

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

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**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:

Anthony W. Petruccelli  
Carlo P. Basile

DISTRICT/ADDRESS:

First Suffolk and Middlesex  
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:*

1 SECTION 1. The power of the Massachusetts Turnpike Authority to fix and revise tolls, as  
2 established in subsections (i) and (j) of section 4 and section 10 of chapter 81A of the General  
3 Laws, as appearing, shall be suspended from the date of this act until December 31, 2009 or until  
4 comprehensive transportation reform legislation is passed by the Legislature, if that occurs prior  
5 to December 31, 2009.

6

7 SECTION 2. Section 1 of chapter 64A of the General Laws, as appearing in the 2004 Official  
8 Edition, is hereby amended by striking in paragraph (1) the language: ""Tax per gallon", shall be  
9 21 cents per gallon" and inserting in place thereof the following:-

10 (l) "Tax Per Gallon", shall be 46 cents per gallon.

11

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

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

14 Section 3A. The department of highways is hereby authorized to charge and collect and from  
15 time to time fix and revise tolls for transit into Massachusetts on interstate 95 at the  
16 Massachusetts/New Hampshire border, interstate 84 at the Massachusetts/Connecticut border,  
17 interstate 95 south at the Massachusetts/Rhode Island border, interstate 91 north at the  
18 Massachusetts/Vermont border and interstate 91 south at the Massachusetts/Connecticut border.  
19 Such tolls shall be so fixed and adjusted as to provide, at a minimum, a fund sufficient with other  
20 revenues, if any, to pay (a) costs incurred in furtherance of this chapter related to the department  
21 including, but not limited to, the cost of owning, maintaining, repairing, reconstructing,  
22 improving, rehabilitating, policing, using, administering, controlling and operating the  
23 department; and (b) the principal of, redemption premium, if any, and the interest on notes or  
24 bonds relating to the department as the same shall become due and payable and to create and  
25 maintain reserves established for any of the department's corporate purposes. Such tolls shall not  
26 be subject to supervision, regulation, approval or disapproval by any other department, division,  
27 commission, board, bureau or agency of the commonwealth or any political subdivision thereof.  
28 The department shall maintain the confidentiality of all information including, but not limited to,  
29 photographs or other recorded images and credit and account data, relative to account holders  
30 who participate in its electronic toll collection system. Such information shall not be a public  
31 record and shall be used for enforcement purposes only with respect to toll collection  
32 regulations. An account holder may, upon written request to the department, have access to all  
33 information pertaining solely to the account holder. For each violation of applicable department  
34 regulations related to electronic toll collection, a violation notice shall be sent to the registered  
35 owner of the vehicle in violation. The notice shall include the registration number of the vehicle,

36 the state of issuance of such registration and the date, time and place of the violation. The notice  
37 may be based in whole or in part upon inspection of any photographic or other recorded image of  
38 a vehicle and the written certification by a state police officer or other person employed by or  
39 under contract with the department or its electronic toll collection system contractor that it is so  
40 based shall be prima facie evidence of the facts contained therein and shall be admissible in any  
41 administrative or judicial proceeding to adjudicate the liability for such violation.

42

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

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

49

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

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