall prescribe the form and content of a confidential data
153 sharing agreement, and the manner of transmitting the information. Any confidential data
154 sharing agreement shall specify that the information provided by the division shall be aggregated
155 and anonymized and may be used only for the purposes set forth in said agreement. Any data
156 received by an entity from the division through a confidential data sharing agreement as
157 described in this subsection shall not be considered a public record as defined in clause Twenty-
158 sixth of section 7 of chapter 4, and shall not be disclosed to any person or entity other than those
159 listed or described in the confidential data sharing agreement.

160 (e) Notwithstanding subsection (d) of section 12, a state or municipal government agency
161 or transportation planning entity may disclose conclusions and analysis derived from the
162 information and data received pursuant to a confidential data sharing agreement.

163 (f) Any violation of the terms of a confidential data sharing agreement by any of the
164 entities listed in subsection (d) of section 12 may result in the division declining to enter into
165 future confidential data sharing agreements with the violating entity.

166 SECTION 15. Section 8 of chapter 187 of the acts of 2016 is hereby amended by striking
167 out subsection (c) and inserting in place thereof the following subsection:-

168 (c) The division shall: (i) proportionately distribute $\frac{1}{2}$ of the amount received from the
169 fund to a city or town based on the number of rides from the previous calendar year that
170 originated within that city or town to address the impact of transportation network services on
171 municipal roads, bridges and other transportation infrastructure or any other public purpose
172 substantially related to the operation of transportation network services in the city or town
173 including, but not limited to, the complete streets program established in section 1 of chapter 90I
174 of the General Laws and other programs that support alternative modes of transportation and if
175 the amount of the distribution to a city or town is \$25,000 or less, the chief executive officer as
176 defined in section 7 of chapter 4 of the General Laws, may expend such funds for these purposes
177 without further appropriation; (ii) distribute $\frac{1}{4}$ of the amount collected to the Massachusetts
178 Development Finance Agency established in section 2 of chapter 23G of the General Laws to
179 provide financial assistance to small businesses operating in the taxicab, livery or hackney
180 industries to encourage the adoption of new technologies and advanced service, safety and
181 operational capabilities and support workforce development; and (iii) distribute $\frac{1}{4}$ of the amount
182 collected to the Commonwealth Transportation Fund established in section 2ZZZ of chapter 29
183 of the General Laws.

184 SECTION 16. Said section 8 of said chapter 187 is hereby further amended by striking
185 out subsection (d) and inserting in place thereof the following subsection:-

186 (d) (i) By December 31 of each year in which a city or town receives a disbursement of
187 more than \$25,000 from the Transportation Infrastructure Enhancement Trust Fund, that city or
188 town shall submit a report to the director of the division that details the projects and the amount
189 used or planned to be used for transportation-related projects as described in subsection (c).

190 (ii) By December 31 of the year in which a city or town receives a cumulative total of
191 more than \$25,000 in disbursements from the Transportation Infrastructure Enhancement Trust
192 Fund since its last report to director of the division, that city or town shall submit a report to the
193 director of the division that details the projects and the amount used or planned to be used for
194 transportation-related projects as described in subsection (c) for each disbursement from
195 Transportation Infrastructure Enhancement Trust Fund since the city or town's last report to the
196 director of the division.

197 (iii) For a city or town whose cumulative total disbursements from the Transportation
198 Infrastructure Enhancement Trust Fund have not exceeded \$25,000 in the five years since its last
199 report to the director of the division, that city or town shall submit a report to the director of the
200 division by December 31 of the fifth year since its last report to the director of the division. That
201 report shall detail the projects and the amount used or planned to be used for transportation-
202 related projects as described in subsection (c) for each annual disbursement from Transportation
203 Infrastructure Enhancement Trust Fund since the city or town's last report to the director of the
204 division.

205 (iv) The division shall withhold future disbursements from the Transportation
206 Infrastructure Enhancement Trust Fund from any city or town that does not comply with the
207 reporting requirements of this subsection (d). The withheld funds shall be disbursed when the
208 city or town complies with the requirements of this subsection (d).

209 (v) On an annual basis, the director shall compile the reports and post the projects and
210 amounts of money used on the website of the division.

211 SECTION 17. Section 9 of said chapter 187 is hereby amended by striking out said
212 section and inserting in place thereof the following section:-

213 Section 9. Section 8 is hereby amended by striking out subsection (c) and inserting in
214 place thereof the following subsection:-

215 (c) The division shall: (i) proportionately distribute $\frac{1}{2}$ of the amount collected to a city or
216 town based on the number of rides from the previous calendar year that originated within that
217 city or town to address the impact of transportation network services on municipal roads, bridges
218 and other transportation infrastructure or any other public purpose substantially related to the
219 operation of transportation network services in the city or town including, but not limited to, the
220 complete streets program established in section 1 of chapter 90I of the General Laws and other
221 programs that support alternative modes of transportation and if the amount of the distribution to
222 a city or town is \$25,000 or less, the chief executive officer as defined in section 7 of chapter 4
223 of the General Laws, may expend such funds for these purposes without further appropriation;
224 and (ii) distribute $\frac{1}{2}$ of the amount collected to the Commonwealth Transportation Fund
225 established in section 2ZZZ of chapter 29 of the General Laws.