

By Mr. Nickinello of Natick, petition of Louis R. Nickinello, other members of the General Court and another relative to the membership of the Massachusetts Bay Transportation Authority. Transportation.

The Commonwealth of Massachusetts

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

AN ACT RELATIVE TO THE MEMBERSHIP OF THE MASSACHUSETTS BAY
TRANSPORTATION AUTHORITY.

*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 one of Chapter 161A of the General Laws
2 is hereby amended by striking out in the definition of "Commut-
3 ers" the words "or on of the sixty-four cities or towns".

1 SECTION 2. Said section one is hereby further amended by
2 striking out the definition of "sixty-four cities and towns."

1 SECTION 3. Said chapter 161A is hereby further amended by
2 striking out section two and inserting in place thereof the follow-
3 ing:

4 The territory within and the inhabitants of the fourteen cities
5 and towns are hereby made a body politic and corporate and a
6 political subdivision of the commonwealth under the name of
7 Massachusetts Bay Transportation Authority. The authority shall
8 have power to hold property, to sue and be sued in law and equity
9 and to prosecute and defend all actions relating to its property and
10 affairs. The authority shall be liable for its debts and obligations,
11 but the property of the authority shall not be subject to attachment
12 nor levied upon by execution or otherwise. Process may be served
13 upon the treasurer of the authority or, in the absence of the

14 treasurer, upon any member of the board of directors of the
15 authority.

1 SECTION 4. Said chapter 161A is hereby further amended by
2 striking out Section 6 and inserting in place thereof the following
3 section:—

4 *Section 6.* The affairs of the authority shall be managed by a
5 board of five directors, hereinafter in this chapter called the direc-
6 tors, who shall be appointed by the governor, three with the
7 approval of the advisory board. The approvals of the advisory
8 board shall be determined by majority vote of their mayors or city
9 managers and chairmen or selectmen present and voting thereon
10 with the vote of each city and town counted as on said advisory
11 board; provided, that fifty percent or more of the total votes as set
12 forth in said section seven is represented at such meeting. One of
13 the appointees of the governor shall be experienced in transporta-
14 tion, one a member of organized labor who shall be a member of a
15 national or international labor organization, and one experienced
16 in administration and finance. No more than three of the five
17 directors shall be members of the same political party. Each direc-
18 tor appointed hereunder shall hold office until the qualification of
19 his successor. Upon the expiration of the term of any member his
20 successor shall be appointed by the governor for a term cotermi-
21 nous with that of the governor, except for the chairman, who shall
22 be appointed by the governor with the approval of the advisory
23 board and who shall serve at the pleasure of the governor.

24 The director appointed as chairman shall be the chief executive
25 officer of the authority and shall devote full time to the manage-
26 ment of the authority.

27 Any director may be removed for cause by the governor, and any
28 vacancy in the office of a director shall be filled, for the unexpired
29 term, by appointment of the governor with the approval applicable
30 to such vacancy. Section three of chapter twelve shall not apply to
31 said board of directors. The chairman of the board of directors
32 shall receive a salary of forty-five thousand dollars, and each of the
33 other directors a salary of seven thousand five hundred dollars. A
34 majority of the directors shall constitute a quorum, but a majority
35 vote of the entire membership of the board of directors shall be
36 required to take any particular action.

1 SECTION 5. Said chapter 161A is hereby further amended by
2 striking out Section seven and inserting in place thereof the follow-
3 ing section: —

4 *Section 7.* There shall be an advisory board to the authority
5 consisting of the city manager in the case of a Plan D or E city or
6 the mayor of each other city, and the chairman of the board of
7 selectmen of each town, constituting the authority. Each mayor or
8 city manager and each chairman may, by writing filed with the
9 authority from time to time appoint a designee to act for him on the
10 advisory board. Each city and each town shall have one vote on the
11 advisory board plus additional votes and fractions thereof deter-
12 mined by multiplying one and one half times the total number of
13 cities and towns in the authority by a fraction of which the numera-
14 tor shall be the total amount of all assessments made by the state
15 treasurer to such city or town under this chapter and the denomina-
16 tor shall be the total amount of all assessments made by the state
17 treasurer to all such cities and towns. The total vote of each city and
18 town shall each year beginning in nineteen hundred and sixty-six
19 be determined by the authority and delivered in writing to the
20 advisory board thirty days after the state treasurer has sent his
21 warrants for payments to the cities and towns. The determination
22 of votes shall be based upon the most recent annual assessment.

