

MASSACHUSETTS

Transportation Funding Initiative

2013 Legislative Session

- Governor Deval Patrick's State Budget Proposal – HB 1
- Joint House & Senate Transportation Revenue Bill – HB 3382
- Senate Bill 1770/House Bill 3415—Transportation Financing Legislation; Conference Committee Bill – House Bill 3535
- Governor Deval Patrick's Proposed Amendment to Conference Bill - HB 3544

Overview: Massachusetts legislators in July overrode a veto from Governor Deval Patrick (D) to enact a three-cents-per-gallon gasoline tax increase as part of an \$800 million transportation bill (Governor Patrick had wanted an even more ambitious plan). As a result of the bill's passage, the gasoline tax increased by three-cents on July 31, 2013—from 21 cents-per-gallon to 24-cents-per-gallon.

Summary of Legislation

#1: Governor's Transportation Proposal – House Bill 1

As part of the Governor's state budget proposal, he included a plan to raise \$1.9 billion in new revenues, with a significant amount dedicated to transportation. The proposal included increasing the income tax by 1 percentage point, cutting the sales tax from 6.25% to 4.5%, increasing the cigarette tax, expanding the sales tax to candy and soda, taxing computer software and data processing, eliminating certain tax deductions, reclassifying security and utility corporations for tax purposes, and indexing the gas tax to inflation. His plan also called for increases in transit fares, toll and registry fees and implementing All Electronic Toll in the state.

#2: Legislature's Transportation Proposal — HB 3535

The Legislature did not adopt the Governor's broad \$1.9 billion revenue request which would have addressed transportation as well as education and other priorities. The Legislature released a joint bill which only addressed transportation funding. The Legislature's bill, which passed in both chambers, included \$800 million in new taxes, including a gasoline tax increase of three-cents-per-gallon. The House passed this transportation financing legislation with a vote of 105-47, and the Senate passed the same legislation with a vote of 34-6.

#3: Governor's Transportation Response

Governor Deval Patrick (D) sent the Legislature's bill back with amendments, including a request for language to further increase the gas tax if tolls on the Massachusetts Turnpike are removed in 2017. The Governor estimated that replacing the tolls would result in adding three to five more cents-per-gallon to the gas tax, which would be in addition to the three-cents-per-gallon increase by the Massachusetts legislature. If the Legislature failed to include his amendment in their finalized bill, Governor Patrick

vowed to veto the legislation because he wanted to ensure the expected toll revenue loss was replaced with a new transportation funding source.

Status of Legislation

The Massachusetts Legislature voted to override Governor Patrick's veto, and this legislation included a three-cents-per-gallon gasoline tax increase and allowed future tax increases to be indexed to inflation. Governor Patrick had advocated for language to allow for an additional gasoline tax increase in order to make up for expected revenue losses from the potential removal of Massachusetts Turnpike tolls in 2017.

When the new gas tax was implemented on August 1, 2013, Massachusetts Republicans protested the tax hike at a gas station in Dorchester, Massachusetts. Kristen Hughes, the chairwoman of the Massachusetts Republican Party, said that they were protesting in order to "remind voters that Democrats are the reason their gas prices are higher today." Republican lawmakers also participated in the protest, where Senate Minority Leader Bruce Tarr (R-Gloucester) and Representative Vinny deMacedo (R-Plymouth) both spoke out against the tax increase.

Some Republicans have discussed their intentions to repeal part of the new gas tax section of the law through a ballot measure in the 2014 election. The Republicans said that the current law unfairly links the gas tax to inflation, and that this should be abolished because it could ultimately lead to more tax increases in the future. Republican Representative Geoffrey Diehl said that, "Taxation without representation is not going to stand."

Background

On June 26, 2013, the Legislature passed a bill that would generate approximately \$800 million in new taxes from cigarettes, gasoline, and computer design services and software. However, after the Legislature passed a transportation financing measure (HB 3535), Governor Patrick rejected the legislation on June 27, 2013, and he requested that the legislature return the bill with an amendment that included his proposed changes. More specifically, he said that the legislature's measure would not generate the \$805 million in new transportation revenue because certain revenue sources would expire during the length of the transportation financing measure. To help address this gap in funding, Governor Patrick proposed amendments in HB 3544, which included increasing the gasoline tax in order to offset the revenue that would be lost if the Massachusetts Turnpike tolls ultimately close in 2017. However, this would only increase the gasoline tax if the toll revenues were lost. In addition, Governor Patrick's proposed amendment included delaying the gas tax to prevent retroactive taxation.

