

# HOUSE . . . . . No. 3694

By Representatives Wolf of Cambridge and Speranzo of Pittsfield,  
petition of Alice K. Wolf and others relative to the finances of the  
Massachusetts Bay Transportation Authority. Transportation.

## The Commonwealth of Massachusetts

### PETITION OF:

Alice K. Wolf	Frank M. Hynes
Carl M. Sciortino, Jr.	Thomas A. Golden, Jr.
Byron Rushing	Kay Khan
Mary E. Grant	J. James Marzilli, Jr.
Elizabeth A. Malia	William N. Brownsberger
Frank I. Smizik	Denise Provost
Michael E. Festa	James B. Eldridge
Timothy J. Toomey, Jr.	Bruce J. Ayers
Peter V. Kocot	Stephen Stat Smith
Benjamin Swan	Patricia D. Jehlen

In the Year Two Thousand and Seven.

AN ACT IMPROVING THE FINANCES OF THE MASSACHUSETTS BAY  
TRANSPORTATION AUTHORITY.

*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 18 of chapter 161A of the General Laws, as  
2 appearing in the 2004 Official Edition, is hereby amended by  
3 striking out the first paragraph and inserting in place thereof the  
4 following:—

5 Notwithstanding the provisions of any law to the contrary, and in  
6 addition to the sums to be credited to the Massachusetts Bay Trans-  
7 portation Authority State and Local Contribution Fund pursuant to  
8 the provisions of section 35T of chapter 10 of the General Laws, the  
9 Commonwealth shall annually transfer to said Fund contract assis-  
10 tance sufficient to pay the debt service or other payment obligations  
11 of the authority in connection with debt or other financing obliga-  
12 tions of the authority, including, without limitation, leases, reim-  
13 bursement obligations or interest exchange agreements, issued or

14 entered into prior to July 1, 2000 in respect of which the Common-  
15 wealth has pledged its credit or is otherwise liable or as to which the  
16 authority has covenanted to maintain net cost of service or contract  
17 assistance support. The Commonwealth shall remain liable for the  
18 payment of such obligations or the provision of net cost of service or  
19 contract assistance support as to such obligation to the same extent  
20 as before the enactment of this chapter.

21 Notwithstanding the provisions of this section, the Common-  
22 wealth may, subject to appropriation and the provisions of Article 62  
23 of the Amendments to the Constitution of the Commonwealth,  
24 pledge its credit, guaranty, or support for the funding of transit com-  
25 mitments made in connection with the central artery project, so-  
26 called, capital improvements required under the Americans With  
27 Disabilities Act, or any other projects to conform to federal statutory  
28 mandates, or projects or services specifically authorized and funded  
29 by legislation enacted by the general court after July 1, 2000, or any  
30 other projects or services authorized by the general court prior to  
31 said July 1 for which funding is appropriated by the general court  
32 subsequent to said July 1; provided, that the authority shall not be  
33 obligated to make expenditures for any such commitments or pro-  
34 jects so authorized for which the funds necessary to complete and  
35 operate such commitments or projects, including the guarantee of  
36 contract assistance, have not been made available to the authority.  
37 The authority shall undertake such projects and services so autho-  
38 rized and funded and shall incorporate them into the capital invest-  
39 ment program established pursuant to paragraph (g) of Section 5 and  
40 shall not make them subject to the priority ranking established by  
41 said paragraph (g) for other projects of the authority.

1 SECTION 2. Section 20 of said Chapter 161A is hereby amended  
2 by inserting at the end of sentence 4 the following:—, provided,  
3 however, that any such budget need not provide for payment of debt  
4 service payments or other payments due under financing obligations,  
5 including, without limitation, leases, reimbursement obligations or  
6 interest exchange agreements, for which the Commonwealth will  
7 provide contract assistance pursuant to Section 18 of Chapter 161A.

1 SECTION 3. Subsection (h) of section 5 of said chapter 161A is  
2 hereby amended by adding the following paragraph at the end of  
3 said subsection:—

4 Said report shall include numbers of riders per line of service as a  
5 monthly average, steps the authority is taking to increase ridership,  
6 if any, and statistics on service reliability per line of service.

1 SECTION 4. Subsection (d) of said section 5 of chapter 161A is  
2 hereby amended by striking sentences 1 and 2 and inserting in place  
3 thereof the following:—

4 No proposal for a system wide change in fares or decrease in  
5 system wide service shall be effective until said proposal shall first  
6 have been the subject of one or more public hearings and shall have  
7 been reviewed by the advisory board and, for a system wide increase  
8 in fares, the MBTA board has made findings on the environmental  
9 impact of such increase in fares and, for a system wide decrease in  
10 service of 10% or more, the decrease shall be the subject of an envi-  
11 ronmental notification form initiating review pursuant to Sections 61  
12 and 62H, inclusive, of Chapter 30. Any system wide increase in  
13 fares shall conform to the fare policy established pursuant to para-  
14 graph (r) and shall not be effective until said proposal is approved by  
15 the secretary of energy and environmental affairs after a public  
16 hearing on the environmental impact of decreased ridership.

1 SECTION 5. Said Section 5 of Chapter 161A is hereby further  
2 amended by adding the following subsection:—

3 (s) To adopt a fare policy that prohibits a per cent increase in fares  
4 greater than the inflation index measured between the implementa-  
5 tion date of the previous fare increase and the implementation date  
6 of the proposed fare increase. For the purposes of this section, the  
7 words “inflation index” shall mean the per cent change in inflation  
8 as measured by the per cent change in the consumer price index for  
9 all urban consumers for the Boston metropolitan area as determined  
10 by the bureau of labor statistics of the United States department of  
11 labor.

1 SECTION 6. Paragraph 1 of subsection (a) of Section 35T of  
2 Chapter 10 of the General Laws, as so appearing, is hereby amended  
3 by inserting at the end of sentence 2 the following:—and (iii) con-

4 tract assistance from the Commonwealth pursuant to the provisions  
5 of section 18 of said chapter.

1 SECTION 7. Paragraph 2 of said subsection (a) of Section 35T of  
2 Chapter 10, is hereby amended by inserting at the end of sentence 1  
3 the following:—; provided, however, that the authority shall not be  
4 required to certify that it has made provisions in its annual budget  
5 pursuant to Section 20 of Chapter 161A for debt services payments  
6 or other payments due for which the Commonwealth will provide  
7 contract assistance pursuant to Section 18 of Chapter 161A.

1 SECTION 8. Paragraph 2 of said subsection (a) of Section 35T of  
2 Chapter 10, is hereby amended by inserting at the end of sentence 2  
3 the following:—, except amounts in the Fund received as contract  
4 assistance from the Commonwealth pursuant to Section 18 of  
5 Chapter 161A which shall be directed towards improved operations,  
6 services and reliability on bus, subway and commuter rail lines.

1 SECTION 9. Said section 35T of Chapter 10 is further amended  
2 by striking out the figure “\$645,000,000” in sentence 1, and  
3 inserting in place thereof the following figure:—\$800,000,000.

1 SECTION 10. Said Section 35T of Chapter 10 is further amended  
2 by striking out “2001” throughout the text of said section and  
3 inserting in place thereof the following: 2008.

1 SECTION 11. Subsection (b) of said section 35T of chapter 10 is  
2 further amended by striking out “2002” in sentence 8 and inserting  
3 in place thereof the following:—2009.