



1 A bill to be entitled
2 An act relating to the Florida Public Transit Act;
3 amending s. 341.031, F.S.; defining "intercity bus
4 service," "eligible bus carrier" or "carrier," "eligible
5 intercity bus costs," and "intercity bus capital project";
6 amending s. 341.041, F.S.; revising responsibilities of
7 the Department of Transportation; requiring the department
8 to develop a statewide plan which provides for public
9 transit and intercity bus service, formulate a specific
10 program of projects and project financing, develop and
11 administer certain state measures concerning system
12 performance, provide technical and financial assistance to
13 intercity bus carriers, coordinate activities between
14 certain entities on matters relating to intercity bus
15 service, assist in the development and implementation of
16 marketing and passenger information programs for said
17 services, provide said service to support described
18 projects, and utilize certain federal funds to support a
19 statewide intercity bus network; amending s. 341.051,
20 F.S.; authorizing the department to receive federal grants
21 or apportionments for intercity bus service projects;
22 revising certain project eligibility requirements for the
23 expenditure of state funds to include described intercity
24 bus service projects; authorizing the department to fund
25 such projects; authorizing the department to fund up to
26 100 percent of the federal aid apportionment for intercity
27 bus service; amending s. 341.053, F.S.; authorizing
28 expenditure of Intermodal Development Program funds for



29 | intercity bus service; amending s. 339.135, F.S. ;
30 | providing for distribution of funds for the intercity bus
31 | program; providing for state matching funds; providing an
32 | effective date.

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34 | Be It Enacted by the Legislature of the State of Florida:

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36 | Section 1. Subsections (11) through (14) are added to
37 | section 341.031, Florida Statutes, to read:

38 | 341.031 Definitions relating to Florida Public Transit
39 | Act.--As used in ss. 341.011-341.061, the term:

40 | (11) "Intercity bus service" means regularly scheduled bus
41 | service for the general public that:

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

44 | (b) Has the capacity for transporting baggage carried by
45 | passengers.

46 | (c) Makes meaningful connections with scheduled intercity
47 | bus service to more distant points, if such service is
48 | available.

49 | (d) Maintains scheduled information in the National
50 | Official Bus Guide.

51 | (e) Provides package express service incidental to
52 | passenger transportation.

53 | (12) "Eligible bus carrier" or "carrier" means a private
54 | company that has operated defined intercity bus service in the
55 | state, with formal authority in accordance with the rules and
56 | regulations of the Federal Motor Carrier Safety Administration



57 | and the Surface Transportation Board of the United States
58 | Department of Transportation, for a minimum of 2 years.

59 | (13) "Eligible intercity bus costs" means the total costs
60 | directly incident to the provision of intercity bus service,
61 | including any depreciation or amortization of capital assets
62 | purchased without public financial assistance.

63 | (14) "Intercity bus capital project" means a capital
64 | project undertaken by an intercity bus carrier to provide
65 | intercity bus service and is limited to acquisition, design,
66 | construction, reconstruction, or improvement of a privately
67 | operated intercity bus service. Such projects may include that
68 | portion of a government-owned or government-operated transit
69 | system designed to support privately operated intercity bus
70 | service.

71 | Section 2. Section 341.041, Florida Statutes, is amended
72 | to read:

73 | 341.041 Transit responsibilities of the department.--The
74 | department shall, within the resources provided pursuant to
75 | chapter 216:

76 | (1) Develop a statewide plan which provides for public
77 | transit and intercity bus service needs at least 5 years in
78 | advance. The plan shall be developed in a manner that will
79 | assure maximum use of existing facilities, and optimum
80 | integration and coordination of the various modes of
81 | transportation, including both governmentally owned and
82 | privately owned resources, in the most cost-effective manner
83 | possible. The plan shall also incorporate plans adopted by local
84 | and regional planning agencies which are consistent, to the



85 maximum extent feasible, with adopted strategic policy plans and
86 approved local government comprehensive plans for the region and
87 units of local government covered by the plan and shall, insofar
88 as practical, conform to federal planning requirements. The plan
89 shall be consistent with the goals of the Florida Transportation
90 Plan developed pursuant to s. 339.155.

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

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

103 (4) Provide technical and financial assistance to units of
104 local government and intercity bus carriers, based on an
105 analysis of public transit and intercity bus service problems
106 and needs, to assist in establishing and implementing effective
107 transit systems and related support programs. In providing such
108 assistance, the department may assist public agencies that
109 provide public transit and intercity bus carriers that provide
110 intercity bus services by making department-owned transit
111 vehicles and appurtenances available for lease to such agencies
112 for special needs of limited duration.



