

# 2020 By-Laws of the Advisory Board to the Massachusetts Bay Transportation Authority



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## **Officers**

Mayor Thomas P. Koch of Quincy	Chair
Mayor Brian M. Arrigo of Revere	Vice Chair
Vineet Gupta of Boston	Clerk/Secretary

## **Executive Committee:**

William Bochnak	Lynn
Todd Kirrane	Brookline
P. Christopher Podgurski	Canton
Tony Sousa	Everett
Frank Tramontozzi	Quincy

## **By-Law Committee**

Michael Dutton	Bridgewater
Steve Olanoff	Westwood
Laura Wiener	Watertown

## **Staff**

Brian Kane	Acting Executive Director
Deborah Gaul	Executive Secretary

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## **By-Laws of the Advisory Board to the Massachusetts Bay Transportation Authority**

### **ARTICLE I: ORGANIZATION AND MEMBERSHIP OF THE ADVISORY BOARD TO THE MASSACHUSETTS BAY TRANSPORTATION AUTHORITY**

1. Organization:

The Advisory Board of the Massachusetts Bay Transportation Authority (the Advisory Board or MBTA Advisory Board) is created by and exercises powers and duties in accordance with the provisions of Massachusetts General Laws (M.G.L.) chapter (c.) 161A, section (§) 7A, as from time to time amended (hereinafter Enabling Legislation). These by-laws have been adopted to further the purposes of the Advisory Board as set forth in the Enabling Legislation and are subject to the Enabling Legislation.

2. Mission:

The Advisory Board's mission is to represent the interests of the cities and towns that comprise the Massachusetts Bay Transportation Authority (MBTA or the Authority) service district (see Appendix C), as defined by the Enabling Legislation (see Appendix A). The Advisory Board, through its members, committees, and staff provides public oversight of MBTA operations, budgets, policies, and activities. The MBTA Advisory Board annually completes a thorough and rigorous independent review of the MBTA's spending. It reviews, advises, and confers with municipalities on the MBTA multi-year capital budget, known as the Program for Mass Transportation (PMT), and provides an annual evaluation of the Authority's annual Capital Investment Program (CIP) to its members and the public. The Advisory Board, via its staff, monitors the actions of the MBTA's Board of Directors, the

Authority's operations, service levels, fares, activities, as well as working conditions, equity, accessibility, and the sustainability of the MBTA system to ensure transparency, accountability, and clarity of decision making to its members and the people of Massachusetts.

3. Membership:

The membership of the organization shall be made up of the municipal chief executive officer (CEO) of each city or town in the MBTA service district. This could be the municipality's Select Board Chair, Mayor, or City/Town Manager depending on the form of government adopted by that municipality. CEOs represent, speak for, and vote for their municipality on the Advisory Board.

Municipal CEOs may appoint a designee, with all the same powers and responsibilities to represent a city or town on the Advisory Board. Municipal CEOs serve during their term of office, or term of appointment. Designees serve at the pleasure of the municipal CEO. If both the municipal CEO and the designee attend or participate in a meeting of the MBTA Advisory Board or one of its committees, the municipal CEO's vote shall prevail. The municipal CEO shall have precedence over the designee at all times.

a. Municipal CEOs:

To qualify as a member of the Advisory Board a person must meet the criteria defined in the Enabling Legislation, namely being appointed as City or Town Manager, or elected and inaugurated as the Mayor or Select Board Chair of a community in the MBTA Service District. The rights of a person who is a member of the Advisory Board to participate in its affairs shall commence upon their taking office as the CEO of their city or town, as follows:

- i. For those municipalities organized as a plan A, B, C, or F communities as defined by M.G.L. c. 43, § 1, the member of the MBTA Advisory Board shall be the chief elected official of that municipality, namely the Chair of the Select Board/Board of Selectmen or the Mayor.
- ii. For those municipalities organized as a plan D or E community as defined by M.G.L. c. 43, § 1, the City/Town Manager shall be the member of the MBTA Advisory Board.
- iii. The CEO of each member city or town is automatically a member of the MBTA Advisory Board.

b. Designees:

The municipal CEO of a city or town within the MBTA service district may appoint a designee or designees to act for them on the Advisory Board. The Enabling Legislation requires designees to be “riders” which is defined as a resident of the MBTA service district who uses the MBTA service. Designees have the same voting rights and responsibilities as municipal CEOs and represent their municipality on all matters before the Advisory Board, provided however that only one person may cast the vote(s) of a single municipality. The rights of a person who is a designee to the Advisory Board to participate in its affairs shall commence as follows:

- i. Upon receipt of a written statement or sworn appointment of that designee from the city or town, on official municipal letterhead, signed by the chief executive officer of that municipality. Such statements should be transmitted to the Advisory Board via the United States Postal Service or via electronic delivery (email) to the Executive Director.

- ii. Designees shall serve and continue to represent their municipality until replaced by the chief elected officer of the city or town they represent.

4. Term lengths for members of the Advisory Board:

The municipal CEO of each member community shall remain as the member of the MBTA Advisory Board so long as they retain their position as chief executive officer of a municipality within the MBTA service district. Designees to the Advisory Board shall continue to serve until the municipality they represent appoints a replacement via the process described in ARTICLE I, section 3, part i, or until they resign as a designee by submitting a resignation letter to their appointing official, with a copy to the Executive Director of the Advisory Board.

