

HOUSE No. 3523

The Commonwealth of Massachusetts

PRESENTED BY:

Jay D. Livingstone

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 adoption of the accompanying bill:

An Act to reduce congestion and encourage shared rides.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|-------------------------------|--------------------------------|------------------|
| <i>Jay D. Livingstone</i> | <i>8th Suffolk</i> | <i>2/17/2021</i> |
| <i>Lindsay N. Sabadosa</i> | <i>1st Hampshire</i> | <i>2/25/2021</i> |
| <i>Kate Lipper-Garabedian</i> | <i>32nd Middlesex</i> | <i>2/26/2021</i> |
| <i>Michelle L. Ciccolo</i> | <i>15th Middlesex</i> | <i>2/26/2021</i> |
| <i>James B. Eldridge</i> | <i>Middlesex and Worcester</i> | <i>3/2/2021</i> |
| <i>Kay Khan</i> | <i>11th Middlesex</i> | <i>6/30/2021</i> |
| <i>Natalie M. Higgins</i> | <i>4th Worcester</i> | <i>9/13/2021</i> |

HOUSE No. 3523

By Mr. Livingstone of Boston, a petition (accompanied by bill, House, No. 3523) of Jay D. Livingstone and others for legislation to encourage transportation network company pre-arranged shared rides. Transportation.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act to reduce congestion and encourage shared rides.

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 8 of Chapter 187 of the Acts of 2016 is hereby amended by striking
2 (b) and replacing with the following section:

3 (b) Annually, not later than February 1, each transportation network company shall
4 submit to the director of the division established in section 23 of chapter 25 the number of rides
5 from the previous calendar year that originated in each city or town and the amount collected
6 from rider-assessments. Notwithstanding any other law, a rider-assessment is to be charged as
7 follows:

8 (i) \$0.40 for a shared ride in which, prior to the commencement of the pre-arranged ride,
9 a passenger requests through the transportation network company’s digital network, to share the
10 ride with one or more passengers and each passenger is charged a fare that is calculated in whole
11 or in part, based on the passenger’s request to share all or part of the ride with one or more
12 passengers, regardless of whether the passenger actually shares all or part of the ride.

13 (ii) \$1.20 for a pre-arranged ride other than a ride described in (i).

14 (iii) \$1.00 for any pre-arranged ride that is reserved as a luxury ride.

15 (iv) A rider assessment shall not apply to a pre-arranged ride requested or selected by a
16 rider who has requested or selected the pre-arranged ride through a program established to
17 provide transportation network services to individuals who are eligible for paratransit services.

18 Not later than June 30, the director shall post on the division's website the aggregate
19 number of rides from the previous calendar year originating within each city or town.

20 SECTION 2. Chapter 29 of the General Laws is hereby amended by inserting after
21 section 2LLLLL the following section:-

22 Section 2MMMMM. (a) There shall be established and set up on the books of the
23 commonwealth a fund to be known as the Transit Authority Fund. The fund shall be credited any
24 monies transferred under section 12 of chapter 159A½ and all monies credited to or transferred
25 to the fund from any other fund or source. Expenditures from the fund shall be subject to
26 appropriation; provided, that 50 per cent of the funds received shall be appropriated for the
27 Massachusetts Bay Transportation Authority; and provided further, that 50 per cent of the funds
28 received shall be appropriated for the regional transit authorities organized under chapter 161B
29 or predecessor statutes.

30 SECTION 3. Section 1 of Mass General Laws Chapter 159A½ is amended by adding the
31 following definitions:

32 "Shared ride", a for-hire transportation trip, in which, prior to the commencement of the
33 ride, a passenger requests a pre-arranged ride through the transportation network company's

34 digital network to share the ride with one or more passengers, that separately request
35 transportation and are each charged the same predetermined amount per ride, or are billed
36 independently for a ride in an amount that is proportionate to the transportation they receive,
37 regardless of whether the passenger actually shares all or part of the ride.

38 “For-Hire Transportation Trip”, a ride in which, prior to the commencement of the ride, a
39 passenger requests a pre-arranged ride through the transportation network company’s digital
40 network as a single passenger between points chosen by the passenger, regardless of the number
41 of stops. This shall not include transportation provided by, or pursuant to a contract with a state
42 agency or an institution.

43 “Luxury Ride”, a for-hire transportation trip which is reserved by the rider as a luxury
44 ride, premier ride, or other similar ride as designated by the transportation network company.

