

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Karen E. Spilka

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 to establish funding for existing transportation systems in the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Karen E. Spilka	Second Middlesex and Norfolk

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT TO ESTABLISH FUNDING FOR EXISTING TRANSPORTATION SYSTEMS IN THE COMMONWEALTH.

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 3 of Chapter 81A of the General Laws, as appearing in the 2006 Official
2 Edition, is hereby amended at lines 71 and 72 by striking the words “the Boston extension”.

3 SECTION 2. Section 3 of Chapter 81A is hereby amended by striking lines 5 through 18.

4 SECTION 3. Section 3 of Chapter 81A is hereby amended at lines 139 through 141 by striking
5 the words “to, but not including, the interchange of interstate highway route 90 and state
6 highway route 128 in the town of Weston.” And inserting in place thereof the words “to, but not
7 including, the interchange with interstate highway route 93 in the city of Boston.”

8 SECTION 4. Section 4 of Chapter 81A of the General Laws, is hereby amended by striking
9 subparagraphs (i) and (j).

10 SECTION 5. Section 10 of Chapter 81A is hereby repealed.

11 SECTION 6. Section 15 of Chapter 81A is hereby amended at lines 5 and 6 by striking the words
12 “and the Boston extension portion of the metropolitan highway system”.

13 SECTION 7. Section 16 of Chapter 81A is hereby amended at lines 6 and 7 by striking the words
14 “ or the Boston extension of the metropolitan highway system”

15 SECTION 8. Section 1 of Chapter 64A is hereby amended in paragraph (l) by striking the words:
16 ““Tax per gallon”, shall be 21 cents per gallon” and inserting in place thereof the following:-

17 (l) “Tax Per Gallon”, shall be forty one cents per gallon for the year beginning July 1, 2009.

18 Thereafter, for each fiscal year, the amount of tax due per gallon shall be computed by increasing
19 the amount of tax in effect on July 1 of that fiscal year by any percentage of increase in the
20 Consumer Price Index for the Northeast Census region published by the United States
21 Department of Labor, Bureau of Labor Statistics as of June 1st of that year over June 1st of the
22 prior year, computed to the nearest tenth of a cent per gallon. If there is no increase in the
23 Consumer Price Index, the tax per gallon shall be unchanged for the year.

24 SECTION 9. Section thirteen of Chapter 64A is hereby amended at Line 10 by striking the
25 words “sixty-eight and sixty one-hundredths” and inserting in place thereof the figure“35.14”.

26 SECTION 10. Section thirteen of Chapter 64A is hereby amended by striking paragraph (b) and
27 inserting in place thereof the following:

28 (b) whereas a portion of the excise imposed by section 4 is obtained from the sale or importation
29 of fuel used in producing or generating power for the operation of watercraft of every
30 description, except seaplanes, said excise funds shall be credited as follows:--

31 .08 percent to the Inland Fisheries and Game Fund, established by section 2C of chapter
32 131;
33 .08 percent to the Public Access Fund, established by section 17 F of chapter 21;
34 0.15 percent to the Marine Fisheries Fund, established by section 2B of chapter 130;
35 0.15 percent to the Environmental Law Enforcement Fund, established by section 6 of
36 chapter 21; and
37 .26 percent to the Harbors and Inland Waters Maintenance Fund, established by section
38 10 A 1/2 of chapter 91.

39 SECTION 11. Section thirteen of Chapter 64A is hereby amended at Line 26 by striking the
40 word fifteen and inserting in place thereof the figure “19.88”

41 SECTION 12. Section thirteen of Chapter 64A is hereby amended at Line 37 by striking the
42 word fifteen and inserting in place thereof the figure “7.68”

43 SECTION 13. Section thirteen of Chapter 64A is hereby amended by adding at the end there of
44 the following paragraphs:

45 (e) 17.07 percent shall be credited to the Metropolitan Highway System Contribution Fund
46 established under section 10A of Chapter 81A.

47 (f) 9.76 percent shall be credited to the Massachusetts Bay Transportation Authority State and
48 Local Contribution Fund established by section 35T of Chapter 10.

49 (g) 9.76 percent shall be credited to the Regional Transit Authorities Forward Funding Trust
50 Fund established by section 63A of Chapter 10.

51 SECTION 14. Section 35T of Chapter 10 is hereby amended in line 40 by adding after the figure
52 “161A” the following: “, (iii) revenue received from the excise on the sale of fuel imposed under
53 section 4 of Chapter 64A, in the amounts established in section 13 of Chapter 64A.”

54 SECTION 15. Section 8 of chapter 161A is hereby amended in line 7 by adding after the figure
55 “9” the following: “, (iii) revenue received from the excise on the sale of fuel imposed under
56 section 4 of Chapter 64A, in the amounts established in section 13 of Chapter 64A.”

57 SECTION 16. Section 63A of Chapter 10 is hereby amended after the words “public works “ by
58 adding the following sentence: “Revenue received from the excise on the sale of fuel imposed
59 under section 4 of Chapter 64A, in the amounts established in section 13 of Chapter 64A, shall
60 be credited to the fund.”

