



CHAMBER ACTION

The Committee on Transportation recommends the following:

Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to the Florida Public Transit Act; amending s. 341.031, F.S.; defining "intercity bus service," "eligible bus carrier" or "carrier," "eligible intercity bus costs," and "intercity bus capital project"; amending s. 341.041, F.S.; revising responsibilities of the Department of Transportation; requiring the department to develop a statewide plan which provides for public transit and intercity bus service, formulate a specific program of projects and project financing, develop and administer certain state measures concerning system performance, provide technical and financial assistance to intercity bus carriers, coordinate activities between certain entities on matters relating to intercity bus service, assist in the development and implementation of marketing and passenger information programs for said services, provide said service to support described projects, and utilize certain federal funds to support a statewide intercity bus network; amending s. 341.051,



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29 F.S.; authorizing the department to receive federal grants
 30 or apportionments for intercity bus service projects;
 31 revising certain project eligibility requirements for the
 32 expenditure of state funds to include described intercity
 33 bus service projects; authorizing the department to fund
 34 such projects; authorizing the department to fund up to
 35 100 percent of the federal aid apportionment for intercity
 36 bus service; amending s. 341.053, F.S.; authorizing
 37 expenditure of Intermodal Development Program funds for
 38 intercity bus service; providing an effective date.
 39

40 Be It Enacted by the Legislature of the State of Florida:
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42 Section 1. Subsections (11) through (14) are added to
 43 section 341.031, Florida Statutes, to read:

44 341.031 Definitions relating to Florida Public Transit
 45 Act.--As used in ss. 341.011-341.061, the term:

46 (11) "Intercity bus service" means regularly scheduled bus
 47 service for the general public that:

48 (a) Operates with limited stops over fixed routes
 49 connecting two or more urban areas not in close proximity.

50 (b) Has the capacity for transporting baggage carried by
 51 passengers.

52 (c) Makes meaningful connections with scheduled intercity
 53 bus service to more distant points, if such service is
 54 available.

55 (d) Maintains scheduled information in the National
 56 Official Bus Guide.



57 (e) Provides package express service incidental to
58 passenger transportation.

59 (12) "Eligible bus carrier" or "carrier" means a private
60 company that has operated defined intercity bus service in the
61 state, with formal authority in accordance with the rules and
62 regulations of the Federal Motor Carrier Safety Administration
63 and the Surface Transportation Board of the United States
64 Department of Transportation, for a minimum of 2 years.

65 (13) "Eligible intercity bus costs" means the total costs
66 directly incident to the provision of intercity bus service,
67 including any depreciation or amortization of capital assets
68 purchased without public financial assistance.

69 (14) "Intercity bus capital project" means a capital
70 project undertaken by an intercity bus carrier to provide
71 intercity bus service and is limited to acquisition, design,
72 construction, reconstruction, or improvement of a privately
73 operated intercity bus service. Such projects may include that
74 portion of a government-owned or government-operated transit
75 system designed to support privately operated intercity bus
76 service.

77 Section 2. Section 341.041, Florida Statutes, is amended
78 to read:

79 341.041 Transit responsibilities of the department.--The
80 department shall, within the resources provided pursuant to
81 chapter 216:

82 (1) Develop a statewide plan which provides for public
83 transit and intercity bus service needs at least 5 years in
84 advance. The plan shall be developed in a manner that will



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85 assure maximum use of existing facilities, and optimum
86 integration and coordination of the various modes of
87 transportation, including both governmentally owned and
88 privately owned resources, in the most cost-effective manner
89 possible. The plan shall also incorporate plans adopted by local
90 and regional planning agencies which are consistent, to the
91 maximum extent feasible, with adopted strategic policy plans and
92 approved local government comprehensive plans for the region and
93 units of local government covered by the plan and shall, insofar
94 as practical, conform to federal planning requirements. The plan
95 shall be consistent with the goals of the Florida Transportation
96 Plan developed pursuant to s. 339.155.

97 (2) Formulate a specific program of projects and project
98 financing to respond to identified transit and intercity bus
99 service needs as part of the work program.

100 (3) Develop, publish, and administer state measures
101 concerning system management, performance, productivity, cost
102 distribution, and safety of governmentally owned public transit
103 systems and privately owned or operated systems financed wholly
104 or in part by state funding. Such measures shall be developed
105 jointly with representatives of affected publicly owned transit
106 systems and in coordination with affected privately owned
107 systems, with full consideration given to nationwide industry
108 norms.

109 (4) Provide technical and financial assistance to units of
110 local government and intercity bus carriers, based on an
111 analysis of public transit and intercity bus service problems
112 and needs, to assist in establishing and implementing effective



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113 transit systems and related support programs. In providing such
114 assistance, the department may assist public agencies that
115 provide public transit and intercity bus carriers that provide
116 intercity bus services by making department-owned transit
117 vehicles and appurtenances available for lease to such agencies
118 for special needs of limited duration.

