



March 5, 2019

Massachusetts Bay Transportation Authority Fiscal and Management Control Board  
10 Park Plaza  
Boston, Massachusetts 02116

Re: Proposed Fare Increase

Dear Fiscal and Management Control Board:

The Conservation Law Foundation (CLF) appreciates the opportunity to comment on the Massachusetts Bay Transportation Authority's (MBTA) Proposed Fare Increase averaging 6.3 percent across all fares. CLF is a nonprofit, member-supported, regional environmental organization working to conserve natural resources, protect public health, and promote thriving communities for all in the New England region. CLF protects New England's environment for the benefit of all people. We use the law, science and the market to create solutions that preserve our natural resources, build healthy communities, and sustain a vibrant economy. We are working to cut pollution from our cars and trucks, create alternatives to driving, and push for more affordable and equitable public transit options across New England. CLF has a long history of advocating for enhanced public transportation. The proposed fare increase is, therefore, of great concern to the organization and its membership. Please accept this letter as CLF's written comments.

The MBTA must strike a balance between funding maintenance of the current system and long-term project commitments and maintaining affordability for all riders – especially transit-dependent riders in the low-income, immigrant, and refugee communities and communities of color most burdened by transportation costs and least served by reliable transit. CLF urges the Fiscal and Management Control Board (FMCB) to reject the 6.3% fare increase, approve a lower fare increase, and ensure service improvements. The fare increase, if approved, must be tied to improved service and fixing the bus system for riders who depend on it most. For July 1, 2019, CLF recommends that the MBTA retain or reduce the current fares for the following services:

- senior, youth, and student one-way and monthly passes; and
- single-ride CharlieTicket and cash payments for the local bus and subway fares.

#### *MBTA's Current Financial Condition*

MBTA operations are funded by fares, as well as motor vehicle sales taxes, motor fuels taxes, Registration of Motor Vehicles and Inspection fees, sales tax transfer, local government assessments, parking, advertisement, real estate revenue, and federal funding for capital

projects.<sup>1</sup> Pursuant to the Forward Funding law enacted in 2000, the MBTA is required to balance its budget.<sup>2</sup> The MBTA seeks to fill a \$74 million deficit in fiscal year 2020.<sup>3</sup> The MBTA is facing a \$1.9 billion gap over the next decade.<sup>4</sup>

### *Statutory Limits to MBTA Fare Increases*

The law limits fare increases to no more than once in a 24-month period and no fare can be increased greater than 7 percent.<sup>5</sup> The last fare increase was in 2016 so the MBTA is complying with the time limitation by proposing a fare increase 36 months after the previous one.

Fare increases should be modest, predictable, and necessary. The MBTA is proposing to increase fares by an average of 6.3% with increases to no single fare category above 7%. Arguably, 7% fare increases are not modest, particularly for income-limited riders. Fare increases scheduled for a minimum of 24 months following a prior fare increase are predictable. To ensure that fare increases are necessary, CLF calls on the FMCB to consider the following factors:

- whether the fare increase will result in customer-facing service improvements;
- whether the fare increase will decrease ridership;
- whether the fare increase burdens transit-dependent riders; and
- whether there are other means to allow the MBTA to balance its budget while maintaining the system and implementing improvements.

Analysis of these factors points to the need for a smaller increase that maintains affordability for the region's most transit-dependent riders.

### MBTA must demonstrate that the fare increase will result in service improvements.

Service improvements are necessary, but the MBTA must make clear to riders how a fare increase will improve service. More than half of riders surveyed in 2017 report planning an

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<sup>1</sup> Phineas Baxandall, "What does Massachusetts Transportation Funding Support and What are the Revenue Sources," January 17, 2017, [http://massbudget.org/report\\_window.php?loc=What-Does-MA-Transportation-Funding-Support.html](http://massbudget.org/report_window.php?loc=What-Does-MA-Transportation-Funding-Support.html).

<sup>2</sup> G.L. c. 161A, § 20.

<sup>3</sup> Presentation to FMCB, January 29, 2019.

<sup>4</sup> A Better City, "An Update on Transportation Finance" at p. 27-28, February 2019, <https://www.abettercity.org/assets/images/ABC%20-%20An%20Update%20on%20Transportation%20Finance%202019.pdf>.

