ATTACHMENT I

December 11, 2020

To the Honorable Senate and House of Representatives:

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution, I am returning to you for amendment Section 101 of House Bill No. 5164, “An Act Making Appropriations for the Fiscal Year 2021 for the Maintenance of the Departments, Boards, Commissions, Institutions and Certain Activities of the Commonwealth, for Interest, Sinking Fund and Serial Bond Requirements and for Certain Permanent Improvements.”

Section 101 would require the Massachusetts Bay Transit Authority (MBTA) to utilize, to the extent feasible, increases in revenue from accelerated sales tax and any potential federal funding to prevent service elimination, station closure, and delays in capital projects. The Section would further require that the MBTA conduct public meetings in advance of any service or capital project changes and report to the legislature in advance of any service changes, station closures, or capital project delays.

In September, in response to a substantial and sustained decline in ridership due to the COVID-19 crisis, the MBTA began a process to determine how to maintain essential service to transit critical populations and geographic areas. The MBTA evaluated ridership trends and began a public engagement process. This Forging Ahead process is designed to establish an appropriate “base service” level which will meet the needs of current and near-term ridership and allow the Authority to retain resources that will be needed in Fiscal Year 2022 and beyond as the pandemic ebbs, the economy recovers, and ridership returns.

I support a central objective of this outside section: that the MBTA continue its outreach and engagement with the public and the legislature as the agency moves forward with its Forging Ahead initiative. The MBTA has already conducted extensive outreach, including conducting 11 virtual public meetings in November and December and over 30 community meetings to solicit over 7,000 comments from the public. The MBTA is taking this feedback into account as it revises and finalizes the Forging Ahead plan. The MBTA commits to continuing its public engagement and, as provided in this amendment, will hold a total of at least five additional virtual public meetings before implementing service changes associated with the Forging Ahead process during FY21. Lastly, the MBTA will file reports with the Legislature at least 30 days in advance of service changes.

Certain provisions of Section 101, however, would unduly constrain the MBTA as it makes adjustments to service in light of reduced ridership and revenue. For example, the budget proposal would require, to the extent feasible, the expenditure of revenue from sales tax acceleration to prevent service reductions, station closures, and capital project delays. However, the additional revenue from sales tax acceleration is already being deployed to maintain the MBTA’s “base service”, which is the level of service needed to serve current and near-term projected ridership and is defined by the Fiscal Management and Control Board following the extensive Forging Ahead public process. I do agree that the MBTA should evaluate and deploy any additional funding that becomes available, including federal funding, to support sufficient base service levels and—when ridership and revenue so justify—begin to restore service that has been reduced and capital projects that have been delayed. Accordingly, I have returned language directing the MBTA to evaluate how to deploy available funding, including any future federal COVID relief funding which may be directed to the MBTA, to maintain essential base service levels and to restore service, reopen stations, and restart delayed capital projects as justified by increased ridership and revenue.

For these reasons, I recommend that Section 101 be amended by striking out the section and inserting in place thereof the following section:-

SECTION 101. In fiscal year 2021, the Massachusetts Bay Transportation Authority will evaluate and deploy available funding, including potential federal funding, to continue essential service, as determined by the Fiscal and Management Control Board, and to restore service, reopen stations and restart delayed capital projects as justified by increased ridership and revenue. In fiscal year 2021, the authority shall hold a total of at least 5 public meetings before the closures or suspensions of commuter rail or transit stations, ferry routes or bus routes; provided, however, that the meetings may be held by remote means. Nothing in this section shall prohibit the Massachusetts Bay Transportation Authority from making service adjustments to frequency or schedules; provided, however, that the Authority shall consider rider access, and in particular the access of transit critical riders, when making such adjustments.

In fiscal year 2021, the authority shall submit to the clerks of the senate and house of representatives, the senate and house committees on ways and means and the joint committee on transportation a report detailing any proposed service reduction, route elimination, commuter rail station closure or delays in capital projects not less than 30 days before any such reduction, elimination, closure or delay is scheduled to begin.

Respectfully submitted,

 Charles D. Baker

 Governor