## ARTICLE II: MEETINGS OF THE MBTA ADVISORY BOARD

1. Business to be Transacted:

Any lawful business of the MBTA Advisory Board may be conducted at a regular or special meeting, except as expressly herein otherwise provided. Meetings shall be conducted in accordance with applicable open meeting laws.

2. Call of Regular Meetings:

Regular meetings of the Advisory Board shall be held at least once each calendar quarter upon the call of the Chair via the Executive Director and/or Secretary/Clerk or their designee. Special meetings of the Advisory Board may be called by the Chair of the Advisory Board, by five members of the Executive Committee, or by representatives of 5 per cent or more of the votes of the 14 cities and towns, or of the 51 cities and towns, or of the other communities served (see appendix 5).

3. Notice of Meetings:

Meetings will be held in accordance with the Open Meeting Law, M.G.L. c. 30A, § 18- 25. Notice of time, place, and topics of each meeting shall be posted in electronic format by the Secretary/Clerk, the Executive Director, or their designee(s) two full business days prior to the meeting's start.

4. Conduct of Meetings:

All meetings of the Advisory Board shall be open to the public and any person shall be permitted to attend any meeting except as otherwise provided in accordance with applicable open meeting laws. The Chair, or in their absence or a vacancy in their office, the Vice Chair, shall preside at meetings of the Advisory Board. If both the Chair and Vice Chair are unavailable to preside, another officer may act in their stead to serve as chair for a particular meeting. Executive sessions may only be held in accordance with open meeting laws.

In all matters of procedure not covered by the Enabling Legislation, by other statutes governing the procedures of the Advisory Board, or by these by-laws, meetings shall be conducted using Robert's Rules of Order as a guide.

5. Non-Attendance of Designees:

If a designee to the Advisory Board does not attend three or more consecutive meetings, the Executive Director may send a written statement to the CEO of the designee's city or town communicating the non-attendance of that designee to alert the chief executive officer that their municipality may not be adequately represented on the MBTA Advisory Board.

6. Voting:

The voting strengths of each municipality in the MBTA service district is described in M.G.L. c. 161a, § 7A, and is based on MBTA assessment (see appendix 5). No municipality has a voting strength of less than one vote, but the voting strength of some municipalities is greater than one vote based on the total amount of assessment paid to the MBTA by that municipality. All votes taken by the full Advisory Board are weighted votes.

- a. A quorum of the MBTA Advisory Board shall consist of 25 members/designees.
- b. Any duly called meeting of the Advisory Board at which a quorum is not in attendance may adjourn from time to time until a quorum is present.
- c. Remote participation is allowed for Advisory Board members/designees and those members/designees serving on Advisory Board committees pursuant to the Attorney General's regulations 940 CMR 29.10 and M.G.L. c. 30A, § 20(e), as amended. Remote participation may be audio-visual, by conference call or any other means as permitted by statute/regulation.

### ARTICLE III: OFFICERS OF THE ADVISORY BOARD

1. Offices:

The officers of the Advisory Board shall be a Chair, a Vice Chair, a Secretary/Clerk and a Treasurer. The officers shall generally be elected at the annual meeting of the Advisory Board, provided that a vacancy in office may be filled at any meeting by a simple majority vote of attendees. Officers that cease to be members of the Advisory Board cease to be officers as well. Each officer

shall serve for a term of one year. Any officer is eligible to be re-elected at each subsequent election. In the event of a vacancy in any office, the Chair, or failing that the Vice Chair, may appoint any Advisory Board member or designee to fill out the vacant term, other than the office of Chair.

2. Duties of the Officers:

- a. Chair: In addition to powers and duties expressly provided for elsewhere in these by-laws, the Chair shall have such powers, and perform such other duties as may from time to time be voted by the Advisory Board. The Chair may designate temporary committees as may be necessary or convenient for carrying out the business of the Advisory Board and shall designate the members and Chair of each standing or temporary committee after consultation with the members of the Advisory Board. Furthermore, the Chair shall preside at all meetings of the full board and of the Executive Committee.
- b. Vice Chair: The Vice Chair shall have all the powers and discharge all the duties of the Chair upon the absence, inability, or incapacity of the Chair. The Vice Chair shall serve as the Vice Chair of the Executive Committee.
- c. Secretary/Clerk: The Secretary/Clerk oversees the entering and recording of all votes, orders and proceedings of the Advisory Board and shall ensure that a true and accurate record of such proceedings are kept, and can issue certificates of said proceedings of the Advisory Board. The Secretary/Clerk shall ensure that staff adequately maintain all books, documents, and papers filed with the Advisory Board and the record of the Advisory Board meetings. The Secretary/Clerk shall ensure that

proper notice of all meetings of the Advisory Board is made by staff and/or their designee. The Secretary/Clerk shall further be responsible for overseeing the maintenance of records of the Advisory Board in accordance with M.G.L. c. 66, § 10(a), M.G.L. c. 4, § 7(26) and 950 CMR 32.03, "the Public Records Statutes." In the event of the absence of the Secretary/Clerk or a vacancy in the office thereof, the duties of the office may be performed by either the Chair, Vice Chair, or by an acting Secretary/Clerk appointed for such purpose by the Chair. The Secretary/Clerk may delegate such responsibilities as they deem appropriate to an employee of the Advisory Board, provided the Secretary/Clerk retains general oversight of processes.