45 SECTION 4. Section 2 of Chapter 159A½ as appearing in the 2016 Official Edition, is
46 amended as follows:

47 (d) A transportation network company shall provide clear and conspicuous transportation
48 fare estimates to riders at all times, including during surge pricing, high volume and demand
49 times. Fare estimates shall include a clear rate estimate or the amount of price increase resulting
50 from surge pricing or increased demand and shall show the price difference between the cost of a
51 shared-ride and a single-occupancy ride.

52 SECTION 5. Section 10 of Chapter 159A½ as appearing in the 2016 Official Edition, is
53 amended as follows:

54 (a) A municipality identified in the fourteen cities or towns defined in Chapter 161A,
55 section 1, that accepts the provisions of this section, may impose a congestion assessment of no
56 more than \$2.25 per ride during regular MBTA service hours. These funds would be dedicated
57 for municipal investment in public transportation, bicycle and pedestrian investments, and
58 electric vehicle charging infrastructure.

59 (b) Other than those municipalities identified in (a), no municipality or other local state
60 entity, except the Massachusetts Port Authority, may: (i) impose a tax on or require any
61 additional license for a transportation network company, a transportation network driver or a
62 vehicle used by a transportation network driver where the tax or licenses relate to facilitating or
63 providing pre-arranged rides; (ii) require any additional license for a transportation network
64 company or transportation network driver; or (iii) subject a transportation network company to
65 the municipality's or other local or state entity's rates or other requirements, including but not
66 limited to entry or operational requirements; provided, however, that a municipality or other
67 local or state entity may regulate traffic flow and traffic patterns to ensure public safety and
68 convenience.

69 SECTION 6. Said chapter 159A½, as so appearing, is hereby further amended by adding
70 the following 2 sections:-

71 Section 12. (a) There shall be a Transportation Infrastructure Enhancement Trust Fund.
72 The director of the division shall be the trustee of the Fund and shall expend money in the fund
73 to address the impact of transportation network services. There shall be credited to the Fund: (i)
74 any per-ride assessment collected pursuant to subsection (b); and (ii) any interest earned on
75 money in the Fund. Amounts credited to the Fund shall be expended by the division pursuant to

76 subsections (c) and (d) without further appropriation. Money remaining in the fund at the end of
77 a fiscal year shall not revert to the General Fund.

78 (b) Annually, not later than February 1, each transportation network company shall
79 submit to the director of the division the number of rides, broken down by shared rides and non-
80 shared rides, including the number of luxury rides, from the previous calendar year that
81 originated within each city or town and a per-ride assessment.

82 (c) From the funds received from the per-ride assessment of shared and non-shared rides,
83 the division shall: (i) proportionately distribute 25 per cent to a city or town based on the number
84 of shared and non-shared rides from the previous calendar year that originated within that city or
85 town to address the impact of transportation network services on municipal roads, bridges and
86 other transportation infrastructure or any other public purpose substantially related to the
87 operation of transportation network services in the city or town including, but not limited to, the
88 complete streets program established in section 1 of chapter 90I and other programs that support
89 alternative modes of transportation; (ii) distribute 50 per cent to the Commonwealth
90 Transportation Fund established in section 2ZZZ of chapter 29; provided, that the director shall
91 annually distribute \$6,000,000 from the Fund to the Massachusetts Development Finance
92 Agency, established in section 2 of chapter 23G, to provide financial assistance to small
93 businesses operating in the taxicab, livery or hackney industries to encourage the adoption of
94 new technologies and advanced services, safety and operational capabilities and support
95 workforce development; and (iii) distribute 25 per cent to the Transit Authority Fund, established
96 in section 2MMMMM of chapter 29.

97 (d) From the funds received from the additional per-ride assessment for luxury rides,
98 pursuant to subsection (b), the division shall annually: (i) proportionately distribute 50 per cent
99 of the amount received to a city or town based on the number of luxury rides from the previous
100 calendar year that originated within that city or town to address the impact of transportation
101 network services on municipal roads, bridges and other transportation infrastructure or any other
102 public purpose substantially related to the operation of transportation network services in the city
103 or town including, but not limited to, the complete streets program established in section 1 of
104 chapter 90I and other programs that support alternative modes of transportation; and (ii)
105 distribute 50 per cent to the Commonwealth Transportation Fund, established in section 2ZZZ of
106 chapter 29.

107 (e) By December 31 of each year in which a city or town receives a disbursement of more
108 than \$25,000 from the Fund, that city or town shall submit a report to the director of the division
109 that details the projects and the amount used or planned to be used for transportation-related
110 projects as described in subsections (c) and (d).