The leaders of both the House and Senate spoke out against Governor Patrick's amendment requests. House Speaker Robert A. DeLeo said, "Speaking, I would think, on behalf of my membership now...I don't see a real boatload of support for either [an additional] gas tax or a toll hike...The amendment in its present form is unacceptable, so I don't know what we could do besides straight rejection."

On July 11, 2013, Governor Patrick reaffirmed his willingness to veto the transportation finance plan if it did not include the changes he requested from the legislature. The Governor wanted an increase in the gasoline tax to fund the state's growing infrastructure needs. Additionally, the Governor planned to use the increase in transportation funding to begin several transit projects, which he says are "critical to the economic health" of Massachusetts.

On July 12, 2013, Governor Patrick vetoed both transit and local transportation funding from the state budget in an effort to pressure the legislature to pass his tax increase proposal. He said that he could not approve transportation programs without first authorizing the tax increase, which would pay for the transportation programs. Governor Patrick said, “This action will come as no surprise...I have never signed a budget that is out of balance, and I’m not about to start to do so.” The Governor’s veto was met with outrage from both lawmakers as well as other local officials that would be directly impacted by the dramatic budget cuts. The Mayor of Chicopee, Mr. Michael Bissonnette, compared this situation to a chess game “between the governor and the Legislature, and in this particular instance, cities and towns are the pawns.”

On July 17, the Massachusetts House denied Governor Patrick’s proposed amendment for the transportation legislation. The House instead passed a substitute amendment—with a vote of 121-31—that did not include the Governor’s proposed additional gasoline tax increase. The following day, the state Senate also rejected Governor Patrick’s amendment proposal; the Senate also passed a substitute amendment—with a vote of 29-9—that simply made procedural changes to the legislation. The Senate rejected a set of amendments supported by Republicans, which called for removing the tax increases altogether. Governor Patrick stood by his intentions to veto the legislation, and it was speculated that the House and Senate could potentially override this veto.

On July 18, Governor Patrick followed through with his promise when he vetoed the Legislature’s \$800 transportation funding legislation that failed to include his proposed gas taxes to make up for lost revenue when tolls were expected to close in 2017. Governor Patrick said that “this good bill is not good enough...I believe this good bill misses a critical opportunity for the people we serve,” but House and Senate leadership say that they are prepared to override a veto. The central issue surrounding this legislative showdown involves how, if it all, the government will deal with lost revenue from the Massachusetts Turnpike tolls, which are scheduled to be removed in 2017. Democrats in the Massachusetts legislature continue to argue that there is “little political will to end the tolls” and that the Governor is overstating the issue of losing toll revenues.

Conclusion

On July 24, 2013, the Massachusetts Legislature overrode the Governor’s veto of the \$800 transportation finance legislation—the vote to override the veto in the House was 123-33 and the Senate vote was 35-5. This legislation included a three-cents-per-gallon gasoline tax increase, and this new law will index future taxes to inflation. Governor Patrick had advocated for more revenue because he argued that the legislature’s bill “failed to address the uncertain future of tolls on the Massachusetts Turnpike.” Governor Patrick said, “While it is no secret that today’s transportation finance package shortchanges our transportation needs, it still represents a step forward...now, it’s time to put these resources to work.” The gas tax increase, cigarette tax, and software services tax will all help to fund Massachusetts’ regional transportation system, remove DOT salaries from the capital budget, and pay for transportation projects.

Proponents of Proposed Gas Tax

#1: Transportation for Massachusetts

This coalition of organizations has publicly supported the Transportation Finance Bill that passed in the Massachusetts legislature, and the Transportation for Massachusetts published a set of recommendations to improve the legislation as well.

Members of this coalition include:

- Alliance for Business Leadership
- Alternatives for Community and Environment (ACE)
- Conservation Law Foundation (CLF)
- Environmental Entrepreneurs
- Environmental League of Massachusetts (ELM)
- Fairmount/Indigo Line CDC Collaborative
- Funders Network
- Institute for Human Centered Designs (IHCD)
- Kitty and Michael Dukakis Center for Urban and Regional Policy (Dukakis Center)
- LivableStreets Alliance
- Local Initiatives Support Corporation (LISC)
- Massachusetts Association of Community Development Corporations (MACDC)
- Massachusetts Association of Regional Transit Authorities
- Massachusetts Communities Action Network
- Massachusetts Public Health Association (MPHA)
- Massachusetts Public Interest Research Group (MASSPIRG)
- Massachusetts Smart Growth Alliance (MSGA)
- MassBike
- MassCommute
- MBTA Advisory Board
- Medical Academic and Scientific Community Organization (MASCO)
- Merrimack Valley Planning Commission (MVPC)
- Metropolitan Planning Area Council (MAPC)
- Neighbor to Neighbor – Massachusetts
- Old Colony Planning Council (OCPC)
- On The Move (OTM)
- Pioneer Valley Planning Commission (PVPC)
- Somerville Community Corporation
- Somerville Transportation Equity Partnership
- Southeastern Regional Planning and Economic Development District (SRPEDD)
- T Riders Union (TRU)
- WalkBoston
- The Massachusetts Taxpayers Foundation: Mr. Michael J. Widmer, the president of the organization, said that the group supported the gas tax increase because “it’s a small price to pay for maintaining roads and bridges, which general speaking are in deplorable shape.”