- d. Treasurer: The Treasurer will be responsible for the oversight of financial matters of the Advisory Board and shall, working in conjunction with the Executive Director, and/or with the Budget Committee as may be established under ARTICLE IV, Section 1 of these by-laws, oversee the preparation of the Advisory Board's annual budget, subject to the approval of the Advisory Board. The Treasurer shall oversee the maintenance of records of the expenses of the Advisory Board and undertake such related responsibilities as the Advisory Board may require. All expense disbursement authorizations shall be signed by the Treasurer or another Officer and co-signed by the Executive Director.

#### ARTICLE IV: STANDING COMMITTEES

Each Committee member shall have one vote. All votes taken by Advisory Board committees are not weighted votes.

1. Executive Committee:

M.G.L. c. 161A, § 7A, provides that the Advisory Board may delegate its power of approval to an Executive Committee formed and elected pursuant to the duly adopted by-laws of the board and constituting among its members at least one-half of the total weighted vote of the Board (see Appendix E).

- a. Membership: The Executive Committee shall consist of the Advisory Board Officers and additional members constituting at least one half of the total weighted vote of the Advisory Board as per the Enabling Legislation.
- b. Additional Committee Members: The additional Executive Committee members shall have such powers and perform such duties as may be determined by the Chair, or in the event of the vacancy of the office of Chair by the Vice Chair. The non-officer members shall be elected to the Executive Committee by a vote of the Advisory Board members.
- c. Organization: Members of the committee shall serve from the start of the organization's fiscal year until the end of its fiscal year. If a member of the Executive Committee shall cease to be a member of the Advisory Board or resign from the body, the vacancy shall be filled for the unexpired term by appointment by the Chair, or failing that the Vice Chair.

The Executive Committee of the Advisory Board may nominate a slate of candidates for each committee, including the Executive Committee. The Executive Director of the Advisory Board may request members to serve on committees and transmit these names to the Executive Committee. The Executive Committee shall be elected from the persons so

nominated at the meeting at which officers of the Advisory Board are elected.

- d. Quorum: For the purposes of conducting business, a quorum of the Executive Committee shall be a majority of members of the committee attending and participating in the meeting.
- e. Procedures: The Chair of the Advisory Board shall serve as the Chair of the Executive Committee. The Vice Chair of the Advisory Board shall serve as Vice Chair of the Executive Committee. The Secretary/Clerk of the Advisory Board shall serve as Secretary/Clerk of the Executive Committee. The Executive Committee shall meet upon the call of the Chair or in the event of a vacancy in the office, the Vice Chair; or upon the call of any five of its members via the Secretary/Clerk. Notice of meetings of the Executive Committee shall be given by the Secretary/Clerk of the Advisory Board, or their designee, to all members of the Executive Committee, and the Executive Director of the MBTA Advisory Board, in the same manner as provided for notice of special meetings of the Advisory Board, and as required by the Open Meeting Law. All meetings of the Executive Committee shall be open to the public and conducted in accordance with applicable law and these by-laws in the same manner as a meeting of the Advisory Board. The Secretary/Clerk, or their designee, shall keep minutes of meetings of the Executive Committee.
- f. Powers & Duties: The Executive Committee shall make recommendations for action to the Advisory Board and may act as the delegate of the

Advisory Board consistent with the language in the Enabling Legislation. The Executive Committee may create, from time to time, such other sub-committees as further the purpose and goals of the Advisory Board. Said sub-committees shall meet in accordance with the provisions of the Open Meeting Law, M.G.L. c. 30A, § 18-25. Notice of time, place, and topics of each meeting shall be posted in electronic format by the Secretary/Clerk, or their designee. A quorum shall consist of a simple majority of sub-committee members, but never less than three members. The sub-committee may act by the affirmative casting of a majority of the votes represented in the quorum.

The Executive Committee shall oversee and advise the Executive Director and all Advisory Board employees.

2. Budget Committee:

The Advisory Board shall create a Budget Committee responsible for the creation of the Advisory Board's annual budget including the expenses necessary to operate, including its office, the employment of its staff, and other related costs. This committee is different from the Finance Committee established in ARTICLE IV, section 4, which exists to review the revenue and expense of the Massachusetts Bay Transportation Authority, in furtherance of the Advisory Board's mission.

- a. Membership: The Budget Committee shall consist of the Treasurer and two other Advisory Board members or designees appointed by a vote of the Advisory Board. Members of the Budget Committee should have municipal financial experience, and experience in developing and

overseeing the budgetary process for organizations working with public funds. The Treasurer of the Advisory Board shall serve as Chair of the Budget Committee.

- b. Powers and Duties: The Budget Committee shall be a non-voting, working committee charged with the development and oversight of the office budget of the Advisory Board including the expenses necessary to operate its office, and employment of its staff.
- c. Organization: Members of the Committee shall serve from the start of the organization's fiscal year until the end of its fiscal year. If a member of the Committee shall cease to be a member of the Advisory Board or resign from the body, the vacancy shall be filled for the unexpired term by the Chair of the Advisory Board.

3. By-Law Committee:

The Advisory Board shall create a By-Law Committee responsible for review and revision of these by-laws.

- a. Membership: The By-Law Committee shall consist of three Advisory Board members or designees appointed by a vote of the Advisory Board. Members of the By-Law Committee should have experience in the drafting, revising, and editing of by-laws for similar, public, oversight bodies.
- b. Powers and Duties: The By-Law Committee shall be a non-voting, working committee charged with the re-development, revision, oversight, editing, and adaptation of the by-laws of the Advisory Board. The By-Law Committee, via the Executive Director of the Advisory Board, shall

maintain a true and updated copy of the organization's by-laws. The committee shall consider and may recommend to the Advisory Board revising the by-laws of the Board whenever it deems fit, or at least once every five years.

