

SENATE No. 02308

The Commonwealth of Massachusetts

SENATE, June 18, 2012

Senate, Monday, June 16, 2011– Text of the Senate amendment (Ways and Means) to the House Bill relative to an accelerated transportation development and improvement program for the Commonwealth (House, No. 4174).

For the committee,

STEPHEN M. BREWER.

The Commonwealth of Massachusetts

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In the Year Two Thousand Twelve
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1 SECTION 1. Chapter 159 of the General Laws is hereby amended by striking out section
2 101, as appearing in the 2010 Official Edition, and inserting in place thereof the following
3 section:-

4 Section 101. (a) Whoever fraudulently evades or attempts to evade the payment of a fare
5 lawfully established by a railroad corporation or railway company, either by giving a false
6 answer to the collector of the fare, by traveling beyond the point to which the person has paid the
7 same, by leaving the station, train, trolley, car, motor bus or trackless trolley vehicle without
8 having paid the fare established for the distance traveled or otherwise, shall forfeit not less than
9 \$50 nor more than \$500. Whoever passes beyond the point where a fare is collected and does not
10 first pay such fare shall not be entitled to be transported for any distance, and may be removed
11 from a railway car, train, trolley, motor bus or trackless trolley vehicle; provided, however, that
12 no person shall be removed from a car of a railroad corporation except as provided in section 93,
13 nor from a train except at a regular passenger station.

14 (b) Passengers who fail to pay or prepay the required fare on any vehicle or ferry owned
15 by or operated for the Massachusetts Bay Transportation Authority in violation of this section
16 shall be subject to a noncriminal citation, and may be requested to provide identification to the

17 Massachusetts Bay Transportation Authority police or employees within the instructor, chief
18 inspector or inspector classifications for the purpose of issuing a noncriminal citation. Upon
19 request by a Massachusetts Bay Transportation Authority police officer, a passenger shall make
20 themselves known to police by personal identification or any other means for the purpose of
21 issuing a noncriminal citation. Whoever fails or refuses to make oneself known by personal
22 identification or any other means upon demand by a Massachusetts Bay Transportation Authority
23 police officer for the purposes of issuing a noncriminal citation shall be subject to arrest for fare
24 evasion under section 93. This paragraph does not confer any power of arrest or any other power,
25 other than to inquire as to personal identification and to issue noncriminal citations to fare
26 evaders, on Massachusetts Bay Transportation Authority employees classified as an instructor,
27 chief inspector or inspector.

28 (c) A person who is issued a noncriminal citation shall be assessed a fine as follows: \$75
29 for a first offense; \$200 for a second offense; or \$350 for a third or subsequent offense. If the
30 person fails to pay the fine within 21 days of the date of the issuance of a noncriminal citation
31 under this section, or the person fails to request a hearing within 21 days of the date of the
32 issuance of a noncriminal citation under this section, the Massachusetts Bay Transportation
33 Authority shall provide notice of nonpayment of a fine indicating that the person's license or
34 right to operate a motor vehicle shall be suspended until the fine is paid. The authority shall
35 provide reasonable opportunity for a hearing and may waive or reduce a fine imposed under this
36 section within its discretion. If the fine is not waived under this section, the violator shall have 21
37 days from the date of the hearing to pay the fine.

38 Each citation shall state: "This noncriminal citation may be returned by mail, personally
39 or by an authorized person. A hearing may be obtained upon the written request of the violator.

40 Failure to obey this notice within 21 days after the date of violation may result in the non-
41 renewal of the license to operate a motor vehicle.”

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

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

51 If the records of the registrar indicate that the violator has no current information on file
52 and the violator is 17 years of age or older and the violator fails to pay the fine or request a
53 hearing, a surcharge of \$100 shall be assessed to each violation.

54 SECTION 2. Section 5 of chapter 161A of the General Laws, as so appearing, is hereby
55 amended by striking out subsection (m).

56 SECTION 3. Section 1 of chapter 258 of the General Laws, as so appearing, is hereby
57 amended by inserting after the word “district”, in line 13, the following words:- , in the case of
58 the Massachusetts Bay Transportation Authority, its general manager and rail and transit
59 administrator.

60 SECTION 4. Said section 1 of said chapter 258, as so appearing, is hereby further
61 amended by inserting after the word “purpose”, in line 23, the following words:- ; and, in the
62 case of the Massachusetts Bay Transportation Authority, the attorney shall be the general counsel

63 SECTION 5. Item 1595-6368 of section 2E of chapter 68 of the acts of 2011 is hereby
64 amended by adding the following words:- ; provided, further, that the secretary of transportation
65 shall transfer the remaining snow and ice budget funded from this item, in an amount not to
66 exceed \$1,500,000, to the regional transit authorities organized under chapter 161B of the
67 General Laws; provided, however, that notwithstanding section 23 of said chapter 161B, such
68 funds shall be distributed to each regional transit authority as supplemental assistance pro rata
69 based upon the percentage of funds received by each regional transit authority from the total
70 amount of state contract assistance distributed to such authorities in fiscal year 2012.