111 By December 31 of the year in which a city or town receives a cumulative total of more
112 than \$25,000 in disbursements from the Fund since its last report to the director of the division,
113 that city or town shall submit a report to the director of the division that details the projects and
114 the amount used or planned to be used for transportation-related projects as described in
115 subsections (c) and (d) for each disbursement from the Fund since the city or town's last report
116 to the director of the division.

117 For a city or town whose cumulative total disbursements from the Fund have not
118 exceeded \$25,000 in the 5 years since its last report to the director of the division, that city or

119 town shall submit a report to the director of the division by December 31 of the fifth year since
120 its last report to the director of the division. That report shall detail the projects and the amount
121 used or planned to be used for transportation-related projects as described in subsections (c) and
122 (d) for each annual disbursement from the Fund since the city or town's last report to the director
123 of the division.

124 The division shall withhold future disbursements from the Fund from any city or town
125 that does not comply with the reporting requirements of this subsection. The withheld funds shall
126 be disbursed when the city or town complies with the requirements of this subsection.

127 On an annual basis, the director shall compile the reports and post the projects and
128 amounts of money expended on the website of the division.

129 Section 13. (a) On the first day of each month, each transportation network company
130 shall submit to the division, in a format approved by the division, data related to each pre-
131 arranged ride provided in the month prior to the previous month and shall include:

132 (i) for each non-shared ride: (A) the latitude and longitude for the points of the
133 origination and termination, calculated to 0.0001 decimal degrees; (B) the date and time of the
134 origination and termination, calculated to the nearest minute; (C) the total cost paid by the rider
135 for the ride; (D) the universally-unique identifier associated with the transportation network
136 driver; (E) the transportation network driver's city or town of residence as appearing on the
137 driver's license; (F) whether the rider requested a shared ride but was not successfully matched
138 with another rider; (G) whether the rider requested accommodation for special needs; (H)
139 whether the ride was provided by a wheelchair accessible vehicle; (I) whether there were any
140 driver or rider-initiated cancellations; (J) the total time that the transportation network driver

141 spent on the way to pick up the rider; (K) the total time that the transportation network driver
142 spent providing the pre-arranged ride; (L) the geographic position of the vehicle during the entire
143 duration of the pre-arranged ride, provided at intervals of not less than every 60 seconds of the
144 pre-arranged ride; (M) the total mileage driven by the transportation network driver while on the
145 way to pick up the rider; (N) the total mileage driven by the transportation network driver while
146 providing the pre-arranged ride; (O) the transportation network vehicle license plate; (P) whether
147 the transportation network driver is a professional driver, as advertised by the transportation
148 network company; and (Q) whether the pre-arranged ride was advertised by the transportation
149 network company as a luxury or premium ride, regardless of whether the transportation network
150 vehicle was registered as a livery vehicle; provided, that if the pre-arranged ride was advertised
151 by the transportation network company as a luxury or premium ride the factors that were
152 considered in that designation, including, but not limited to, vehicle make, model, year, and, if
153 available, trim, whether the transportation network driver was a professional driver, as advertised
154 by the transportation network company and whether the ride was available by an exclusive
155 membership option;

156 (ii) for each shared ride: (A) the latitude and longitude for the points of the origination
157 and termination of the entire shared ride, calculated to 0.0001 decimal degrees; (B) the total
158 number of riders in the vehicle; (C) for each pre-arranged ride that was part of a shared ride: (1)
159 the latitude and longitude for the points of each respective pre-arranged ride's origination and
160 termination, calculated to 0.0001 decimal degrees; (2) the date and time of each respective
161 prearranged ride's origination and termination, calculated to the nearest minute; (3) the total time
162 that the transportation network driver spent on the way to pick up each rider; (4) the total time
163 that the transportation network driver spent providing each pre-arranged ride; (5) the total

164 mileage driven by the transportation network driver while on the way to pick up each rider; (6)
165 the total mileage driven by the transportation network while providing each pre-arranged ride;
166 (7) the total cost paid by each rider for each pre-arranged ride; (8) the universally-unique
167 identifier associated with the transportation network driver; (9) the transportation network
168 driver's city or town of residence as appearing on the driver's license; (10) the transportation
169 network vehicle license plate; and (11) whether the rider requested a shared ride but was not
170 successfully matched with another rider;