- c. Organization: Members of the committee shall serve from the start of the organization's fiscal year until the end of its fiscal year. If a member of the committee shall cease to be a member of the Advisory Board or resign from the body, the vacancy shall be filled for the unexpired term by Chair of the Advisory Board, or failing that the Vice Chair.

4. Finance Committee:

The Advisory Board shall create a Finance Committee responsible for the ongoing oversight of the finances of the Massachusetts Bay Transportation Authority, including its annual operating budget request.

- a. Membership: The Finance Committee shall consist of at least three and not more than nine members or designees appointed by a vote of the Advisory Board. Committee members should have experience in one of the following areas of expertise: public administration, economics, public-sector budgeting, Massachusetts political economy, public transportation, transportation finance, transit operations, or similarly related areas.
- b. Powers and Duties: The Finance Committee shall be charged with ongoing oversight of MBTA finances in general, and specifically the development of an annual report scrutinizing the Authority's annual operating budget. This report should consider the Authority's proposals

and assumptions of revenue and expense and highlight any changes in spending compared to prior years, or that seem unreasonable in the opinion of the Committee. The report should also include recommendations to policy makers on changes to improve the overall financial health of the MBTA.

- c. Organization: Members of the Committee shall serve from the start of the organization's fiscal year until the end of its fiscal year. If a member of the Committee shall cease to be a member of the Advisory Board or resign from the body, the vacancy shall be filled for the unexpired term by Chair of the Advisory Board.

5. Ad Hoc Committees:

The Advisory Board may create other committees as it deems fit. Examples of recently created *ad hoc* committees, and their charges include:

- a. Capital Committee:

A committee charged with the oversight and review of the MBTA's capital spending plans with a particular focus on the annual Capital Improvement Program (CIP), and quinquennial Program for Mass Transportation (PMT).

- b. Commuter Rail Committee:

A committee charged with the oversight and review of the MBTA's Commuter Rail operations, contracting process, expansion/transformation concepts, and pilot programs.

c. Service Committee:

A committee charged with the oversight and review of the MBTA's service plan, service levels, and the operations of the bus, heavy rail, and light rail systems. This committee may also investigate and review service pilots.

d. Ferry Committee:

A committee charged with the oversight and review of the MBTA's ferry operations, ferry contracting process, expansion/transformation concepts, and pilot programs.

## ARTICLE V: STAFF AND CONSULTANTS

The Advisory Board's budget may provide for the appointment of employees, and other such expenses as it deems necessary for the day-to-day management and supervision of the business affairs of the Advisory Board. Such employees, consultants, etc. shall be hired and supervised by the Executive Director subject to the oversight of the Executive Committee. The Executive Director position is referenced in the Enabling Legislation.

## ARTICLE VI: MISCELLANEOUS

1. Fiscal Year:

The fiscal year of the Advisory Board shall correspond to that of the Massachusetts Bay Transportation Authority's fiscal year, currently extending from July 1st to the ensuing June 30th.

2. Execution of Instruments:

Except as the Advisory Board may generally or in particular cases authorize, and upon approval, all instruments, documents, contracts, bonds, notes, checks, drafts and other obligations made, accepted or endorsed by the Advisory Board

shall be signed by the Executive Director of the Advisory Board, and by an officer of the Advisory Board.

**ARTICLE VII: AMENDMENT OF BY-LAWS: MATTERS NOT HEREIN PROVIDED FOR**

Upon recommendation by the By-Law Committee, or the Executive Committee, these by-laws may be amended by affirmative vote of the Advisory Board at which a quorum is present, provided that notice of such meeting has contained a copy of the proposed amendment or a statement of the intent and substance thereof.

**ARTICLE VIII: STANDING ORDER, POLICIES, AND OTHER INFORMATION OF THE BOARD**

The Board may from time to time adopt, amend or repeal Standing Orders or Policies to further the goals and objectives as set forth and consistent with the Enabling Legislation or other administrative matters necessary to effectively and efficiently conduct business. Such Orders or Policies may be limited in scope and/or duration and may be amended from time. Any such Order or Policy adopted by the Board shall be distributed and available to Board members and kept by the Executive Director. Standing Orders and Policies shall be contained in an Appendix to these by-laws which shall be updated from time to time by the Executive Director.

## APPENDIXES

### Appendix A: Enabling Legislation: M.G.L. c. 161a, § 1, [8/24/20] (condensed):

**Section 1. As used in this chapter, the following words shall, unless the context otherwise requires, have the following meanings: —**

"Advisory board", the advisory board to the authority established by section 7A. ...

"51 cities and towns", the cities and towns of Bedford, Beverly, Braintree, Burlington, Canton, Cohasset, Concord, Danvers, Dedham, Dover, Framingham, Hamilton, Hingham, Holbrook, Hull, Lexington, Lincoln, Lynn, Lynnfield, Manchester-by-the-Sea, Marblehead, Medfield, Melrose, Middleton, Nahant, Natick, Needham, Norfolk, Norwood, Peabody, Quincy, Randolph, Reading, Salem, Saugus, Sharon, Stoneham, Swampscott, Topsfield, Wakefield, Walpole, Waltham, Wellesley, Wenham, Weston, Westwood, Weymouth, Wilmington, Winchester, Winthrop and Woburn." ...