<sup>5</sup> St. 2016, c. 164, § 1.

excess of 10 minutes extra time for their trips to accommodate possible delays.<sup>6</sup> Most of the MBTA service area experienced a decrease in bus reliability from 2014 to 2017.<sup>7</sup> The MBTA needs funds to achieve a state of good repair, invest in bus safety initiatives, implement elevator and escalator repairs, pay employees, and fund capital investments such as the Green Line Extension and connect the Red and Blue Lines, increase the frequency of service on Silver Line (SL) 3 between Chelsea and South Station and commuter rail service, and fund early-morning and late-night bus service. The public needs the MBTA to track and report service needs and improvements in real time. CLF urges the FMCB to institute service improvements benchmarks and require the MBTA to report on progress through monthly updates beginning in April 2019.

The proposed fare increase will decrease ridership.

The MBTA anticipates a 1.3% ridership decrease as a result of this proposed fare increase.<sup>8</sup> When fares go up, many people abandon public transit in favor of their cars. Commuters that have the option to commute by car may make the switch if they find that using the MBTA is no longer cost effective. Decreased ridership presents negative impacts through increased greenhouse gas emissions, increased pollutants, increased roadway congestion, decreased health and wellness, and decreased revenue for the MBTA. In contrast, increased bus reliability is associated with an increase in ridership.<sup>9</sup> The MBTA must consider options to retain riders who will find the proposed fare increase cost-prohibitive to prevent them from turning to other mechanisms for getting to their destinations. This should include maintaining fare affordability.

The MBTA does not fully understand how the proposed fare increases burdens on transit-dependent riders.

Since 2004, riders now face a seventh fare hike in 15 years. Transit-dependent riders, including riders from the low-income, immigrant, and refugee communities and communities of color cannot afford fare hikes, particularly when faced with poor on-time performance,

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<sup>6</sup> MBTA Quarterly Ridership Update, Second Quarter FY19, Slide 9, February 25, 2019, <https://cdn.mbta.com/sites/default/files/fmcb-meeting-docs/2019/02-february/2019-02-25-fmcb-ridership-fy19-q2-original.pdf>.

<sup>7</sup> MBTA Quarterly Ridership Update, Second Quarter FY19, Slide 6, February 25, 2019, <https://cdn.mbta.com/sites/default/files/fmcb-meeting-docs/2019/02-february/2019-02-25-fmcb-ridership-fy19-q2-original.pdf>.

<sup>8</sup> MBTA Fare Increase Proposal, p. 3, January 28, 2019, <https://cdn.mbta.com/sites/default/files/fmcb-meeting-docs/2019/01-january/2019-01-28-fmcb-fare-proposal-original.pdf>.

<sup>9</sup> MBTA Quarterly Ridership Update, Second Quarter FY19, Slide 7, February 25, 2019, <https://cdn.mbta.com/sites/default/files/fmcb-meeting-docs/2019/02-february/2019-02-25-fmcb-ridership-fy19-q2-original.pdf>.

particularly amongst the bus routes heavily relied upon within environmental justice communities.

Furthermore, federal and state law prohibit the MBTA from making changes to service that have disparate impacts based on race, color, or national origin, or have disproportionate burden on low-income riders.<sup>10</sup> The MBTA must also meet the needs of riders with limited English language proficiency.<sup>11</sup> As required by law, the MBTA performed an equity analysis of the proposed fare increase to determine how fare increases would impact its riders. The equity analysis is flawed and invalid. The equity analysis of the fare changes relied upon survey and FERRET data.<sup>12</sup> Notably, a MBTA 2015-2017 systemwide passenger survey captured ridership data and information about trip origins, destinations, fare payment method, trip frequency, race, ethnicity, and income.<sup>13</sup> The equity notice explains that the survey response rates slowed for the online survey so the MBTA staff distributed the survey on paper forms at stations and on vehicles.<sup>14</sup> The MBTA provided no evidence that the passenger surveys were available in multiple languages reflecting the demographics of the riding public, which negatively impacts access for immigrant and refugee riders. Furthermore, the passenger response rates were likely low for low-income riders and riders of color, based on inconsistent and unreliable distribution methods. Because the equity analysis relies upon data that does not accurately reflect the MBTA ridership, particularly for low-income riders, riders of color, immigrants, refugees, and limited English language speakers, the MBTA has not provided the FMCB with the tools to understand the impacts of the fare increase. The FMCB must not rely upon the equity analysis to vote in favor of the proposed fare increase.