113 (5) Coordinate activities between the public entities and
114 private entities on matters relating to public transit and
115 intercity bus service.

116 (6) Assist in the development and implementation of
117 marketing and passenger information programs for public transit
118 and intercity bus services.

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

123 (8) Provide intercity bus service to support projects that
124 serve to maintain and enhance statewide intercity bus service.
125 The department shall utilize and dedicate federal funds
126 apportioned to intercity bus service according to federal
127 requirements to support a statewide intercity bus network.

128 (9)~~(8)~~ Provide new transit service and equipment where a
129 public need has been determined to exist pursuant to the
130 transportation planning process and where all of the following
131 conditions occur:

132 (a) No other governmental entity of appropriate
133 jurisdiction exists.

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

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

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141 The department may buy, sell, own, lease, and otherwise encumber
142 facilities, transit vehicles, and appurtenances thereto, as
143 necessary to provide such service; or the department may provide
144 service by contracts with governmentally owned or privately
145 owned service providers.

146 (10)~~(9)~~ Provide public transportation service where
147 emergency service is required, provided that no other private or
148 public transportation operation is available to provide needed
149 service and that such service is clearly in the best interests
150 of the people or communities being served. Such service shall be
151 provided by contractual services, actual operation of state-
152 owned transit equipment and facilities, or any other means
153 deemed appropriate by the department and shall be limited to a
154 period not to exceed 2 years.

155 (11)~~(10)~~ Administer federal and state commuter assistance
156 programs and related federal-aid funds apportioned to the
157 department, which promote the use of ridesharing arrangements
158 and transportation demand management strategies, and the
159 creation of transportation management associations. Public
160 agencies, and private organizations established pursuant to
161 chapter 617 and approved by the local government and the
162 department as being consistent with local, regional, and state
163 transportation plans, are eligible to receive funds under this
164 program. The department shall establish adequate insurance
165 requirements based on passenger capacity for each vehicle used
166 in ridesharing.

167 (12)~~(11)~~ Assist local governmental entities and other
168 transit operators in the planning and development of transit



169 programs and procedures and in the identification of
170 alternatives for achieving the most effective use of available
171 transportation resources and increasing revenue sources as
172 needed so that Florida's transit systems can move toward
173 becoming fiscally self-sufficient. The department may also
174 advance, on a matching basis, state funds for capital
175 improvements to transit properties in accordance with the
176 following:

177 (a) Candidate programs may include, but are not limited
178 to, the development of terminal facilities for lease by
179 interfacing modes, the acquisition and development of adjacent
180 land for lease or sale to public and private entities, and the
181 acquisition and development of air rights.

182 (b) The criteria to be utilized in determining whether or
183 not to advance such funds shall be adopted by rule and shall
184 include the demonstrated need of the transit system,
185 administrative capability, and a system financial plan as
186 approved by the department.

187 (13)~~(12)~~ Assist local governmental entities in achieving a
188 condition wherein transit systems are operated at a service
189 level that is responsive to identified transit needs and in such
190 a manner as to promote maximum transit usage and achieve the
191 highest possible operating recovery ratio commensurate with the
192 local government's transit role and requirements.

193 (14)~~(13)~~ Assist local governmental entities and other
194 transit operators in the planning, development, and coordination
195 of transit services for WAGES program participants as defined in
196 s. 414.0252.



197 ~~(15)~~~~(14)~~ Create and maintain a common self-retention
198 insurance fund to support fixed-guideway projects throughout the
199 state when there is a contractual obligation to have the fund in
200 existence in order to provide fixed-guideway services. The
201 maximum limit of the fund is as required by any contractual
202 obligation.

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

206 341.051 Administration and financing of public transit
207 programs and projects.--

208 (1) FEDERAL AID.--

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

212 (4) PROJECT ELIGIBILITY.--

213 (a) Any project that is necessary to meet the program
214 objectives enumerated in s. 341.041, that conforms to the
215 provisions of this section, and that is contained in the local
216 transportation improvement program and the adopted work program
217 of the department is eligible for the expenditure of state funds
218 for transit purposes.

219 1. The project shall be a project for service or
220 transportation facilities provided by the department under the
221 provisions of this act, a public transit capital project, a
222 commuter assistance project, a public transit service
223 development project, an intercity bus service capital project,
224 an intercity bus service project, or a transit corridor project.



225 2. The project must be approved by the department as being
226 consistent with the criteria established pursuant to the
227 provisions of this act.