"Fourteen cities and towns", the cities and towns of Arlington, Belmont, Boston, Brookline, Cambridge, Chelsea, Everett, Malden, Medford, Milton, Newton, Revere, Somerville and Watertown." ...

"Other served communities", the cities and towns of Abington, Acton, Amesbury, Andover, Ashburnham, Ashby, Ashland, Attleboro, Auburn, Ayer, Bellingham, Berkley, Billerica, Boxborough, Boxford, Bridgewater, Brockton, [Bourne],<sup>1</sup> Carlisle, Carver, Chelmsford, Dracut, Duxbury, East Bridgewater, Easton, Essex, Fitchburg, Foxborough, Franklin, Freetown, Georgetown, Gloucester, Grafton, Groton, Groveland, Halifax, Hanover, Hanson, Haverhill, Harvard, Holden, Holliston, Hopkinton, Ipswich, Kingston, Lakeville, Lancaster, Lawrence, Leicester, Leominster, Littleton, Lowell, Lunenburg, Mansfield, Marlborough, Marshfield, Maynard, Medway, Merrimac, Methuen, Middleborough, Millbury, Millis, Newbury, Newburyport, North Andover, North Attleborough, Northborough, Northbridge, Norton, North Reading, Norwell, Paxton, Pembroke, Plymouth, Plympton, Princeton, Raynham,

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<sup>1</sup> Note: The Town of Bourne exercised its right, under M.G.L. c. 161a § 6 to join the MBTA service district and the Advisory Board via municipal ballot. Bourne joined effective January 1, 2016. The text of the law as appearing online has not been updated to reflect this.

Rehoboth, Rochester, Rockland, Rockport, Rowley, Salisbury, Scituate, Seekonk, Sherborn, Shirley, Shrewsbury, Southborough, Sterling, Stoughton, Stow, Sudbury, Sutton, Taunton, Tewksbury, Townsend, Tyngsborough, Upton, Wareham, Way land, West Boylston, West Bridgewater, Westborough, West Newbury, Westford, Westminster, Whitman, Worcester, Wrentham, and such other municipalities as may be added in accordance with section 6 or in accordance with any special act to the area constituting the authority.” ...

"Rider", a person whose residence is in one of the 14 cities or towns, one of 51 cities or towns, or one of the other served communities and uses local service or express service of the authority.”

### **Section 7A: Advisory board**

Section 7A. There shall be an advisory board to the authority consisting of a representative of each city or town paying an assessment to the authority. Each such representative shall be, in the case of a Plan D or Plan E city, the city manager, in the case of every other city, the mayor, or the chairman of the board of selectmen of every town. Each city manager, mayor, or chairman may appoint a designee, who shall be a rider as defined herein, to act for him on the advisory board by filing the name of said designee with the authority.

The total voting strength of cities and towns on the advisory board shall be no less one than vote for each city or town together with additional votes calculated by multiplying one and one-half times the total number of cities and towns paying assessments to the authority by a fraction of which the numerator shall be the total amount of all assessment made by the state treasurer to such city or town under this chapter and the denominator shall be the total amount of all assessment made by the state treasurer to all such cities and towns. The determination of votes shall be based upon the most recent annual assessment. The total vote of each city and town shall be determined by the authority and delivered in writing to the executive director of the advisory board 30 days after the state treasurer has sent the warrants for payments to the cities and towns. Until the determination of voting strength by the authority in the year 2001, each city and town shall receive the same proportion as the previous year and each additional city and town will receive one vote.

Whenever the approval of the advisory board or of the 14 cities and towns or of the 51 cities and towns or of the other served communities is required for any appointment or action by the governor or the authority, such approval shall be deemed to have been granted unless, within 30 days of the submission thereof, the advisory board of the 14 cities and towns or the 51 cities and towns or the other served communities has its disapproval to the governor or to the authority in writing.

Any notice or submission hereunder to the advisory board or to the 14 cities and towns or to the 51 cities and towns or to the other served communities shall be given in such manner as the governor or authority deems reasonable.

Except as otherwise provided by vote of the advisory board or of the 14 cities and towns or of the 51 cities and towns or of the other served communities, respectively, a meeting may be called by the representative or representatives of cities and towns having 5 per cent or more of the votes of the advisory board or of 14 cities and towns or of 51 cities and towns or of the other served communities, as the case may be. The first meeting of the 14 cities and towns and of the 51 cities and towns and of the other served communities, which shall be immediately followed by the first meetings of the 14 cities and towns and of the 51 cities and towns and of the served communities shall be held as soon as practicable upon the call of the governor. The advisory board shall act by a majority vote, except that it may delegate its power of approval to an executive committee formed and elected pursuant to duly adopted by-laws of the board and constituting among its members as least one-half of the total vote of the board, and may at any time, revoke such delegation provided that not such executive committee shall be empowered to approve the governor's appointments to the board of directors.

The advisory board may incur expenses, as authorized by majority vote of such board, for staff, stenographic, clerical and other purposes. Such expenses as do not annually exceed 0.25 per cent of the assessment upon member communities shall be paid by the authority.