61 SECTION 17. Chapter 161A is hereby amended by inserting after section 23 the following new
62 section:

63 Section 23A. The commonwealth shall provide financial assistance to the authorities for contract
64 assistance, capital expenditures, and activities related to the operation of the authorities through
65 periodic withdrawals from the Regional Transit Authorities Forward Funding Trust Fund
66 established by section 63A of Chapter 10. Provided, however, that no funds shall be expended
67 from said Trust Fund until such time as sufficient funds have been made available by the
68 Commonwealth to forward fund, so called, the regional transit authorities.

69 SECTION 18. Chapter 81A of the General Laws is hereby amended by adding after section 10
70 the following new section:-

71 Section 10A: Metropolitan Highway System Contribution Fund

72 There shall be established and set up on the books of the commonwealth a separate fund, to be
73 known as the Metropolitan Highway System Contribution Fund. Revenue received from excise
74 on the sale of fuel imposed pursuant to Section 4 of Chapter 64A shall be credited to said fund in
75 the amounts established in section 13 of Chapter 64A. Metropolitan Highway System
76 Contribution Funds shall be expended by the authority as follows:

77 (a) For the debt service payments associated with the obligations of the Authority
78 incurred in connection with the construction of the Central Artery and the Ted
79 Williams Tunnel.

80 (b) For maintenance and other costs for the operation of the metropolitan highway system
81 which would otherwise be funded with toll revenue.

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83 SECTION 19. Notwithstanding any general or special law to the contrary, the Massachusetts
84 Turnpike Authority shall endeavor to transfer its rights to receive funds pursuant to contracts for
85 food service and the sale of gasoline at service plazas along the turnpike roadway. Funds
86 received in exchange for such a transfer shall be expended to repay any outstanding notes or
87 bonds issued by the turnpike authority pursuant to section 4(g) of Chapter 81A, or any other
88 obligations related to the removal of toll collection facilities along the turnpike and the
89 metropolitan highway system. Any funds remaining after such repayment of notes, bonds or
90 expended to meet such obligations shall be used for capital investment, maintenance, and other
91 costs associated with the operation of the turnpike and the metropolitan highway system.

92 SECTION 20. Notwithstanding any general or special law to the contrary, tolls shall not be
93 collected for transit over the Tobin Memorial Bridge, owned and operated by the Massachusetts
94 Port Authority.

95 SECTION 21. The transportation finance commission, established by section 13 of chapter 196
96 of the acts of 2004 shall study the opportunities for the commonwealth to enter into public-
97 private partnerships to fund the long term operation and maintenance of existing transportation
98 infrastructure assets and the design, construction, operation and maintenance of new
99 transportation infrastructure. The commission shall examine public-private partnership
100 agreements for transportation projects in other states and nations and shall make
101 recommendations regarding possible fair and equitable financing mechanisms for such
102 agreements and identifying particular existing or planned transportation assets in the
103 commonwealth which would benefit from such agreements.

104 The commission shall recommend language for an enabling statute governing public-private
105 partnerships which shall include provisions which require the following: 1) notice by the
106 secretary of transportation and public works to the Senate President, the Speaker of the House,
107 and chairs of the joint committee on transportation, whenever a particular transportation asset has
108 been identified as a potential subject of a public-private partnership; 2) a plan for legislative
109 participation in the design of the public-private partnership agreement; and 3) requirements that
110 any public-private partnership agreement be submitted to the legislature for review and approval
111 prior to the finalization or execution of such an agreement.

112 SECTION 22. (a) The transportation finance commission shall examine the technical and
113 financial feasibility of collecting revenue from fees for the use of roads and bridges throughout

114 the commonwealth. The mechanisms the commission will consider shall include but are not
115 limited to: the use of open road tolling, high occupancy tolled lanes, congestion pricing, and fees
116 based on annual miles traveled. The commission shall report on the projected availability of new
117 technologies to assist in the collection of such user fees without the use of barrier tolls.

118 (b) The transportation finance commission shall examine the feasibility of placing tolls on
119 limited access and interstate highways at the commonwealth's borders with Rhode Island,
120 Connecticut, New York, Vermont, and New Hampshire. The commission's report shall estimate
121 potential toll revenue, examine the potential for impact on traffic on nearby non-tolled roads,
122 examine the economic impact on communities containing highways considered for tolling, and
123 address issues related to federal approval for the institution of tolls on federally financed
124 roadways.

125 SECTION 23. The commission shall develop a report detailing the findings from its
126 examinations and studies conducted pursuant to Sections 21 and 22 of this act, including a draft
127 of any legislation required to implement those recommendations. The commission shall submit
128 its report to the governor, the secretary of transportation and public works, the clerks of the
129 house of representatives and the senate, the house and senate committees on ways and means and
130 the joint committee on transportation no later than June 1, 2009.