119 (5) Coordinate activities between the public entities and
120 private entities on matters relating to public transit and
121 intercity bus service.

122 (6) Assist in the development and implementation of
123 marketing and passenger information programs for public transit
124 and intercity bus services.

125 (7) Provide transit service through contracts with
126 existing publicly or privately owned transit systems, where such
127 service represents the transit element of a corridor project
128 designed to relieve urban traffic congestion.

129 (8) Provide intercity bus service to support projects that
130 serve to maintain and enhance statewide intercity bus service.
131 The department shall utilize and dedicate federal funds
132 apportioned to intercity bus service according to federal
133 requirements to support a statewide intercity bus network.

134 (9)~~(8)~~ Provide new transit service and equipment where a
135 public need has been determined to exist pursuant to the
136 transportation planning process and where all of the following
137 conditions occur:

138 (a) No other governmental entity of appropriate
139 jurisdiction exists.



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140 (b) The service cannot be reasonably provided by a
141 governmentally owned or privately owned public transit provider.

142 (c) The cost of providing the service does not exceed the
143 sum of revenues resulting from user fares, special transit
144 services such as charter operations, local fund participation,
145 and specific legislative appropriation for this purpose.

146

147 The department may buy, sell, own, lease, and otherwise encumber
148 facilities, transit vehicles, and appurtenances thereto, as
149 necessary to provide such service; or the department may provide
150 service by contracts with governmentally owned or privately
151 owned service providers.

152 (10)~~(9)~~ Provide public transportation service where
153 emergency service is required, provided that no other private or
154 public transportation operation is available to provide needed
155 service and that such service is clearly in the best interests
156 of the people or communities being served. Such service shall be
157 provided by contractual services, actual operation of state-
158 owned transit equipment and facilities, or any other means
159 deemed appropriate by the department and shall be limited to a
160 period not to exceed 2 years.

161 (11)~~(10)~~ Administer federal and state commuter assistance
162 programs and related federal-aid funds apportioned to the
163 department, which promote the use of ridesharing arrangements
164 and transportation demand management strategies, and the
165 creation of transportation management associations. Public
166 agencies, and private organizations established pursuant to
167 chapter 617 and approved by the local government and the



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168 department as being consistent with local, regional, and state
169 transportation plans, are eligible to receive funds under this
170 program. The department shall establish adequate insurance
171 requirements based on passenger capacity for each vehicle used
172 in ridesharing.

173 (12)~~(11)~~ Assist local governmental entities and other
174 transit operators in the planning and development of transit
175 programs and procedures and in the identification of
176 alternatives for achieving the most effective use of available
177 transportation resources and increasing revenue sources as
178 needed so that Florida's transit systems can move toward
179 becoming fiscally self-sufficient. The department may also
180 advance, on a matching basis, state funds for capital
181 improvements to transit properties in accordance with the
182 following:

183 (a) Candidate programs may include, but are not limited
184 to, the development of terminal facilities for lease by
185 interfacing modes, the acquisition and development of adjacent
186 land for lease or sale to public and private entities, and the
187 acquisition and development of air rights.

188 (b) The criteria to be utilized in determining whether or
189 not to advance such funds shall be adopted by rule and shall
190 include the demonstrated need of the transit system,
191 administrative capability, and a system financial plan as
192 approved by the department.

193 (13)~~(12)~~ Assist local governmental entities in achieving a
194 condition wherein transit systems are operated at a service
195 level that is responsive to identified transit needs and in such



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196 a manner as to promote maximum transit usage and achieve the
197 highest possible operating recovery ratio commensurate with the
198 local government's transit role and requirements.

199 (14)~~(13)~~ Assist local governmental entities and other
200 transit operators in the planning, development, and coordination
201 of transit services for WAGES program participants as defined in
202 s. 414.0252.

203 (15)~~(14)~~ Create and maintain a common self-retention
204 insurance fund to support fixed-guideway projects throughout the
205 state when there is a contractual obligation to have the fund in
206 existence in order to provide fixed-guideway services. The
207 maximum limit of the fund is as required by any contractual
208 obligation.

209 Section 3. Paragraph (a) of subsection (1), paragraph (a)
210 of subsection (4), and subsection (5) of section 341.051,
211 Florida Statutes, are amended to read:

212 341.051 Administration and financing of public transit
213 programs and projects.--

214 (1) FEDERAL AID.--

215 (a) The department is authorized to receive federal grants
216 or apportionments for public transit and intercity bus service
217 projects in this state.

218 (4) PROJECT ELIGIBILITY.--

219 (a) Any project that is necessary to meet the program
220 objectives enumerated in s. 341.041, that conforms to the
221 provisions of this section, and that is contained in the local
222 transportation improvement program and the adopted work program



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223 of the department is eligible for the expenditure of state funds
224 for transit purposes.

225 1. The project shall be a project for service or
226 transportation facilities provided by the department under the
227 provisions of this act, a public transit capital project, a
228 commuter assistance project, a public transit service
229 development project, an intercity bus service capital project,
230 an intercity bus service project, or a transit corridor project.