### **Section 9: Financial assistance from cities and towns**

Section 9. Notwithstanding the provisions of any general or special law to the contrary, all cities and towns of the authority shall contribute to the Massachusetts Bay Transportation Authority State and Local Assistance Fund an amount in the aggregate not less than \$136,026,868 which, after fiscal year 2006, shall be

adjusted each July 1 by the growth rate of the inflation index over the preceding 12 months; provided, that, after said fiscal year, in no case shall said assessment exceed 102.5 per cent of the previous year's assessment. Each municipality's share of said assessment shall equal its weighted percentage of the total population of the authority. For the purposes of this calculation, said weights shall be as follows: Boston, 18; Brookline and Cambridge, 12; the 14 cities and towns excluding Boston, Brookline and Cambridge, 9; the 51 cities and towns, 3; other served communities, 1. Population shall mean population as most recently estimated and published by the United States Census Bureau. On or before March 1 of each year, the authority shall certify to the state treasurer the amount to be assessed to each city and town as aforesaid on account of the ensuing fiscal year, and the state treasurer shall, on behalf of commonwealth, assess each such city and town on account of such year in accordance with the provisions of section 20 of chapter 59. Beginning on July 1, 2001, a city or town that is also a member of a regional transit authority or that at any time joins a regional transit authority shall have 100 per cent of the amount assessed for the operation of the regional transit authority credited against its share of the assessment made under this section; provided, however, that the amount credited shall not exceed the total amount of the assessment; and provided further, that the amount credited shall be the most recently audited regional transit authority assessment available on January 1 of each year and shall be used to calculate the upcoming fiscal year's estimated cherry sheet assessments. The total amount of regional transit authority credits authorized herein shall be reassessed to the 14 cities and towns and the 51 cities and towns based on the weighted percentage of said cities and towns' share of the population of said 14 and 51 cities and towns. For the purposes of this section, the words "inflation index" shall mean the per cent change in inflation as measured by the per cent change in the consumer price index for all urban consumers for the Boston metropolitan area as determined by the bureau of labor statistics of the United States department of labor.

A city or town assessed by the authority that is not receiving paratransit services for the disabled from the authority shall have 50 per cent of the amount it expended in the previous fiscal year for the operation of or membership in a local or regional paratransit service credited against its share of the assessment made under this section. The amount credited shall not exceed the total amount of the assessment. The credit shall apply only to services provided to individuals eligible for paratransit services. As used in this paragraph, "paratransit services" shall mean

services provided to individuals with disabilities who, as the result of a physical or mental impairment, including a vision impairment, are unable to board, ride or disembark from a vehicle in the authority's regular transportation system without the assistance of another individual, except the operator of a wheelchair lift or other boarding assistance device.

### **Section 20: Annual itemized budget; supplementary budget**

Section 20. The board shall approve a preliminary itemized budget for the subsequent fiscal year not later than March 15 prior to the beginning of that fiscal year. The authority shall submit to the advisory board a final itemized budget not later than April 15 prior to the beginning of the fiscal year. The secretary shall make the preliminary and final itemized budgets available on the authority's website.

The itemized budget shall establish a projection of operating costs and revenues for each commuter rail, rapid transit, bus and water line or route, each maintenance facility and for each department and unit of the authority. The itemized budget shall identify expenditures in such a manner that establishes the cost of operating the service provided on each such line or route. In conjunction with the itemized budget, the authority shall also calculate any additional costs that would be incurred in the event that service on each such line or route is mandated to expand or change beyond the level of service established or proposed by the itemized expenditure budget.

The itemized budget shall properly classify operating expenditures. Subject to a written policy approved by the board, the authority may classify an employee on a capital budget if the employee is supporting a capital transportation project; provided, however, that such classification shall be in accordance with federal funding requirements, government accounting standards and applicable state finance and federal laws. The policy shall: (i) define the employee positions eligible for classification on a capital budget, consistent with this section; (ii) specify that no bond funds shall be used to fund an employee's salary; and (iii) require an annual review by an independent third-party auditor of the authority's practices related to classifying employees on a capital budget. The secretary shall include the following information in the itemized budgets available on the authority's website: (i) the amount of capital expenditures used for employees; (ii) the total number of employee salaries included in capital expenditures, including a breakdown by division of the position titles and accompanying salaries; and (iii) the total number of employees assigned to capital projects.

The board shall forward not later than November 15 of each year to the governor, the secretary of administration and finance, the joint committee on transportation and the house and senate committees on ways and means the estimated capital or operating cost the authority projects to incur in the following fiscal year for expansions or changes in service imposed by the general court on the authority after July 1, 2000.