Support for Governor’s \$1.2 Billion Transportation Proposal

- Governor Patrick (D)

Support for a Three-cents-per-gallon Tax Increase and Opposition to Governor's Higher Gas Tax Proposal:

- House Speaker Robert A. DeLeo (D) and Senate President Therese Murray (D) oppose Governor Patrick's gas tax increase and instead support the smaller gas tax proposal they initiated.
- Mr. Stephen Brewer, the Senate Ways and Means Chairman, also preferred the toll over a gasoline tax.

Opposition to Proposed Gas Tax Increase

- Some Republican Opposition: House Minority Leader Bradley H. Jones Jr. supported a different piece of legislation, along with House Republicans, that did not include any tax increases. Republicans in the Senate also proposed a series of amendments to either eliminate or substantially reduce the tax increases proposed in the transportation bill.

Lessons Learned

- **Governor Was a Champion of Transportation Finance Package.**

This transportation funding package was one of Governor Patrick's main legislative priorities. The Democratic opposition to his ambitious proposal, which first extended beyond transportation, ultimately resulted in the transportation legislation becoming law without the Governor's signature. In the end, a

more modest transportation bill was implemented; the bill included a three-cents-per-gallon gasoline tax increase as well as cigarette and software services taxes. However, Governor Patrick was criticized for changing the nature of the transportation funding conversation when he said he would not accept the Legislature's proposal without his other new budget requests.

After the gas tax was implemented on August 1, 2013, Governor Patrick defended the tax hike and said that "we've got—and citizens know it—a long neglected transportation infrastructure...it's time to reinvest in our infrastructure for the sake of our growth, for the sake of our economy and for the sake of our quality of life."

- **Governor & State Leadership Were Initially Divided.**

Democratic Governor Patrick supported a higher gas tax, while the Massachusetts House and Senate leadership supported a more modest three-cents-per-gallon tax increase on gasoline.

- **Lack of Strong Bipartisan Support.**

Many republicans in the Massachusetts legislature opposed any tax increases to support transportation maintenance and improvement projects, and at the same time, some democrats thought the bill did not go far enough.

- **Strong Support for Gas Tax from External Coalitions.**

Transportation for Massachusetts was a powerful coalition that successfully unified organizations in support of increasing transportation funding.

- **Media Attention & Political Showdown between Democrats in Legislature and Democratic Governor.**

Holding the transportation funding legislation hostage ultimately helped this legislation gain national media attention. The theatrics of the Governor's veto and then the Legislature's decision to override the veto ultimately resulted in more media coverage and attention by the public.

Polling Data

Poll #1: Campaign for Our Communities (December 2012)

Background: This poll was conducted by the News Service (Boston Pollster Tom Kiley) on behalf of the Campaign for Our Communities.

Poll Methodology: This poll was conducted from December 12, 2012 through December 15, 2012, and 600 Massachusetts voters were interviewed. Respondents were asked about their views on a 15-cent-per-gallon gasoline tax increase to fund state-wide transportation projects, which is part of Governor Patrick's transportation package proposal.

Poll Results:

- 83% of respondents said that they would not support this tax increase, with 68% who “strongly disapproved” of the tax hike. 17% of respondents said that they would support this gasoline tax increase, and 7% of respondents “strongly” supported this proposal.
- 18% of respondents believed that the new revenue from the gas tax should go toward transportation projects, while 77% of respondents said that Massachusetts legislators should use the revenue to help tackle the state's overall funding issues. Among the 77%, 45% of respondents prioritized K-12 education above transportation, and 22% prioritized healthcare. However, 32% of respondents chose infrastructure as their highest priority.

Poll #2: Campaign for Our Communities (March 2013)

Background: This poll was conducted in March 2013 by Boston pollster Tom Kiley, on behalf of the Campaign for Our Communities.

Poll Methodology: Mr. Kiley interviewed 600 Massachusetts voters for this March 2013 poll. Respondents in this poll were asked about their views on various revenue increases, including a gas tax increase and other tax hikes.