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

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

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

243 (c) The department is authorized to advance up to 80
244 percent of the capital cost of any eligible project that will
245 assist Florida's transit systems and intercity bus services in
246 becoming fiscally self-sufficient. Such advances shall be
247 reimbursed to the department on an appropriate schedule not to
248 exceed 5 years after the date of provision of the advances.

249 (d) The department is authorized to fund up to 100 percent
250 of the capital and net operating costs of statewide transit
251 service development projects or transit corridor projects. All
252 transit service development projects shall be specifically



253 identified by way of a departmental appropriation request, and
254 transit corridor projects shall be identified as part of the
255 planned improvements on each transportation corridor designated
256 by the department. The project objectives, the assigned
257 operational and financial responsibilities, the timeframe
258 required to develop the required service, and the criteria by
259 which the success of the project will be judged shall be
260 documented by the department for each such transit service
261 development project or transit corridor project.

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

271 1. Improving system operations, including, but not limited
272 to, realigning route structures, increasing system average
273 speed, decreasing deadhead mileage, expanding area coverage, and
274 improving schedule adherence, for a period of up to 3 years;

275 2. Improving system maintenance procedures, including, but
276 not limited to, effective preventive maintenance programs,
277 improved mechanics training programs, decreasing service repair
278 calls, decreasing parts inventory requirements, and decreasing
279 equipment downtime, for a period of up to 3 years;



280 3. Improving marketing and consumer information programs,
281 including, but not limited to, automated information services,
282 organized advertising and promotion programs, and signing of
283 designated stops, for a period of up to 2 years; and

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

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

290
291 For purposes of this section, the term "net operating costs"
292 means all operating costs of a project less any federal funds,
293 fares, or other sources of income to the project.

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

296 341.053 Intermodal Development Program; administration;
297 eligible projects; limitations.--

298 (2) In recognition of the department's role in the
299 economic development of this state, the department shall develop
300 a proposed intermodal development plan to connect Florida's
301 airports, deepwater seaports, rail systems serving both
302 passenger and freight, and major intermodal connectors to the
303 Florida Intrastate Highway System facilities as the primary
304 system for the movement of people and freight in this state in
305 order to make the intermodal development plan a fully integrated
306 and interconnected system. The intermodal development plan must:



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

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

323 Section 5. Paragraph (a) of subsection (4) of section
 324 339.135, Florida Statutes, is amended to read:

325 339.135 Work program; legislative budget request;
 326 definitions; preparation, adoption, execution, and amendment.--

327 (4) FUNDING AND DEVELOPING A TENTATIVE WORK PROGRAM.--

328 (a)1. To assure that no district or county is penalized
 329 for local efforts to improve the State Highway System, the
 330 department shall, for the purpose of developing a tentative work
 331 program, allocate funds for new construction to the districts,
 332 except for the turnpike enterprise, based on equal parts of
 333 population and motor fuel tax collections. Funds for
 334 resurfacing, bridge repair and rehabilitation, bridge fender



335 system construction or repair, public transit projects except
336 public transit block grants as provided in s. 341.052, and other
337 programs with quantitative needs assessments shall be allocated
338 based on the results of these assessments. The department may
339 not transfer any funds allocated to a district under this
340 paragraph to any other district except as provided in subsection
341 (7). Funds for public transit block grants shall be allocated to
342 the districts pursuant to s. 341.052. Funds for the intercity
343 bus program provided for under s. 5311(f) of the federal
344 nonurbanized area formula program shall be administered and
345 allocated directly to eligible bus carriers as defined in s.
346 341.031(12) at the state level rather than the district. In
347 order to provide state funding to support the intercity bus
348 program provided for under provisions of the federal 5311(f)
349 program, the department shall allocate an amount equal to the
350 federal share of the 5311(f) program from amounts calculated
351 pursuant to s. 206.46(3).

352 2. Notwithstanding the provisions of subparagraph 1., the
353 department shall allocate at least 50 percent of any new
354 discretionary highway capacity funds to the Florida Intrastate
355 Highway System established pursuant to s. 338.001. Any remaining
356 new discretionary highway capacity funds shall be allocated to
357 the districts for new construction as provided in subparagraph
358 1. For the purposes of this subparagraph, the term "new
359 discretionary highway capacity funds" means any funds available
360 to the department above the prior year funding level for
361 capacity improvements, which the department has the discretion
362 to allocate to highway projects.



363

Section 6. This act shall take effect July 1, 2003.

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