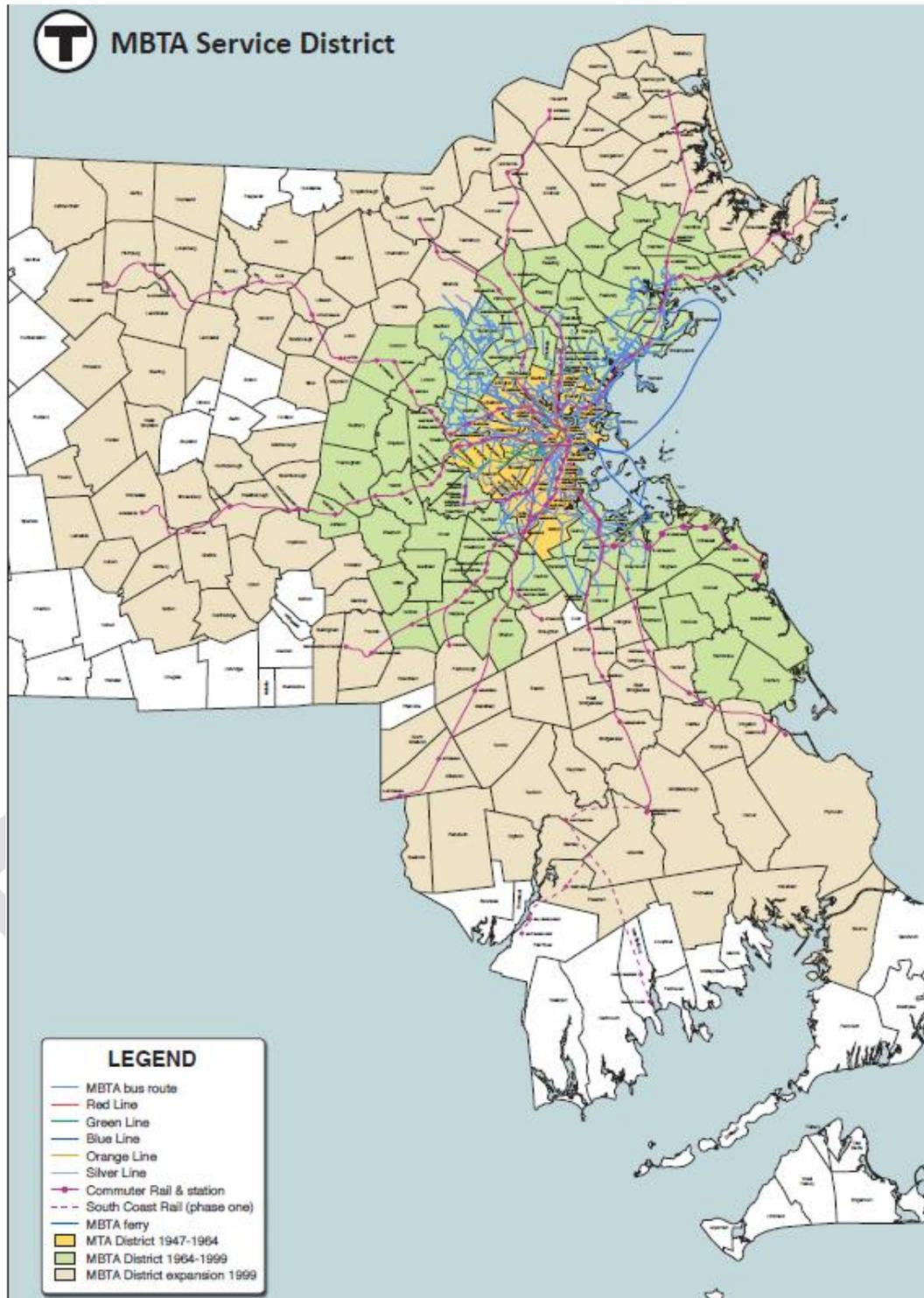
No expenses shall be incurred in excess of those shown in the budget; provided, however, that revenues shall exceed expenses at the close of each fiscal year in the operating funds of the authority by an amount equal to 1/2 of 1 per cent of the dedicated revenue source. The itemized budget may from time to time be amended by the board. The final budget and any supplementary budget shall provide for payment of all debt service payments or other payments due under financing obligations including, without limitation, leases, reimbursement obligations or interest exchange agreements for which the commonwealth has pledged its credit or contract assistance or is otherwise liable. If, during the fiscal year, the authority projects that total revenues for the fiscal year will be insufficient to meet total expenses, the authority shall take immediate steps to increase revenues or decrease expenses, other than debt service payments or other payments due under such financing obligations, such that a deficit will not occur in the following fiscal year and shall file with the secretary of administration and finance a deficit reduction plan delineating such steps. Upon the filing of such plan, the authority may, if it will otherwise have insufficient funds to pay expenses, draw on the Stabilization Fund in section 19 or issue temporary notes pursuant to section 12 for the subsequent fiscal year.

**Appendix B: Memorandum of Understanding with respect to the Boston Metropolitan Planning Organization:**

Memorandum of Understanding Relating to the Comprehensive, Continuing and Cooperative Transportation Planning Process in the Boston Metropolitan Area:

This document constitutes an MOU to which the Advisory Board is party. Its other parties include MassDOT, MBTA, MassPORT, MAPC, the cities of Boston, Newton and Somerville, and the towns of Bedford, Braintree, Framingham and Hopkington. It was approved by vote of the Boston MPO on 7/7/11, and effective 11/1/11. The document itself is 25 pages in length. A copy is available to any member by contacting the Executive Director, or at: [https://www.bostonmpo.org/data/pdf/about/mpo/Boston\\_Region\\_MPO\\_MOU\\_2011.pdf](https://www.bostonmpo.org/data/pdf/about/mpo/Boston_Region_MPO_MOU_2011.pdf)

**Appendix C: Map of MBTA service district:**





## Appendix D: Statement opposed to racism:

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TO: MBTA Advisory Board Members  
FROM: Brian Kane, Acting Executive Director  
DATE: June 12, 2020  
RE: Anti-racism statement

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Like many other organizations in the United States, recent events have compelled this organization to examine and act against racism. I suggest the MBTA Advisory Board adopt this statement as official policy of the organization.

### **Statement of Anti-racism**

The MBTA Advisory Board acknowledges that racism can be unconscious or unintentional, and that identifying racism as an issue does not necessarily mean those involved are racist or intend negative impact. As an anti-racism organization, the MBTA Advisory Board pledges to purposefully identify, discuss and challenge issues of race and color and the impact(s) they have. The MBTA Advisory Board commits to understanding and correcting any inequities that may be discovered in its activities and to work towards a more just and fair community.