71 SECTION 6. Notwithstanding any general or special law or rule or regulation to the
72 contrary, the registrar of motor vehicles shall transfer \$51,000,000 from the Motor Vehicle
73 Inspection Trust Fund to the Massachusetts Transportation Trust Fund; provided, that this
74 transfer shall be made under a transfer schedule to be developed by the comptroller, after
75 consulting with the secretary of transportation and the secretary of administration and finance.
76 The schedule shall provide for transfers in increments considered appropriate to meet the cash
77 flow needs of each fund and all transfers under the schedule shall be completed not later than
78 June 30, 2013. Not later than 7 days after the schedules receive final approval by the comptroller,
79 they shall be reported to the house and senate committees on ways and means. In fiscal year
80 2013 the secretary of transportation shall, upon certification by the comptroller that sufficient
81 funds exist in the Massachusetts Transportation Trust Fund, transfer \$49,000,000, in the
82 aggregate, from the Massachusetts Transportation Trust Fund to the Massachusetts Bay

83 Transportation Authority or any fund controlled by the authority; provided further, that
84 \$2,000,000, in the aggregate, shall be transferred from the Massachusetts Transportation Trust
85 Fund to the regional transit authorities organized under chapter 161B of the General Laws;
86 provided, however, that: (i) notwithstanding section 23 of said chapter 161B, the \$2,000,000
87 shall be distributed to each regional transit authority as supplemental assistance pro rata based
88 upon the percentage of funds received by each regional transit authority from the total amount of
89 state contract assistance distributed to the regional transit authorities in fiscal year 2012; (ii) such
90 funds shall only be used to reimburse the authorities for the prior fiscal year's "preventative
91 maintenance expenses" of the vehicle fleet, as that term is defined within the federal national
92 transit database definitions; and (iii) any regional transit authorities not required to file with the
93 national transit database shall file with the Massachusetts Department of Transportation the same
94 information required by the national transit database with respect to preventative maintenance
95 expenses.

96 SECTION 7. (a) Notwithstanding chapter 66A of the General Laws, or any other general
97 or special law or rule or regulation to the contrary, the Massachusetts Bay Transportation
98 Authority and the regional transit authorities organized under chapter 161B of the General Laws
99 may provide the executive office of health and human services personal data relative to
100 customers utilizing the Massachusetts Bay Transportation Authority and regional transit
101 authorities' paratransit services for the purpose of securing federal reimbursement and
102 administration of the MassHealth program.

103 (b) The comptroller shall transfer any funds received through federal reimbursement due
104 to actions authorized in subsection (a) to the Massachusetts Transportation Trust Fund; provided,
105 that said deposits shall not exceed \$5,000,000.

106 SECTION 8. Notwithstanding any general or special law to the contrary, the
107 Massachusetts Department of Transportation shall submit a report to the house and senate
108 committees on ways and means, the joint committee on transportation and the joint committee on
109 tourism, arts and cultural development not later than August 31, 2012 that shall include, but not
110 be limited to, an estimated cost for restoring weekend service on the Old Colony Rail service,
111 and the cost of a new marketing plan for said service.

112 SECTION 9. The board of the Massachusetts Department of Transportation shall develop
113 and publish a long-term surface transportation financing plan for the commonwealth. The board
114 shall recommend plans for financing transportation infrastructure projects in all modes of surface
115 transportation, and for funding the operational needs of the department and its divisions.

116 The plan shall include a baseline assessment of the surface transportation revenues
117 currently available and projected to be available from all sources in all modes of surface
118 transportation, regardless of the fund in which they are kept, from fiscal years 2013 to 2022,
119 inclusive, if state law governing those revenues does not change during that period. The plan
120 shall also include a baseline assessment of surface transportation spending projected to be
121 required, from all sources in all modes of surface transportation, regardless of the fund from
122 which they are spent, from fiscal years 2013 to 2022, inclusive, on surface transportation
123 infrastructure needs, for both operating and capital projects. Projected spending shall include
124 information technology and other infrastructure necessary to support the operations of the
125 department. The baseline assessment shall project capital spending only for the maintenance of
126 the existing system and for expansion projects the commonwealth is legally bound to complete.
127 The baseline assessment shall include funding necessary to forward fund the regional transit
128 authorities and to eliminate the payment of salaries from the capital budget. The baseline

129 assessment shall also include an assessment of commonwealth debt and whether transportation
130 spending requirements are projected to result in encroachments on the commonwealth's current
131 debt policies, including the debt limit established under section 60A of chapter 29 of the General
132 Laws, the administrative bond cap and the limit established under the commonwealth's annual
133 debt affordability analysis.

134 The plan shall also include, but not be limited to, recommendations for: (i) changes to the
135 general laws that could result in additional revenues for all modes of surface transportation,
136 including projections of the additional revenue to be generated as a result of each recommended
137 change; (ii) procedures and criteria to be used in transportation project selection, under
138 paragraphs (8) and (9) of section 3 of chapter 6C of the General Laws, for both projects to
139 maintain the current surface transportation system and for projects that would expand the current
140 surface transportation system; (iii) changes to the organization of metropolitan planning
141 organizations in the commonwealth and the procedures used by those organizations to plan,
142 program and coordinate federal highway and transit investments; and (iv) a development plan,
143 with interim benchmarks, for the performance management system required to be established
144 under section 6 of said chapter 6C. The plan shall also consider the implementation of
145 GreenDOT, and how the board's recommendations interact with the commonwealth's goals of
146 reducing greenhouse gas emissions resulting from transportation. The plan shall also consider
147 whether the recommendations under this paragraph are projected to result in encroachments on
148 the commonwealth's current debt policies, including the debt limit established under said section
149 60A of said chapter 29, the administrative bond cap and the limit established under the
150 commonwealth's annual debt affordability analysis.

151 The plan, together with the board's recommendations and drafts of legislation necessary
152 to carry the recommendations into effect, shall be published on the website of the Massachusetts
153 Department of Transportation, delivered to the governor and filed with the clerks of the house of
154 representatives and the senate who shall forward the same to the chairs of the house and senate
155 committees on ways and means, the chairs of the house and senate committees on bonding,
156 capital expenditures and state assets, the house and senate chairs of the joint committee on
157 transportation and the house and senate chairs of the joint committee on revenue. The board shall
158 vote on, publish and deliver the plan not later than December 31, 2012.