SENATE DOCKET, NO. FILED ON: 1/16/2009

**SENATE . . . . . . . . . . . . . . No.**

|  |
| --- |
|  |

The Commonwealth of Massachusetts

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

PRESENTED BY:

**Anthony W. Petruccelli**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

*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 financing the Commonwealth's transportation infrastructure.

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

PETITION OF:

|  |  |
| --- | --- |
| Name: | District/Address: |
| Anthony W. Petruccelli | First Suffolk and Middlesex |
| Carlo P. Basile | 1st Suffolk |

The Commonwealth of Massachusetts

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**In the Year Two Thousand and Nine**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

An Act financing the Commonwealth's transportation infrastructure.

*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. The power of the Massachusetts Turnpike Authority to fix and revise tolls, as established in subsections (i) and (j) of section 4 and section 10 of chapter 81A of the General Laws, as appearing, shall be suspended from the date of this act until December 31, 2009 or until comprehensive transportation reform legislation is passed by the Legislature, if that occurs prior to December 31, 2009.

SECTION 2. Section 1 of chapter 64A of the General Laws, as appearing in the 2004 Official Edition, is hereby amended by striking in paragraph (1) the language: “"Tax per gallon", shall be 21 cents per gallon” and inserting in place thereof the following:-

(l) “Tax Per Gallon”, shall be 46 cents per gallon.

SECTION 3. Chapter 81 is hereby amended by inserting after section 3 the following section:-

Section 3A. Tolls on the MA/NH, MA/CT, MA/RI and MA/VT borders.

Section 3A. The department of highways is hereby authorized to charge and collect and from time to time fix and revise tolls for transitinto Massachusetts on interstate 95 at the Massachusetts/New Hampshire border, interstate 84 at the Massachusetts/Connecticut border, interstate 95 south at the Massachusetts/Rhode Island border, interstate 91 north at the Massachusetts/Vermont border and interstate 91 south at the Massachusetts/Connecticut border. Such tolls shall be so fixed and adjusted as to provide, at a minimum, a fund sufficient with other revenues, if any, to pay (a) costs incurred in furtherance of this chapter related to the department including, but not limited to, the cost of owning, maintaining, repairing, reconstructing, improving, rehabilitating, policing, using, administering, controlling and operating the department; and (b) the principal of, redemption premium, if any, and the interest on notes or bonds relating to the department as the same shall become due and payable and to create and maintain reserves established for any of the department’s corporate purposes. Such tolls shall not be subject to supervision, regulation, approval or disapproval by any other department, division, commission, board, bureau or agency of the commonwealth or any political subdivision thereof. The department shall maintain the confidentiality of all information including, but not limited to, photographs or other recorded images and credit and account data, relative to account holders who participate in its electronic toll collection system. Such information shall not be a public record and shall be used for enforcement purposes only with respect to toll collection regulations. An account holder may, upon written request to the department, have access to all information pertaining solely to the account holder. For each violation of applicable department regulations related to electronic toll collection, a violation notice shall be sent to the registered owner of the vehicle in violation. The notice shall include the registration number of the vehicle, the state of issuance of such registration and the date, time and place of the violation. The notice may be based in whole or in part upon inspection of any photographic or other recorded image of a vehicle and the written certification by a state police officer or other person employed by or under contract with the department or its electronic toll collection system contractor that it is so based shall be prima facie evidence of the facts contained therein and shall be admissible in any administrative or judicial proceeding to adjudicate the liability for such violation.

SECTION 4. Notwithstanding any general or special law to the contrary, the entire state highway system shall implement “open road tolling” within 6 years of the passage of this Act. As used in this chapter the following term shall have the following meaning:

“Open road tolling”, fully automated electronic tolling in an open road environment allowing vehicles to travel at normal speeds when passing through toll collection points, without the use of toll booths.

Notwithstanding any general or special law or regulation to the contrary, a special commission, the Massachusetts Open Road Tolling Commission, after this referred to as the "commission," is hereby established for the purpose of making an investigation and study relative to, but not limited to, the cost, maintenance, efficiency, enforcement and value of implementing open road tolling. The commission shall file a report in the offices of the House Clerk and the Senate Clerk prior to the end of the 2009-2010 general court session.