

HOUSE No. 3151

The Commonwealth of Massachusetts

PRESENTED BY:
Willie Mae Allen

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 passage of the accompanying bill:

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

—
PETITION OF:

NAME:	DISTRICT/ADDRESS:
Willie Mae Allen	6th Suffolk
Karen E. Spilka	Second Middlesex and Norfolk
Martin J. Walsh	13th Suffolk
Thomas P. Conroy	13th Middlesex

The Commonwealth of Massachusetts

—————
In the Year Two Thousand and Nine
—————

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

Whereas, The deferred operation of this act would defeat its purpose, which is to provide improvement of the finances of the Massachusetts Bay Transportation Authority, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. After Section 18 of chapter 161A of the General Laws, as appearing in the 2006 Official Edition, a new Section 18A shall include the following:

Section 18A. Central Artery Transit Commitment Debt Relief:

In recognition of the unfair financial burden imposed upon the authority by public transportation improvements that were part of the commonwealth's commitment to address increased air pollution from increased automobile traffic through the Central Artery/Tunnel project, the commonwealth shall provide to the authority an annual payment sufficient to meet the annual debt service associated with the \$1,800,000,000 of debt the authority undertook to meet these public transportation commitments, including debt service on bonds the authority issued to refund such obligations.

Payments by the authority that would have been dedicated to the said \$1,800,000,000 of the Central Artery/Tunnel public transportation commitment annual debt service shall instead be dedicated to maintaining a state of good repair, preventing or minimizing fare increases, and preventing or minimizing service reductions.

SECTION 2. After Section 18 of chapter 161A of the General Laws, as appearing in the 2006 Official Edition, a new Section 18B shall include the following:

Section 18B. Commission to Evaluate Forward Funding:

A commission shall be established to evaluate the effectiveness of forward funding, develop recommendations to improve the funding of the authority, and develop policy recommendations to determine the appropriate level of debt the authority shall be allowed to bond. The commission shall report back to the Joint House and Senate Committee on Transportation and the Secretary of Transportation and Public Works by October 1, 2010. The commission shall be comprised of nine members, two appointed by the Governor, two appointed by the Speaker of the House, two appointed by the Senate President, the Secretary of Transportation and Public Works or his designee, the Secretary of Administration and Finance or his designee, and a representative of the MBTA Advisory Board. At least one appointee shall be a representative of a non-profit environmental or environmental justice organization and one appointee shall be a representative of organized labor.

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

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

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

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

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

The authority may not increase fares by an increase larger than the smallest percentage increase of the following: inflation index; average wage index; or median wage index, each measured between the implementation date of the previous fare increase and the implementation date of the proposed fare increase. For the purposes of this section, the words "inflation index" shall mean the percent change in inflation as measured by the percent change in the consumer price index for all urban consumers for the Boston metropolitan area as determined by the bureau of labor statistics of the United States department of labor. For purposes of this section, the words, "average wage index" shall mean the percent change in the average wage as determined by the Social Security Administration. For purposes of this section, the words, "median wage index" shall be the percentage change in the median wage as determined by the Social Security Administration. If the authority determines that it requires a larger increase in fares to maintain a state of good repair or avoid service reductions than authorized by this section, it shall so report to the Speaker of the House, Senate President, and Secretary of Transportation and Public Works.

SECTION 6. Section 8 of said chapter 161A is hereby amended by inserting at the end of sentence 2 the following:

and (iii) contract assistance from the commonwealth pursuant to the provisions of new section 18A of said chapter.

SECTION 7. Paragraph 1 of section 35T of Chapter 10 of the General Laws, as so appearing, is hereby amended by striking out the first paragraph and inserting in place thereof the following:

As used in this section, the following words shall, unless the context otherwise requires, have the following meanings:

"Base revenue amount," for fiscal year 2010 the amount of \$800,000,000 and for each fiscal year thereafter 103 percent of the base revenue amount for the prior fiscal year.