MBTA Advisory Board members and staff explicitly and publicly affirm that the organization is an anti-racist one.

MBTA Advisory Board members and staff commit to reflecting the principals of anti-racism throughout the organization, and through its policies, programs, and practices.

MBTA Advisory Board members and staff resolve to develop and work to implement strategies to dismantle racism within all aspects of the organization.

Adopted from a statement by the University of New Hampshire's Department of Social Work.

**Appendix E. Voting Strengths from Fiscal Year 2021 Assessments**

a. Inner Core Communities – 14 cities and towns

Arlington	4.1543	Malden	5.2198
Belmont	2.8203	Medford	4.9937
Boston	97.0425	Milton	2.9093
Brookline	6.4673	Newton	7.1405
Cambridge	11.9676	Revere	4.7210
Chelsea	3.7765	Somerville	6.6389
Everett	4.2411	Watertown	3.4857

b. Outer 51 cities and towns – 51 cities and towns

Bedford	1.3271	Lynn	3.1814	Saugus	1.6541
Beverly	1.9751	Lynnfield	1.3005	Sharon	1.4366
Braintree	1.8584	Manchester	1.1251	Stoneham	1.5238
Burlington	1.6624	Marblehead	1.4755	Swampscott	1.3509
Canton	1.5445	Medfield	1.2974	Topsfield	1.1527
Cohasset	1.1934	Melrose	1.6497	Wakefield	1.6253
Concord	1.4427	Middleton	1.2316	Walpole	1.5810
Danvers	1.6390	Nahant	1.0812	Waltham	2.4510
Dedham	1.5838	Natick	1.0812	Wellesley	1.2690
Dover	1.1303	Needham	1.7201	Wenham	1.1218
Framingham	1.1633	Norfolk	1.1486	Weston	1.2777
Hamilton	1.1866	Norwood	1.6759	Westwood	1.3717
Hingham	1.5513	Peabody	2.2278	Weymouth	2.3302
Holbrook	1.2546	Quincy	3.1796	Wilmington	1.5510
Hull	1.2411	Randolph	1.7927	Winchester	1.5204
Lexington	1.7788	Reading	1.5839	Winthrop	1.4307
Lincoln	1.1566	Salem	2.0038	Woburn	1.9310

c. Other Communities Served – 112 cities and towns

Abington	1.0842	Foxborough	1.0000	Marlborough	1.0000
Acton	1.0000	Franklin	1.0000	Marshfield	1.0000
Amesbury	1.0000	Freetown	1.0370	Maynard	1.0000
Andover	1.0164	Georgetown	1.0206	Medway	1.0000
Ashburnham	1.0286	Gloucester	1.0000	Merrimac	1.0000
Ashby	1.0000	Grafton	1.0453	Methuen	1.0000
Ashland	1.0000	Groton	1.0000	Middleborough	1.0000
Attleboro	1.0000	Groveland	1.0000	Millbury	1.0000
Auburn	1.0006	Halifax	1.0550	Millis	1.0404
Ayer	1.0176	Hanover	1.0030	Newbury	1.0329
Bellingham	1.0000	Hanson	1.0755	Newburyport	1.0000
Berkley	1.0081	Harvard	1.0022	North Andover	1.0257
Billerica	1.0000	Haverhill	1.0000	N. Attleborough	1.0000
Bourne	1.0382	Holden	1.1191	North Reading	1.0000
Boxborough	1.0404	Holliston	1.0000	Northborough	1.0813
Boxford	1.0420	Hopkinton	1.0653	Northbridge	1.0000
Bridgewater	1.1461	Ipswich	1.0000	Norton	1.0252
Brockton	1.0000	Kingston	1.0000	Norwell	1.0358
Carlisle	1.0000	Lakeville	1.0191	Paxton	1.0336
Carver	1.0191	Lancaster	1.0272	Pembroke	1.0000
Chelmsford	1.0000	Lawrence	1.0000	Plymouth	1.0000
Dracut	1.0000	Leicester	1.0000	Plympton	1.0208
Duxbury	1.0000	Leominster	1.0000	Princeton	1.0225
E. Bridgewater	1.0539	Littleton	1.0277	Raynham	1.0000
Easton	1.1643	Lowell	1.0000	Rehoboth	1.0644
Essex	1.0237	Lunenburg	1.0202	Rochester	1.0393
Fitchburg	1.0000	Mansfield	1.0000	Rockland	1.0705
Rockport	1.0000	Stoughton	1.0180	Wayland	1.0330



# The MBTA Advisory Board

Rowley	1.0444	Stow	1.0104	West Boylston	1.0001
Salisbury	1.0000	Sudbury	1.0011	W. Bridgewater	1.0402
Scituate	1.0000	Sutton	1.0561	West Newbury	1.0242
Seekonk	1.0000	Taunton	1.0000	Westborough	1.0378
Sherborn	1.0303	Tewksbury	1.0000	Westford	1.0000
Shirley	1.0313	Townsend	1.0181	Westminster	1.0192
Shrewsbury	1.1761	Tyngsborough	1.0000	Whitman	1.0792
Southborough	1.0000	Upton	1.0559	Worcester	1.0000
Sterling	1.0294	Wareham	1.0000	Wrentham	1.0000

177 cities and towns

359,000 total votes

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