

By Mr. Paleologos of Woburn, petition of Nicholas A. Paleologos relative to the continued operation and financing of the Massachusetts Bay Transportation Authority. Transportation.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Two.

AN ACT RELATIVE TO THE CONTINUED OPERATION AND FINANCING OF THE MASSACHUSETTS BAY TRANSPORTATION AUTHORITY.

1 *Whereas*, the deferred operation of this Act would tend to defeat
2 its purpose, which is to provide for the continued operation and
3 financing of the Massachusetts Bay Transportation Authority,
4 therefore it is hereby declared to be an emergency law, necessary
5 for the immediate preservation of the public convenience and
6 safety.

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 5 of Chapter 161A of the General Laws is
2 hereby amended by striking out paragraph (e) and inserting the
3 following:—

4 (e) The board of directors shall establish fares for all mass
5 transportation services provided by or under the control of the
6 authority. In the event that any proposed fare increase results in
7 aggregate fare revenue exceeding thirty-five percent of the total
8 current expenses of the authority on an annual basis, said increase
9 shall be submitted to the advisory board and approved or disap-
10 proved by said board. In the event that any proposed fare increase
11 results in aggregate fare revenues providing less than thirty-five
12 percent of the total current expenses of the authority on an annual
13 basis then said increase shall not require the approval of the
14 advisory board, or of any other board, department, agency, or

15 executive office of the Commonwealth or its political subdivisions,
16 including the executive office of environmental affairs, or any
17 department or agency within its jurisdiction.

18 The board of directors shall, annually review all fares for all
19 mass transportation services provided by the authority, and shall
20 make adjustments in said fares resulting in, at a minimum aggre-
21 gate fare revenue providing thirty-three and one third percent of
22 the total current expenses of the authority.

1 SECTION 2. Notwithstanding the provisions of subsection (i)
2 of section five of chapter one hundred and sixty-one A of the
3 General Laws, chapter one hundred and fifty-one of the acts of
4 nineteen hundred and seventy-nine, section twenty-seven C of
5 chapter twenty-nine of the General Laws and of section twenty A
6 of chapter fifty-nine of the General Laws, the board of directors of
7 the Massachusetts Bay Transportation Authority may by an affirm-
8 ative vote of the directors, approve and restore to the budget for
9 the calendar year nineteen hundred and eighty-one itemized reduc-
10 tions which the advisory board may make or may have made in any
11 budget or supplementary budget submitted to it; provided, howev-
12 er, that the amounts so restored to any such budget shall not exceed
13 that amount of revenue which the authority has raised by an
14 increase in fares implemented after the effective date of this act;
15 provided further that the Treasurer of the Authority shall certify
16 twice each month to the board of directors the amount of revenue
17 raised by said increase in fare and the board shall not at any time
18 restore to said budget any amounts not so certified by the Treasur-
19 er as having been collected; and provided, further that any
20 amounts so restored to any such budget shall be used solely to
21 maintain and improve mass transportation services provided by
22 the authority and shall not be used for the purpose of funding
23 increased costs of any collective bargaining agreement or arbitra-
24 tion decision for calendar year nineteen hundred and eighty-one
25 operations.

1 SECTION 3. Notwithstanding the provisions of chapter one
2 hundred and sixty-one A of the General Laws, or section twenty A
3 of chapter fifty-nine of the General Laws the cities and towns

4 comprising the Massachusetts Bay Transportation Authority,
5 shall be assessed as a result of the Massachusetts Bay Transporta-
6 tion Authority net cost of service for calendar year nineteen
7 hundred and eighty-one operations, an amount not to exceed
8 ninety-five million dollars.

1 SECTION 4. Said Chapter 161A of the General Laws is hereby
2 further amended by striking out Section 6, as most recently amend-
3 ed by Section 3 of Chapter 581 of the Acts of 1980 and inserting in
4 place thereof the following new section: —

5 *Section 6.* The authority shall be managed by a board of nine
6 directors, hereinafter in this chapter called the directors, one of
7 whom shall be the secretary, who shall be the chairman and shall
8 not be compensated therefor, six of whom shall be appointed by
9 the governor and who shall serve coterminus with the governor,
10 one with the approval of the advisory board, one with the approval
11 of the fourteen cities and towns, and one with the approval of the
12 sixty-four cities and towns, two of whom shall be appointed by the
13 chairman of the advisory board and who shall serve for a term of
14 two years, one being a member of the advisory board and one being
15 a commuter who regularly uses the authority's mass transportation
16 facilities, and who for at least three months prior to appointment
17 has owned and used a prepaid monthly pass issued by the authori-
18 ty. The approval of the fourteen cities and towns shall be deter-
19 mined by a majority vote of their mayors, or city managers in the
20 cases of Plan D or P Lan E cities, and chairmen of the board of
21 selectmen and town managers in towns having a town council form
22 of government with the vote of each city and town counted as on
23 said advisory board, provided that fifty percent or more of the total
24 votes as set forth in said section seven is represented at such
25 meeting. The approval of the advisory board and of the sixty-four
26 cities and towns shall be determined by a majority vote of their
27 mayors or city managers and chairmen of selectmen or town
28 managers present and voting thereon with the vote of each city and
29 town counted as on said advisory board, provided that fifty percent
30 or more of the total votes as set forth in said section seven is
31 represented at such meeting. One of the appointees of the governor
32 shall be experienced in transportation, one a member of organized

33 labor who shall be a member of a national or international labor
34 organization and one experienced in administration and finance.
35 No more than seven of the nine directors shall be members of the
36 same political party. Two of the appointees of the governor shall
37 not be residents of the area constituting the authority.

38 Any director except the chairman may be removed for cause by
39 the governor and any vacancy in the office of a director shall be
40 filled, by appointment of the governor with the approval applica-
41 ble to such vacancy. Section three of chapter twelve shall not apply
42 to said board of directors. The six directors appointed by the
43 governor and the two directors appointed by the chairman of the
44 advisory board, shall receive a salary of seven thousand five
45 hundred dollars. A majority of the directors shall constitute a
46 quorum, but a majority vote of the entire membership of the board
47 of directors shall be required to take any particular action.