



**Testimony of the Conservation Law Foundation
Before the Joint Committee on Transportation
of the Massachusetts General Court
Concerning Tolls**

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Good morning, my name is Rafael Mares. I am a staff attorney at the Conservation Law Foundation (“CLF”). I would like to thank Chairmen Straus and McGee and the Members of the Joint Committee for the opportunity to offer this testimony.

CLF is a regional nonprofit, member-supported environmental advocacy organization and an active participant and leader in the Transportation for Massachusetts (T4MA) and Our Transportation Future (OTF) coalitions. CLF has a long history of protecting New England's environment and communities for all and advocating for safe and accessible transportation choices. T4MA is a diverse network of organizations drawn from community development, environment, public health, smart growth, transportation, business, and public sectors that have come together to reduce greenhouse gas emissions from the transportation sector, enhance the state's economic competitiveness, and improve the sustainability and equity of our transportation system at the state, federal, and local levels. Our Transportation Future (OTF), a statewide coalition of business, labor, industry, planning, transportation, environmental, and social justice organizations committed to increased investment in the Commonwealth's transportation infrastructure. Members of both coalitions are also submitting similar testimony regarding toll-related bills.

Seven of the sixteen bills before you today seek to eliminate (H.945), prohibit (H.939), reduce (H.894), limit (H.940, H.941), discount (H.3214), or freeze (S.1791) tolls, which make up a significant source of our transportation revenue. While we appreciate the sentiment of trying to decrease the transportation costs of various commuters, we cannot afford to reduce our already inadequate transportation revenues at this time, given the significant financial and physical challenges facing our state transportation system. We therefore are opposed to any legislation which would eliminate, prohibit, reduce, limit, discount, or freeze any of the existing tolls.

Despite the known benefits to improving our transportation system, the Bay State's roads, bridges, highways, and public transportation agencies have a projected \$15-\$19 billion funding deficit over the next twenty years. Making matters worse is that political experts predict shrinking federal transportation funding. If the federal gas tax-funded national Highway Trust Fund and current revenues remain the sole source of federal transportation funding to states, Massachusetts can expect up to a thirty percent reduction in federal transportation funds. Every state resident will feel the significant impact from a failure to invest in our transportation system as our roads and bridges continue to deteriorate, and our statewide public transportation needs remain unmet.

Examples of important unfunded projects abound. The Boston Globe recently reported on one striking example, the MBTA's aging subway cars. All hundred and twenty Orange Line cars are well past their intended lifespan. Manufacturers build subway cars to last twenty five years, provided they receive a mid-life overhaul to refurbish or replace major elements such as propulsion systems, brakes, lighting, and ventilation. None of the now over thirty-year-old Orange Line cars has been overhauled. These aging subway cars are challenging the MBTA's ability to run a full set of trains each day, causing longer waits on platforms and more frequent service interruptions. A similar problem exists with one third of the Red Line cars, which as the Boston Globe reported "were pressed into service during Richard Nixon's first term, and have not been overhauled for a quarter century." Neither their replacement nor the expansive band-aid of \$100 million to keep the Orange and Red Line trains running is currently in the MBTA's Capital Improvement Plan, which covers the next five years.

Likewise, the average age of bridges in the Commonwealth is forty-three years, i.e., nearing the point at which significant reconstruction can be expected. This is the case despite the fact that the Accelerated Bridge Program (ABP) has been a great success. It is only mid-way through, but as of June 2011 it has already reduced the number of structurally deficient state highway bridges to 423 from 543. Even with ABP being brought to a successful conclusion, MassDOT estimates that it would need an additional \$305 million annually to reduce the number of structurally deficient bridges to zero over twenty years, slightly less than half of that amount is currently programmed.

The Commonwealth needs immediate investments in our transportation infrastructure in order to boost our regional economic competitiveness, make Massachusetts more affordable, enhance our quality of life and public health, reduce our energy use, meet greenhouse gas reduction goals, and achieve greater social justice. We need transportation that works for our health, safety, and economic opportunity. We need more and better public transportation, and we need streets and communities designed for everyone's use. We need people in every corner of Massachusetts, from the Berkshires to the Cape, to have safe, convenient, and affordable transportation choices,



and this means improved public transportation, more pedestrian and bicycle options, and structurally sound roads and bridges.

Two of the bills before you today seek to study new ways of tolling (H. 1786, H.3082). We applaud these efforts which seek to streamline and bolster the use of tolls to raise revenue for our transportation system rather than decrease this important source of funding. While tolling is one way to increase funding for transportation, it is unfortunately not without its own disadvantages or limitations. For example, it is generally impermissible to use new tolls on existing interstate highways which were funded with federal dollars for other roads or transit, and tolling has been shown to increase local traffic from commuters trying to avoid the toll. Coupled with the Bay State's significant transportation funding deficit, we think that the Commonwealth should also carefully study other means of raising transportation funding levels so that we can meet our significant transportation needs.

Three and a half years ago, the National Surface Transportation Policy and Revenue Study Commission, which was established to examine the condition and future needs of the nation's surface transportation system, as well as short- and long-term alternatives to the fuel tax, recommended consideration of a mileage-based user fee, also referred to as a vehicle miles traveled ("VMT") fee, as a potentially effective and efficient way of raising revenue for transportation in the future. We therefore request that you add a pilot study analyzing the benefits and challenges of implementing a VMT fee for all of Massachusetts drivers to the toll studies proposed. The purpose of such a VMT pilot study would be to examine the feasibility of supplementing or partially replacing the gas tax with a mileage-based fee based on miles driven in Massachusetts, and collected at fueling stations or through some alternative means. Section 4 of the Transportation Economic Development and Ridership Act (H. 2660) filed by Representative Sciortino contains language that accomplishes this objective.

We respectfully request that the Committee recommend that all bills seeking to eliminate, prohibit, reduce, limit, discount, or freeze any of the existing tolls ought not to pass. At the same time, we respectfully ask you to support the bills which either add new tolls (S.1792) or study better ways of tolling with the addition of a VMT fee pilot study as outlined above. We also request that you support the addition of a high occupancy vehicle ("HOV") lane on I-90 between New State and Route 128 (S.1766), as proposed, but reject the bill that seeks to make it possible for single occupancy vehicles to use the existing HOV lane on I-93 (H.2658) because such a change would reduce the air quality benefits HOV lanes provide and be in violation of the Massachusetts State Implementation Plan under the Clean Air Act, 310 CMR 7.37.

Thank you, again, for the opportunity to offer this testimony. CLF stands ready to answer any questions or supply any additional information the Committee would find useful.