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January 15, 2021

To the Honorable Senate and House of Representatives:

Pursuant to Section 5 of Article LXIII, as amended by Article XC, Section 4 of the Amendments to the Constitution, I am today signing House Bill 5248, “An Act Authorizing and Accelerating Transportation Investment” and returning certain sections and items unsigned.

This legislation authorizes over \$16 billion in capital spending to invest in building and modernizing a transportation system that meets the needs of residents, businesses, and municipalities across the Commonwealth. Of particular note, this legislation creates the long anticipated Next Generation Bridge Program, which will dramatically accelerate the Commonwealth’s bridge investments.

We are also particularly pleased with new authorization for several local transportation programs, which have become very popular with municipalities over the past six years, including the Small Bridge program, Complete Streets program, and the more recent “public realm” improvements in the COVID-related Shared Streets and Spaces program. This legislation includes additional authorization for a suite of new municipally-focused programs, from the new Municipal Pavement program, to assistance to communities seeking to improve transit infrastructure and connectivity.

While this legislation contains many provisions that will allow the Commonwealth to address critical transportation needs, it is worth noting that many of the capital acceleration provisions of our original filing were not adopted. Additionally, due to the impact of the worldwide COVID pandemic, some of the assumptions upon which the original bill were based have changed dramatically. With this in mind, and given the arrival of this bill on my desk at a point in session when I am not able to send back sections with amendment, I must return the following provisions unsigned.

I am disapproving sections 4, 8, 9, 10, 11, 20, and 47, which would increase the existing fee on Transportation Network Company (TNC) rides, as well as add new surcharges for luxury rides and rides in the Boston-area. This proposal would create a complicated fee structure that is based on pre-pandemic assumptions. Before instituting fees that are aimed at incentivizing certain travel behaviors, we need to understand what ridership and congestion patterns are going

to look like after the pandemic. To that end, I will be refileing the TNC data collection provisions, which are also in this section.

I am disapproving section 27, which provides that all of the proceeds of the Transportation and Climate Initiative (TCI) are to be deposited into the Commonwealth Transportation Fund (CTF). I believe it is more appropriate for a significant portion of this funding to be available for more flexible emissions reduction and equity investments, which is consistent with the proposal included in our original filing.

I am disapproving sections 30 and 31 because, while we support the efforts of the MBTA Fiscal and Management Control Board and some Regional Transit Authorities (RTAs) to study means-tested fares, we believe this section requires action by the MBTA, and allows it by the RTAs, prematurely. More study is needed to understand how transit authorities can implement fare systems that depend on gathering information about riders' incomes and to understand what the revenue loss would be and how that revenue would be replaced. No means-tested fares can be implemented until the MBTA and RTAs have a financially sustainable plan in place to replace the lost revenue.

I am disapproving section 46, which would create a congestion pricing commission, because the nature and prevalence of traffic has changed radically since congestion was identified as a critically important transportation and economic issue in 2019. Even after the pandemic ends, it may well have changed commuting and work habits dramatically, and it is too soon to make valid projections about traffic and congestion as required by this section. Before conducting another congestion study, we need to understand the future of work, and its impact on when, where, and how congestion will return. I also continue to be concerned about the equity implications of congestion and roadway pricing. Higher income commuters can pay to drive and many can telework and avoid paying roadway fees. That means pricing will disproportionately affect low-income commuters, including essential workers, with little choice about when and whether to drive.

I am disapproving item 6720-2127 because it contains conditions that cannot be met in the development and delivery of the Allston Multimodal Project. Additional design and engineering work is underway to address critical issues such as the need to minimize disruption to both Turnpike and commuter rail commuters during construction and that work will be shared with the public and the Allston Task Force through the MEPA and NEPA processes later this year. MassDOT is also launching the exact type of mitigation working group that this item would require. We will continue to work with the Legislature to develop alternate language to address the many legitimate concerns addressed in this section and file such legislation at an appropriate time.

Furthermore, as set forth in Attachment A, I am reducing authorizations and striking language by the amount and reasons set forth in the attachment.

This legislation is vital to allowing MassDOT and the MBTA to commence planning on the next Capital Investment Plan, and to continuing this administration's thoughtful and data driven approach to rebuilding, modernizing, and expanding the capacity of the Commonwealth's transportation system.

The remainder of this bill I approve.

Respectfully submitted,

A handwritten signature in blue ink that reads "Charles D. Baker". The signature is written in a cursive style with a long horizontal stroke at the end of the name.

Charles D. Baker
Governor