

# *The Commonwealth of Massachusetts*

**In the Year Two Thousand Thirteen**

*An Act establishing a more equitable public transit fare structure*

*Whereas*, low income people, young people, and people with disabilities who rely on public transit for mobility are disproportionately affected by increases in public transit fares, and

*Whereas*, all people rely on public transit for access to economic opportunities and essential needs, and

*Whereas*, the steep decrease in use of paratransit after the increase in fares for paratransit reflects a crisis for riders with disabilities, and

*Whereas*, the deferred operation of this act would tend to defeat its purpose, which is forthwith to provide for a more equitable system of public transit fares throughout the commonwealth, 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:*

SECTION 1. Section 5 of chapter 161A of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out subsection (e) in its entirety and replacing it with the following new subsection:-

(e) The board shall not establish a fare in excess of 35 per cent of the regular adult cash fare for children between the ages of 5 and 19 years, inclusive, or for persons 65 and older who reside

within the commonwealth, or for persons with disabilities who reside within the commonwealth. Any such fare so established shall provide for free transfer privileges.

SECTION 2. Section 5 of said chapter 161A is hereby amended by inserting after subsection (r) the following subsection:

(s) The authority shall not increase fares more often than once every two years. An increase in fares shall not be greater than the per cent increase in average wages in the authority service area based on the Quarterly Census of Employment and Wages published by the United States Department of Labor Bureau of Labor Statistics and measured between the implementation date of the previous fare increase and the implementation date of the proposed fare increase.

SECTION 3. Section 8 of chapter 161B of the General Laws is hereby amended by inserting after the first sentence in subsection (d) the following text:

Fares shall not be increased more often than once every two years. An increase in fares shall not be greater than the per cent increase in average wages in the authority service area based on the Quarterly Census of Employment and Wages published by the United States Department of Labor Bureau of Labor Statistics and measured between the implementation date of the previous fare increase and the implementation date of the proposed fare increase. Fares shall not be in excess of 35 per cent of the regular adult cash fare for children between the ages of 5 and 19 years, inclusive, or for persons 65 and older who reside within the commonwealth, or for persons with disabilities who reside within the commonwealth. Any such fare so established shall provide for free transfer privileges.

SECTION 4. Chapter 6C of the General Laws is hereby amended by adding the following three sections:

Section 74

The paratransit fares of the Massachusetts Bay Transportation Authority and the Regional Transit Authorities shall not exceed:

- (a) The regular adult single ride local bus cash fare for persons who reside in the commonwealth and whose income does not exceed 200 per cent of the Federal Poverty Guidelines as published and updated by the United States Department of Health and Human Services;
- (b) One and one-half times the regular adult single ride local bus cash fare for persons who reside in the commonwealth and whose income is above 200 per cent and does not exceed 300 per cent of the Federal Poverty Guidelines as published and updated by the United States Department of Health and Human Services; and
- (c) Twice the regular adult single ride local bus cash fare for persons who reside in the commonwealth and whose income exceeds 300 per cent of the Federal Poverty Guidelines as published and updated by the United States Department of Health and Human Services.

Section 75

- (a) Universal University Pass Program. The department shall develop a mandatory Universal University Pass Program (U-Pass) beginning in fiscal year 2015 for colleges and universities throughout the commonwealth, with the purpose of providing unlimited rides on the transportation systems of the Massachusetts Bay Transportation Authority (MBTA) and the Regional Transit Authorities (RTA) to all full-time undergraduate and graduate students at the colleges and universities that are located within 1 mile of MBTA or RTA service. The U-

Pass program shall contain all the terms of participation by the schools, the obligations of the department, MBTA, and RTAs under the program, and such other terms as necessary.

The U-Pass fare for the first fiscal year of the program shall be no less than 65% of the full fare, per student per semester. The department may increase the fare in later years. All colleges and universities that are located within 1 mile of service provided by the MBTA or a RTA are required to participate in the program and pay the applicable U-Pass fare for each full-time undergraduate and graduate student at the school directly to the applicable RTA or MBTA. The department may authorize alternative arrangements under unusual circumstances and may allow for the continuation of contracts that provide unlimited rides for students.

- (b) Universal Employer Pass Program. The department shall develop a voluntary Universal Employer Pass Program (E-Pass) beginning in fiscal year 2015 for large employers throughout the commonwealth, with the intended purpose of providing unlimited rides on the transportation systems of the Massachusetts Bay Transportation Authority (MBTA) and the Regional Transit Authorities (RTA) to all employees of participating large employers. The MBTA or RTA shall make the program available to all large employers that are located within 1 mile of MBTA or RTA service. The E-Pass agreements shall contain all the terms of participation by employers, the obligations of the department, MBTA, and RTAs under the program, and such other terms as necessary. The department shall establish a goal that at least 50 per cent of large employers in the commonwealth have an E-Pass program in place within five years of the establishment of the voluntary program. For purposes of this section, “large employer” shall mean employers that employ at least 50 employees in the commonwealth.

The E-Pass fare shall be negotiated by the department with each participating employer and shall be set at a level to assure that no transit authority has a reduction in fare revenue as a result of the program. Employers within one mile of service provided by the MBTA or a RTA that participate would be required to pay the applicable E-Pass fare for each employee directly to the applicable RTA or MBTA. The department may authorize alternative arrangements under unusual circumstances.

#### Section 76

By July 1, 2014, the Massachusetts Bay Transportation Authority and each Regional Transit Authority shall create and implement a discount cash and pass fare program for low-income residents, based on affordability and taking into consideration median household income and housing costs in their service area. The Massachusetts Bay Transportation Authority and each Regional Transit Authority shall report annually to the Massachusetts Department of Transportation the reduction in fare revenue resulting from such reduced fares, using criteria developed by the department, and shall be reimbursed annually by the department for the reduction in fare revenue from transportation funds not otherwise required to be paid to said authorities.

SECTION 5. By July 1, 2014, the Department of Transportation, in consultation with youth advocacy groups, transit advocacy groups, the Massachusetts Bay Transportation Authority, and Regional Transit Authorities, shall create and implement a 2 year long youth pass pilot program in the Massachusetts Bay Transportation Authority system and in the transit system of at least 3 Regional Transit Authorities in which persons between the ages of 12 and 21, inclusive, would be eligible to purchase a significantly discounted monthly local bus pass and combined monthly

bus and subway pass from the applicable transit authority. Persons who are eligible for the U-Pass program shall not be eligible to participate in the youth pass program. The pilot shall include at least 2000 eligible persons participating. The purpose of the pilot would be to determine the costs of such program, rates of participation, the benefits to participating persons, and such other factors as the department, in consultation with youth advocacy groups, transit advocacy groups, the Massachusetts Bay Transportation Authority, and Regional Transit Authorities, determines are necessary to provide a recommendation of whether and how to implement such a program in the system of the Massachusetts Bay Transportation Authority and 1 or more Regional Transit Authorities. Within 1 year after the conclusion of the pilot program, the department shall file a report and recommendation with the governor, the clerks of the house of representatives and the senate, and the joint committee on transportation. The department shall publish a draft report, allow at least 30 days for written public comments on the draft report, and take the comments into consideration before filing its final report. The costs of the pilot program shall be borne by the department, which shall also reimburse the Massachusetts Bay Transportation Authority and the participating Regional Transit Authorities for any reduction in fare revenue caused by the pilot.