

Senator Michael Rodrigues
Chair, Senate Committee on Ways and Means
Statehouse, Room 212
24 Beacon Street
Boston, MA 02135

Representative Aaron Michlewitz
Chair, House Committee on Ways and Means
Statehouse Room 234
24 Beacon Street
Boston, MA 02135

October 8,, 2024

RE: Governor's proposal to use Education and Transportation Fund revenue to backfill accounts

Dear Chair Rodrigues and Chair Michlewitz,

We are a broad group of organizations that include community-led, transportation, environmental, public health, labor, business, youth, and research organizations that have an interest in improving our transportation systems statewide. For decades, the resources invested in transportation have not met the needs of transit riders, drivers, pedestrians, and cyclists.

We know, however, that the legislature is committed to improving transportation with the additional revenue from the Fair Share Amendment passed by voters in 2022. Since then, you have increased investments in Regional Transit Authorities to expand night and weekend service, invested heavily in the MBTA, and provided additional funding for road and bridge projects.

We write to you today to express our concern about Governor Healey's proposal in [H.5049](#) to shift \$225 million from the Education and Transportation fund to backfill accounts, originally funded by the General Fund, to close out Fiscal Year 2024. The particular language that concerns us is:

SECTION 102. Notwithstanding any general or special law to the contrary, in fiscal year 2024, the comptroller shall make \$225,000,000 available from the Education and Transportation Fund established in subsection (b) of section 2BBBBBB of chapter 29 of the General Laws to satisfy the funding requirements for items 3000-1041, 3000-1042, 3000-1045 and 7053-1925 in section 2 of chapter 28 of the acts of 2023 and 1595-6368 in section 2E of said chapter 28. The secretary of administration and finance shall determine the amounts designated from the Education and Transportation Fund for each of these items. as well as the corresponding adjustments to the amounts from each fund originally made available to support these items in said chapter 28.

The accounts in question are very important to improving the lives of residents across the Commonwealth. However, funds from the Education and Transportation Fund should be used for new investments in transportation, to align with the will of the voters who support the Fair Share Amendment, not to backfill accounts to balance the budget.

The MBTA is facing an operating budget deficit of over \$600 million in the upcoming fiscal year. The Commonwealth has over 600 structurally deficient bridges. The Commonwealth also needs to expand our

EV charging infrastructure to meet our climate goals and address rural infrastructure for communities that rely on mostly gravel roads to get around. Diverting \$225 million from the Education and Transportation Fund only hinders our ability to address these investments moving forward.

The Commonwealth Stabilization Fund currently has a balance of approximately \$8.8 billion, historically the highest it has ever been, thanks in large part to the leadership of the Legislature. The Governor is proposing to deposit \$265 million into the Commonwealth Stabilization Fund that would increase the balance to nearly \$9 billion.

In addition to this deposit, the Governor proposes depositing \$600 million from a tobacco settlement and another \$265 million into the Transition Escrow Fund. These three deposits to savings accounts total over \$1.1 billion that could be used to close out FY2024 without using revenue from the Transportation and Education Fund.

We believe that shifting funds from the Education and Transportation Fund to backfill accounts that were previously funded by the General Fund sets a bad precedent for future budgets. Using the Fair Share dollars to balance budgets rather than make new investments in transportation and education moving forward risks damaging public trust. We believe a much better approach would be to use funds from the Stabilization Fund, as historically has been done, to close out prior year's budgets.

Last year, a large number of the groups on this letter [sent you a letter](#) outlining our recommended principles about how the Fair Share dollars should be allocated by the Legislature. In our letter we recommended three things:

1. That funding from Fair Share add to existing transportation dollars above current allocations;
2. That the funds be split evenly between transportation and education; and
3. The allocation and funding from Fair Share should be transparent to the public.

The Governor's approach in her closeout supplemental budget does not use Fair Share dollars to make new investments in transportation, and is not transparent in how much funding out of the \$225 million is going to each account that is referenced in Section 102 above.

We ask that the Legislature not to follow this approach, and instead use the Commonwealth Stabilization Fund to close out FY24 for any accounts that were originally funded through the General Fund. We are happy to discuss this in further detail if you would like to set up a time to meet. Please feel free to reach out with any questions or concerns.

Sincerely,

Pete Wilson
Senior Policy Director
Transportation for Massachusetts

Brendan Kearney
Co-Executive Director
WalkMassachusetts

Catherine Gleason
Interim Co-Executive Director
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Lefty Morrill
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Merrimack Valley Project

Leonardo Ruiz Sanchez
Lead Community Organizer
Fenway CDC

Noemi "Mimi" Ramos
Executive Director
New England United for Justice

Dave Christopolis
Executive Director
Hilltown Community Development Corporation

CC: Governor Maura Healey
Secretary of Administration and Finance Matt Gorzkowicz
Secretary of Transportation Monica Tibbits-Nutt
Speaker of the House Ron Mariano
Senate President Karen Spilka