

HOUSE No. 3326

The Commonwealth of Massachusetts

PRESENTED BY:

Carl M. Sciortino, Jr., Alice K. Wolf

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:
Carl M. Sciortino, Jr.	34th Middlesex
Alice K. Wolf	25th Middlesex
Frank I. Smizik	15th Norfolk
Mary E. Grant	6th Essex
Elizabeth A. Malia	11th Suffolk
Denise Provost	27th Middlesex
William N. Brownsberger	24th Middlesex
Tom Sannicandro	7th Middlesex
Willie Mae Allen	6th Suffolk
Louis L. Kafka	8th Norfolk
Gloria L. Fox	7th Suffolk
Sean Garballey	23rd Middlesex
Patricia D. Jehlen	Second Middlesex
Katherine Clark	32nd Middlesex
James B. Eldridge	Middlesex and Worcester
Kay Khan	11th Middlesex
Timothy J. Toomey, Jr.	26th Middlesex
John W. Scibak	2nd Hampshire
Byron Rushing	9th Suffolk

Mark V. Falzone	9th Essex
Paul McMurtry	11th Norfolk
Thomas P. Conroy	13th Middlesex
Marie P. St. Fleur	5th Suffolk

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 for this act would tend to defeat its purpose, which is forthwith to make 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 of the public convenience.

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 64A of the General Laws is hereby amended by striking the definition
2 of "Tax per gallon" and replacing it with the following:-

3 "Tax per gallon", shall be 33 cents per gallon, which, after the year 2010, shall be adjusted each January 1
4 by the growth rate of the inflation index over the preceding 12 months. For aviation fuel, "tax per gallon"
5 shall mean seven and one-half percent of the average price, as determined by the commissioner for each
6 calendar quarter, computed to the nearest tenth of a cent per gallon; provided, however, that such tax shall
7 not be less than ten cents per gallon. For the purposes of this definition, the words "inflation index" shall
8 mean the percent change in inflation as measured by the percent change in the consumer price index for
9 all urban consumers for the Boston metropolitan area as determined by the bureau of labor statistics of the
10 United States department of labor.

11 SECTION 2. Section 13 of said Chapter 64A is hereby amended by striking the text of the section and
12 replacing it with the following:-

13 Section 13. All sums received from the excise imposed on aviation fuel, and related penalties, forfeitures,
14 interest, costs of suits and fines, less all amounts for reimbursement under sections 7 and 7A, shall be

15 credited to the Highway Fund and may be used for airport development projects approved and carried out
16 at airports and landing facilities under 49 U.S.C. App. s 2210; and all other sums received under the
17 excise imposed in section 4, and relative penalties, forfeitures, interest, costs of suits and fines, less all
18 amounts for reimbursement under said sections 7 and 7A, shall be credited as follows:-- (i) 63.85 per cent
19 shall be credited to the Highway Fund to be used for transportation-related purposes; and (ii) 0.15 per cent
20 shall be credited to the Inland Fisheries and Game Fund, established by section 2C of chapter 131; and
21 (iii) 36 per cent shall be credited to the Massachusetts Bay Transportation Authority to be used for the
22 payment of debt services, maintaining a state of good repair of MBTA assets, and maintaining and
23 improving existing services.

24 SECTION 3. Section 5 of chapter 161A is hereby amended in subsection (d) by striking sentences 1 and 2
25 and inserting in place thereof the following:-

26 No proposal for a system wide change in fares or decrease in system wide service shall be effective until
27 said proposal shall first have been 1) reported to the President of the State Senate, the Speaker of the State
28 House of Representatives, and the House and Senate chairs of the Joint Committee on Transportation; and
29 2) the subject of one or more public hearings; and 3) shall have been reviewed by the advisory board. For
30 a system wide increase in fares, the MBTA board shall make available findings on the environmental
31 impact of such increase in fares and, for a system wide decrease in service of 10% or more, the decrease
32 shall be the subject of an environmental notification form initiating review pursuant to Sections 61 and
33 62H, inclusive, of Chapter 30. Any system wide increase in fares shall conform to the fare policy
34 established pursuant to paragraph (r) and shall not be effective until said proposal is approved by the
35 secretary of energy and environmental affairs after a public hearing on the environmental impact of
36 decreased ridership.

37 SECTION 4. Said Section 5 of Chapter 161A is hereby further amended by adding the following
38 subsection:-

39 The authority may not increase fares by an increase larger than the smallest percentage increase of the
40 following: inflation index; average wage index; or median wage index, each measured between the
41 implementation date of the previous fare increase and the implementation date of the proposed fare
42 increase. For the purposes of this section, the words "inflation index" shall mean the percent change in
43 inflation as measured by the percent change in the consumer price index for all urban consumers for the
44 Boston metropolitan area as determined by the bureau of labor statistics of the United States department
45 of labor. For purposes of this section, the words, "average wage index" shall mean the percent change in
46 the average wage as determined by the Social Security Administration. For purposes of this section, the
47 words, "median wage index" shall be the percentage change in the median wage as determined by the
48 Social Security Administration.

49 SECTION 5. Section 8 of said chapter 161A is hereby amended by inserting at the end of sentence 2 the
50 following:

51 and (iii) the percentage of the tax on gasoline as determined by sections 1 and 13 of Chapter 64A.

52 SECTION 6. Section 35T of Chapter 10 of the General Laws is hereby amended by striking the definition
53 of “Base revenue amount” and inserting in place thereof the following:

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