Poll Results

- 21% of respondents supported a gas tax increase of 15 cents-per-gallon, while 79% opposed this gasoline tax increase proposal. 28% supported an alternative fee increase that would double “the fee to register a car or renew a driver's license,” and 70% opposed this proposal.
- 76% of Massachusetts voters “strongly approved” or “somewhat approved” of Governor Patrick's plan to increase funding for infrastructure, transit, and education.
- While 54% of Massachusetts voters favored tax increases to support Governor Patrick's investment proposals, 43% did not support tax increases to fund these initiatives. 61% of respondents approved of a broad financing proposal that included both education and transportation projects, and 28% favored a financing plan that would use the funds exclusively for transportation projects.

Governor Patrick's tax-reform proposal includes increases in the cigarette tax and sales tax on candy and soda. When respondents were asked about financing mechanisms to fund the proposed investments, 74% of voters favored a “\$1-per-pack” cigarette tax increase. Next, 61% endorsed the idea of adding a sales tax to both soda and candy, and 56% did not support raising the Massachusetts Turnpike tolls. Lastly, 64% of respondents were opposed to fare hikes on public transportation — including MBTA, commuter rail, and buses.

Poll Analysis

This poll focused more on asking respondents questions about the impact of higher taxes and fees, and as a result, this tends to yield more negative public opinions. According to this poll, the gas tax was the “least popular revenue raiser.” There was more support for a broad financing plan that encompassed both education and transportation; 61% supported this “broad plan” and 28% supported a “transportation-only fix.” Finally, cigarette, candy and soda taxes were more widely accepted by voters than proposed increases in the gas tax.

#3: Poll: MassINC Polling Group (February 2013)

Background: This poll was conducted from February 4, 2013 through February 11, 2013 by the MassINC Polling Group, and 1,506 registered voters in Massachusetts were interviewed for this public opinion poll. The firm also facilitated focus groups in nine cities throughout Massachusetts and conducted expert interviews.

Poll Results:

Gas Tax: This poll found that 43% of respondents “strongly” or “somewhat” supported the gas tax revenues for general transportation, 48% supported this for public transportation projects, and 61% supported the gas tax revenues used for roads and highways. The poll also found that 8 of 10 voters believed the gas tax was higher than the current tax rate. When asked about user fees versus broad-based taxes, 47% of respondents supported user fees—including gas tax and transit fares, for example—whereas 34% of respondents favored general taxes—sales tax or income tax.

Willingness to Pay: Roughly 6 out of 10 voters in this poll reported that they would be willing to pay \$50/person/year in order to help establish a long-term funding mechanism for both the roads system and the public transportation system.

Job Creation: Part of this poll focused on asking voters about economics, jobs, and transportation. Voters responded positively to “creating construction jobs to build the system, linking people to jobs via better transit, and keeping Massachusetts a good place for businesses to locate and for younger workers.” More specifically, 64% to 69% of voters either “somewhat strong[ly]” or “very strong[ly]” supported these economic arguments for transportation system improvements.

VMT: This option was not very popular with the respondents, with only 18% of voters saying that they would support a VMT program.

Poll Analysis: The poll identified two main obstacles for revenue increases, and these include a general “lack of understanding of the state-of-repair crisis facing the transportation system” and an overall distrust of government spending by the state. Voters in this poll supported proposals that would use new revenues for transportation projects, and 60% of voters thought that new revenues raised should be designated for only transportation.

Figure: % support (strongly/somewhat) for revenues for specified uses

Revenue Source	For general transportation use	Used for public transportation	Used for roads, highways
Fees, fares, tolls	NA	57%	57%
Income, loopholes, sales ¹	50%	56%	62%
Transit fare increases	51%	NA	NA
Gas tax	43%	48%	61%
Toll increases	50%	NA	NA
Income, loopholes	37%	NA	NA
Registration fee increases	34%	NA	NA
VMT	18%	NA	NA

Source = MPG poll, Feb 2013. NA = Not Asked.

¹ While the income tax, sales tax, and loopholes option resembles Governor Deval Patrick's proposal, the specifics of what was included in the poll are not close enough to the governor's plan to allow for the poll results to be used to analyze public support for the plan.