23 Whenever the approval of the advisory board is required for any
24 appointment or action by the governor or the authority, such
25 approval shall be deemed to have been granted unless, in the case of
26 the annual budget, within ninety-days of the submission thereof,
27 and in the case of any other action or appointment, within thirty
28 days of the submission thereof, the advisory board has or have
29 communicated its disapproval to the governor or to the authority
30 in writing, or in the case of action on a proposed budget, the
31 advisory board's qualified approval.

32 Any notice or submission hereunder to the advisory board shall
33 be given in such manner as the governor or authority deems
34 reasonable.

35 Except as otherwise provided by vote of the advisory board a
36 meeting may be called by the representative or representatives of
37 cities and towns having five percent or more of the votes of the
38 advisory board as the case may be. The advisory board shall act by

39 a majority vote, except that it may delegate its power of approval to
40 an executive committee formed and elected pursuant to duly
41 adopted by-laws of the board and constituting among its members
42 at least one half of the total vote of the board, and may, at any time,
43 revoke such delegation; provided that no such executive commit-
44 tee shall be empowered to approve the governor's appointments to
45 the board of directors.

46 The advisory board may incur expenses, not to exceed seventy-
47 five thousand dollars annually, for staff, stenographic and clerical
48 work, and such expenses shall be paid by the authority.

1 SECTION 6. The Authority shall annually determine the net
2 cost of operating rapid transit service outside of the area constitut-
3 ing the Authority and shall notify the Secretary of Administration
4 of said cost.

5 The Commonwealth, acting by and through the executive office
6 of administration and finance, shall annually enter into a contract
7 with the authority providing that said net cost of operating rapid
8 transit service outside of the area constituting the authority shall be
9 paid by the commonwealth and shall not be assessed upon the cities
10 and towns of the authority.

1 SECTION 7. Any services provided by the Authority outside of
2 the area of the authority at the time of passage of this act shall
3 continue to be provided by the authority until a determination is
4 made by the chief elected official of the municipality receiving said
5 service whether to continue to receive said service from the author-
6 ity, to discontinue said service, or to contract said services with a
7 private carrier.

8 In the event that the determination is made to continue to receive
9 said services from the authority such municipality shall annually
10 enter into an agreement pursuant to the provisions of paragraph (j)
11 of Section five of chapter 161A of the General Laws providing for
12 reimbursement by such municipality to the authority for the net
13 additional expense of such service as determined by the authority.

1 SECTION 8. The Commonwealth, acting by and through the
2 executive office for administration and finance shall annually enter

3 into a contract or contracts with the Massachusetts Bay Transpor-
4 tation Authority providing that a portion of the net cost of service
5 of said authority shall be paid by the commonwealth, and shall not
6 be assessed upon the cities and towns constituting the authority;
7 provided, however that no such contract shall be entered into
8 which would require that the state's contribution to said net cost of
9 service, as defined in Section one of chapter 161A of the General
10 Laws, would exceed fifty percent of said net cost.

1 SECTION 9. Chapter 161A is hereby further amended by strik-
2 ing out section 8A, as most recently amended by chapter 445 of the
3 acts of 1968 and inserting in place thereof the following section: —
4 *Section 8A.* For calendar years 1980 and 1981 in addition to
5 any other contract assistance paid to the authority under the
6 provisions of this chapter or any other general or special law, and
7 notwithstanding the provisions of this chapter or any other special
8 or general law, the executive office of administration and finance,
9 upon the recommendation of the secretary, acting on behalf of the
10 commonwealth, shall enter into a contract or contracts with the
11 authority providing for additional contract assistance in the
12 amount of one hundred percent of the authority's net additional
13 expense of providing commuter railroad passenger service to cities
14 and towns and regional transportation authorities outside the area
15 constituting the authority. For the purpose of this section, net
16 additional expenses shall mean the net cost of such service exclud-
17 ing amounts paid to or received by the authority, including any
18 federal grant, subsidy or reimbursement for any such services
19 provided by the authority.