171 (iii) for each transportation network vehicle that provided at least 1 pre-arranged ride: (A)
172 the vehicle license plate; (B) the vehicle make, model, year and, if available, trim; (C) the vehicle
173 identification number; (D) the total number of minutes and miles while the vehicle was on the
174 way to pick up transportation network riders; (E) the total number of minutes and miles while the
175 vehicle was engaged in pre-arranged rides, whether shared or non-shared; (F) the total number of
176 minutes and miles while the vehicle was logged into the transportation network vehicle's digital
177 network for purposes of accepting a pre-arranged ride, but not on the way to pick up riders or
178 engaged in pre-arranged rides; and (G) whether the vehicle is propelled by internal combustion,
179 battery-sourced electricity or a hybrid; and (H) whether the pre-arranged ride was advertised by
180 the transportation network company as a luxury or premium ride, regardless of whether the
181 transportation network vehicle was registered as a livery vehicle; and

182 (iv) for each accident or crash involving a transportation network driver while logged into
183 the transportation network vehicle's digital network: (A) the latitude and longitude of the
184 location of the accident or crash, calculated to 0.0001 decimal degrees; (B) the date and time of
185 the accident or crash, calculated to the nearest minute; and (C) the universally-unique identifier
186 associated with the transportation network driver.

187 (b) The division may obtain additional ride data from a transportation network company
188 for the purposes of congestion management, which may include, but shall not be limited to: (i)
189 the total number of transportation network drivers that utilized the transportation network
190 vehicle's digital network within specified geographic areas and time periods as determined by
191 the division; and (ii) the total time spent and total miles driven by transportation network drivers
192 in such geographic areas or time periods as determined by the division: (A) while on the way to
193 pick up a rider; or (B) while engaged in a prearranged ride.

194 The division shall promulgate regulations relative to data collection pursuant to this
195 subsection prior to obtaining the data.

196 (c) Annually, not later than June 30, the division shall post on its website, in aggregate
197 form, the total number of rides provided by all transportation network companies that originated
198 in each city or town, each city or town where the rides originating in each city or town
199 terminated and the average miles and minutes of the rides that originated in each city or town
200 and terminated in each other respective city or town.

201 (d) For the purposes of congestion management, transportation planning or emissions
202 tracking, the division may enter into confidential data-sharing agreements to share de-identified,
203 trip-level data received by the division pursuant to this section with the executive office of
204 technology services and security, the executive office of energy and environmental affairs, the
205 Massachusetts Department of Transportation, the Massachusetts Port Authority, the
206 Massachusetts Bay Transportation Authority, the department of environmental protection, a
207 Massachusetts regional transit authority established under section 3 of chapter 161B, a
208 Massachusetts regional planning agency and a Massachusetts metropolitan planning

209 organization. The division shall prescribe the form and content of a confidential data-sharing
210 agreement, the manner of transmitting the information and the information security measures
211 that must be employed by any entity receiving the data. Any confidential data-sharing agreement
212 shall specify that the information provided by the division shall be aggregated and de-identified
213 and may be used only for the purposes set forth in the agreement. Any data received by an entity
214 from the division through a confidential data-sharing agreement under this subsection shall not
215 be considered a public record under clause Twenty-sixth of section 7 of chapter 4 or chapter 66
216 and shall not be disclosed to any person or entity other than those listed or described in the
217 confidential data-sharing agreement; provided, however, that a state or municipal government
218 agency or transportation planning entity may disclose conclusions and analyses derived from the
219 information and data received pursuant to a confidential data-sharing agreement.

220 (e) A violation of the terms of a confidential data-sharing agreement by an entity listed in
221 subsection (d) may result in the division declining to enter into future confidential data-sharing
222 agreements with the violating entity and in the termination of any existing data-sharing
223 agreement with the entity. The division shall notify each transportation network company whose
224 data was shared in violation of the terms of a confidential data-sharing agreement of the violating
225 entity and what data was shared. An entity listed in subsection (d) that violates the terms of a
226 confidential data-sharing agreement shall delete all data received as a result of the confidential
227 data-sharing agreement.

228 SECTION 7. Subsection (c) of section 12 of said chapter 159A½, as appearing in this act,
229 is hereby amended by striking out the words “; provided, that the division shall annually
230 distribute \$6,000,000 from the Fund to the Massachusetts Development Finance Agency,
231 established in section 2 of chapter 23G, to provide financial assistance to small businesses

232 operating in the taxicab, livery or hackney industries to encourage the adoption of new
233 technologies and advanced services, safety and operational capabilities and support workforce
234 development”.

235 SECTION 8. Section 7 shall take effect on January 1, 2023.