March 2013 Full Report: <http://031d482.netsolhost.com/WordPress/wp-content/uploads/2013/03/Public-Opinion-on-Transportation-in-Massachusetts.pdf>

Polling Data:

If the State of Massachusetts were to increase transportation funding, should the state pay for the additional transportation funding by raising taxes on everyone, such as the income or sales tax, or by raising fees and taxes paid by users of the transportation system, such as the gas tax, or public transportation fares? *Order rotated*

Raising taxes on everyone, such as the income or sales tax	34%
Raising fees and taxes paid by users of the transportation system, such as the gas tax, or public transportation fares	47%
Don't Know / Refused	19%

There are many taxes or fees the state government could use to pay for the improvements we have been discussing. I am going to read you a list of choices for how this money could be raised, and would like you to tell me which option you think would be best to pay for transportation improvements. The list is raise the gas tax, raise the income tax, add a mileage fee for drivers, close tax loopholes on individuals and businesses, OR increase user fees such as fares and tolls. Which of these options do you think is best? *Order rotated*

Gas tax	14%
Income tax	13%
Mileage fee for drivers	8%
Close tax loopholes on individuals and businesses	40%
User fees such as fares and tolls	32%
Some other tax/fee (not read)	2%
None of the above (not read, exclusive option)	12%
Don't Know / Refused (exclusive option)	4%

Currently, cities, towns, and regional agencies in Massachusetts cannot ask voters to vote on a transportation project for their specific area. Would you support or oppose giving cities and towns and regional planning agencies the authority to place transportation funding measures for their specific area on the ballot for voters to approve or reject? And do you strongly (support/oppose) this idea, or somewhat (support/oppose)? *Order rotated*

Strongly support	42%
Somewhat support	33%
Somewhat oppose	8%
Strongly oppose	12%
Don't Know / Refused	5%

Asked to 1/2. What if I told you that to create a sustainable funding stream for the roads network and public transportation systems around Massachusetts would cost about **READ FIRST ITEM per year** for each resident. Would you support or oppose raising taxes or fees by this amount to pay for transportation needs in your area?

<i>Order rotated</i>	Support	Oppose	Don't Know/ Refused
Fifty dollars	65%	32%	3%
One hundred dollars	48%	49%	3%
Two hundred dollars	31%	65%	5%

Asked to 1/2. What if I told you that to create a sustainable funding stream for the roads network and public transportation systems around Massachusetts would cost about **READ FIRST ITEM per month** for each resident. Would you support or oppose raising taxes or fees by this amount to pay for transportation needs in your area?

<i>Order rotated</i>	Support	Oppose	Don't Know/ Refused
Four dollars	61%	35%	4%
Eight dollars	47%	50%	4%
Seventeen dollars	31%	66%	4%

Gas Tax

If you had to guess, how much of the cost of every gallon of gasoline in Massachusetts would you say goes to federal and state taxes?

Gessed less than \$0.41	18%
Gessed \$0.41 to \$0.42	<1%
Gessed \$0.43 to \$0.99	21%
Gessed \$1.00 to \$1.99	19%
Gessed more than \$2.00	12%
Don't Know / Refused	31%

The actual amount of all federal and state taxes in Massachusetts is 41.9 cents per gallon. The state gas tax of 21 cents per gallon was last increased in 1991, and no sales tax is charged on gasoline. Because the gas tax is not adjusted for inflation, the gas tax has lost nearly half its purchasing power since 1991. Assuming the Massachusetts state government decided to raise funds for maintaining and improving our transportation system, one option would you support or oppose increasing the state gas tax in order to pay for these improvements? And do you strongly (support/oppose) this idea, or somewhat (support/oppose)?

Strongly support	19%
Somewhat support	24%
Somewhat oppose	13%
Strongly oppose	42%
Don't Know / Refused	2%

Fees/Fares/Tolls

Order of next 3 questions rotated

Assuming the Massachusetts state government decided to raise funds for maintaining and improving our transportation system, one option would be to raise fares for transit riders. Would you support or oppose this idea? And do you strongly (support/oppose) this idea, or somewhat (support/oppose)?

Strongly support	23%
Somewhat support	28%
Somewhat oppose	15%
Strongly oppose	29%
Don't Know / Refused	5%

Another idea would be to raise vehicle registration fees. Would you support or oppose this idea? And do you strongly (support/oppose) this idea, or somewhat (support/oppose)?

Strongly support	12%
Somewhat support	22%
Somewhat oppose	15%
Strongly oppose	48%
Don't Know / Refused	3%

Another idea would be to raise tolls paid on Massachusetts highways. Would you support or oppose this idea? And do you strongly (support/oppose) this idea, or somewhat (support/oppose)?

Strongly support	22%
Somewhat support	28%
Somewhat oppose	15%
Strongly oppose	33%
Don't Know / Refused	2%

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Reviewed by Shannon Reilly (John Pourbaix, Construction Industries of Massachusetts) on 9/23/13

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