The Governor's Commission on the Future of Transportation Report highlighted that people with low-incomes, disabilities, limited access to public transit and other transportation options, as well as communities of color are disproportionately affected by pollution, long commute times, unreliable public transportation, rising housing costs, and congestion.<sup>15</sup> The

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<sup>10</sup> Title VI of the Civil Rights Act of 1964; 49 CFR § 21.5(b) (2); 49 CFR § 21.5(b) (7); 49 CFR Part 21, Appendix C; Massachusetts Executive Order on Environmental Justice 552 (2014).

<sup>11</sup> Massachusetts Executive Order on Environmental Justice 552 (2014); Massachusetts Administration and Finance Language Access Policy and Guidelines Bulletin 16, [https://www.mass.gov/files/documents/2017/08/31/2015-anf-admin-16-revised-guidelines\\_0.pdf](https://www.mass.gov/files/documents/2017/08/31/2015-anf-admin-16-revised-guidelines_0.pdf).

<sup>12</sup> "Proposed FY20 Fare Increase Equity analysis," at p. 26, <https://cdn.mbta.com/sites/default/files/fares/fare-proposal-2019/equity-anlaysia-sfy20-fare-changes.pdf>.

<sup>13</sup> *Id.*

<sup>14</sup> "Proposed FY20 Fare Increase Equity analysis," at p. 26-27, January 28, 2019, <https://cdn.mbta.com/sites/default/files/fares/fare-proposal-2019/equity-anlaysia-sfy20-fare-changes.pdf>.

Commission noted the need for the MBTA to recognize the impact to low-income communities and communities of color by planning to benefit such populations.<sup>16</sup>

The FMCB should only approve a fare increase if it is properly designed to maintain ridership of those who depend on transit service the most, rather than creating new burdens for those same communities. To retain riders, particularly low-income riders that depend upon bus service, the FMCB should direct the MBTA to retain or reduce the current fare for local bus riders: \$2.00 fare for one-way Charlieticket bus service and cash-paying customers; and \$55 fare for monthly bus service. The FMCB should also direct the MBTA to retain or reduce the current fare for youth, students, seniors, and persons with disabilities: \$0.85 fare for one-way youth, senior, student local bus; \$1.10 fare for one-way youth, senior, student subway; \$30.00 fare for monthly youth, senior, student monthly LinkPass. Finally, the FMCB should direct the MBTA to retain The Ride \$3.15 fare for one-way ADA service. These maintained or reduced fares will result in continued ridership levels and permit such riders to retain necessary income. Our climate, our health, and our well-being depend upon the FMCB making the right decision to reject the 6.3% proposal and focus efforts on improving service for all of us and those who depend on it most.

#### The Future Collection System Must be an Opportunity for a Fair and More Reliable System.

CLF urges the FMCB incorporate the above concerns into the development of the Automated Fare Collection 2.0 (AFC 2.0) system. MBTA is developing a new fare system to improve bus and trolley speeds. When complete, riders will board at all doors by tapping their Charlie Card or phone and lose the ability to pay for bus and trolley rides with cash.

The new system takes away the option of paying by cash onboard so riders seeking to pay cash will have to find an AFC 2.0 retailer like a store that is open when they want to pay cash to reload their Charlie Card. Because a significant portion of low-income residents rely upon cash to use the MBTA, the new system will inconvenience riders who must choose to go out of their way to find an open retailer to obtain passes or attempt to ride without paying their fare. If no changes are made, this scenario could lead to increased transit police enforcement for fare evasion, bolstering criminal convictions, and needlessly contributing to negative interactions between low-income riders and the MBTA Police.

Conversely, there are certainly beneficial features. The new system promises to get bus riders to their destination faster thanks to an easier boarding process and reduced wait times. The current fare vending machines limit how the MBTA can charge riders, while a dynamic pricing baked into the new system could allow the MBTA to charge deeply discounted fares for low-income riders, residents of environmental justice communities, other riders that rely on



public transportation, and riders with disabilities, and expand successful programs like the youth, senior, and student passes.

The FMCB should consider future fare changes in conjunction with the implementation of AFC 2.0, and use the opportunities presented by the new system to create a fair and more reliable system for those who use and need it most.

Thank you for the opportunity to provide these comments. You may contact me with questions at [SRubin@clf.org](mailto:SRubin@clf.org) and 617-850-1781.

Sincerely,

A handwritten signature in black ink that reads "Staci K." with a horizontal line extending to the right.

Staci Rubin  
Senior Attorney  
Conservation Law Foundation