231 2. The project must be approved by the department as being
232 consistent with the criteria established pursuant to the
233 provisions of this act.

234 (5) FUND PARTICIPATION; CAPITAL ASSISTANCE.--

235 (a) The department may fund up to 50 percent of the
236 nonfederal share of the costs, not to exceed the local share, of
237 any eligible public transit capital project or commuter
238 assistance project that is local in scope; except, however, that
239 departmental participation in the final design, right-of-way
240 acquisition, and construction phases of an individual fixed-
241 guideway project which is not approved for federal funding shall
242 not exceed an amount equal to 12.5 percent of the total cost of
243 each phase.

244 (b) The department is authorized to fund up to 100 percent
245 of the cost of any eligible transit capital project, intercity
246 bus service project, or commuter assistance project that is
247 statewide in scope or involves more than one county where no
248 other governmental entity or appropriate jurisdiction exists.

249 (c) The department is authorized to advance up to 80
250 percent of the capital cost of any eligible project that will



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251 assist Florida's transit systems and intercity bus services in
252 becoming fiscally self-sufficient. Such advances shall be
253 reimbursed to the department on an appropriate schedule not to
254 exceed 5 years after the date of provision of the advances.

255 (d) The department is authorized to fund up to 100 percent
256 of the capital and net operating costs of statewide transit
257 service development projects or transit corridor projects. All
258 transit service development projects shall be specifically
259 identified by way of a departmental appropriation request, and
260 transit corridor projects shall be identified as part of the
261 planned improvements on each transportation corridor designated
262 by the department. The project objectives, the assigned
263 operational and financial responsibilities, the timeframe
264 required to develop the required service, and the criteria by
265 which the success of the project will be judged shall be
266 documented by the department for each such transit service
267 development project or transit corridor project.

268 (e) The department is authorized to fund up to 50 percent
269 of the capital and net operating costs of transit service
270 development projects that are local in scope and that will
271 improve system efficiencies, ridership, or revenues. All such
272 projects shall be identified in the appropriation request of the
273 department through a specific program of projects, as provided
274 for in s. 341.041, that is selectively applied in the following
275 functional areas and is subject to the specified times of
276 duration:

277 1. Improving system operations, including, but not limited
278 to, realigning route structures, increasing system average



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279 speed, decreasing deadhead mileage, expanding area coverage, and
280 improving schedule adherence, for a period of up to 3 years;

281 2. Improving system maintenance procedures, including, but
282 not limited to, effective preventive maintenance programs,
283 improved mechanics training programs, decreasing service repair
284 calls, decreasing parts inventory requirements, and decreasing
285 equipment downtime, for a period of up to 3 years;

286 3. Improving marketing and consumer information programs,
287 including, but not limited to, automated information services,
288 organized advertising and promotion programs, and signing of
289 designated stops, for a period of up to 2 years; and

290 4. Improving technology involved in overall operations,
291 including, but not limited to, transit equipment, fare
292 collection techniques, electronic data processing applications,
293 and bus locators, for a period of up to 2 years.

294 (f) The department is authorized to fund up to 100 percent
295 of the federal aid apportionment for intercity bus service.

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297 For purposes of this section, the term "net operating costs"
298 means all operating costs of a project less any federal funds,
299 fares, or other sources of income to the project.

300 Section 4. Paragraph (a) of subsection (2) and subsection
301 (6) of section 341.053, Florida Statutes, are amended to read:

302 341.053 Intermodal Development Program; administration;
303 eligible projects; limitations.--

304 (2) In recognition of the department's role in the
305 economic development of this state, the department shall develop
306 a proposed intermodal development plan to connect Florida's



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307 airports, deepwater seaports, rail systems serving both
308 passenger and freight, and major intermodal connectors to the
309 Florida Intrastate Highway System facilities as the primary
310 system for the movement of people and freight in this state in
311 order to make the intermodal development plan a fully integrated
312 and interconnected system. The intermodal development plan must:

313 (a) Define and assess the state's freight intermodal
314 network, including airports, seaports, rail lines and terminals,
315 intercity bus lines and terminals, and connecting highways.

316 (6) The department is authorized to fund projects within
317 the Intermodal Development Program, which are consistent, to the
318 maximum extent feasible, with approved local government
319 comprehensive plans of the units of local government in which
320 the project is located. Projects that are eligible for funding
321 under this program include major capital investments in public
322 rail and fixed-guideway transportation facilities and systems
323 which provide intermodal access; road, rail, intercity bus
324 service, or fixed-guideway access to, from, or between seaports,
325 airports, and other transportation terminals; construction of
326 intermodal or multimodal terminals; development and construction
327 of dedicated bus lanes; and projects which otherwise facilitate
328 the intermodal or multimodal movement of people and goods.

329 Section 5. This act shall take effect July 1, 2003.

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