

By Senator Sebesta

16-1247-03

1 A bill to be entitled
 2 An act relating to public transit; amending s.
 3 341.031, F.S.; defining new terms for purposes
 4 of the Florida Public Transit Act; amending s.
 5 341.041, F.S.; including intercity bus service
 6 as part of the transit responsibilities of the
 7 Department of Transportation; amending s.
 8 341.051, F.S.; authorizing the department to
 9 receive federal and state funding for intercity
 10 bus service; amending s. 341.052, F.S;
 11 providing that public transit block grant
 12 program funds may be expended on costs of
 13 intercity bus service development; requiring
 14 that the department distribute a certain
 15 percentage of the funds designated for the
 16 public transit block program for intercity bus
 17 service; amending s. 341.053, F.S.; including
 18 intercity bus lines within the state's
 19 intermodal freight network; providing that
 20 intercity bus service is one the projects
 21 eligible for funding under the Intermodal
 22 Development Program; providing an effective
 23 date.

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 25 Be It Enacted by the Legislature of the State of Florida:

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 27 Section 1. Subsections (11), (12), (13), and (14) are
 28 added to section 341.031, Florida Statutes, to read:
 29 341.031 Definitions relating to Florida Public Transit
 30 Act.--As used in ss. 341.011-341.061, the term:
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1 (11) "Intercity bus service" means regularly scheduled
2 bus service for the general public which operates with limited
3 stops over fixed routes connecting two or more urban areas not
4 in close proximity; has the capacity for transporting baggage
5 carried by passengers; makes meaningful connections with
6 scheduled intercity bus service to more distant points, if
7 such service is available; maintains scheduled information in
8 the National Official Bus Guide; and provides package express
9 service incidental to passenger transportation.

10 (12) "Eligible bus carrier" or "carrier" means a
11 private company that has operated defined intercity bus
12 service in the state, with formal authority in accordance with
13 the rules and regulations of the Federal Motor Carrier Safety
14 Administration and the Surface Transportation Board of the
15 Federal Department of Transportation, for a minimum of 2
16 years.

17 (13) "Eligible intercity bus costs" means the total
18 costs directly incident to the provision of intercity bus
19 service, including any depreciation or amortization of capital
20 assets purchased without public financial assistance.

21 (14) "Intercity bus capital project" means a capital
22 project undertaken by an intercity bus carrier to provide
23 intercity bus service, and is limited to acquisition, design,
24 construction, reconstruction, or improvement of a privately
25 operated intercity bus service. Projects may include that
26 portion of a governmentally owned or operated transit system
27 designed to support privately operated intercity bus service.

28 Section 2. Subsections (1), (2), (4), (5), and (6) of
29 section 341.041, Florida Statutes, are amended, present
30 subsections (8) through (15) of that section are redesignated
31

1 as subsections (9) through (16), respectively, and a new
2 subsection (8) is added to that section, to read:

3 341.041 Transit responsibilities of the
4 department.--The department shall, within the resources
5 provided pursuant to chapter 216:

6 (1) Develop a statewide plan that ~~which~~ provides for
7 public transit and intercity bus service needs at least 5
8 years in advance. The plan shall be developed in a manner that
9 will assure maximum use of existing facilities, and optimum
10 integration and coordination of the various modes of
11 transportation, including both governmentally owned and
12 privately owned resources, in the most cost-effective manner
13 possible. The plan shall also incorporate plans adopted by
14 local and regional planning agencies which are consistent, to
15 the maximum extent feasible, with adopted strategic policy
16 plans and approved local government comprehensive plans for
17 the region and units of local government covered by the plan
18 and shall, insofar as practical, conform to federal planning
19 requirements. The plan shall be consistent with the goals of
20 the Florida Transportation Plan developed pursuant to s.
21 339.155.

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

25 (4) Provide technical and financial assistance to
26 units of local government and intercity bus carriers, based on
27 an analysis of public transit and intercity bus service
28 problems and needs, to assist in establishing and implementing
29 effective transit systems and related support programs. In
30 providing such assistance, the department may assist public
31 agencies that provide public transit and intercity bus

1 carriers that provide intercity bus services by making
2 department-owned transit vehicles and appurtenances available
3 for lease to such agencies for special needs of limited
4 duration.

5 (5) Coordinate activities between the public entities
6 and private entities on matters relating to public transit and
7 intercity bus services.

8 (6) Assist in the development and implementation of
9 marketing and passenger information programs for public
10 transit and intercity bus services.

11 (8) Provide intercity bus service, as defined in s.
12 341.031, to support projects that serve to maintain and
13 enhance statewide intercity bus service. The department shall
14 use and dedicate federal funds apportioned to intercity bus
15 service according to federal requirements to support a
16 statewide intercity bus network.

17 Section 3. Subsections (1), (4), and (5) of section
18 341.051, Florida Statutes, are amended to read:

19 341.051 Administration and financing of public transit
20 and intercity bus service programs and projects.--

21 (1) FEDERAL AID.--

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

25 (b) Local governmental entities are authorized to
26 receive federal grants or apportionments for public transit
27 and commuter assistance projects. In addition, the provisions
28 of s. 337.403 notwithstanding, if the relocation of utility
29 facilities is necessitated by the construction of a
30 fixed-guideway public transit project and the utilities
31 relocation is approved as a part of the project by a

1 participating federal agency (if eligible for federal matching
2 reimbursement), then any county chartered under s. 6(e), Art.
3 VIII of the State Constitution shall pay at least 50 percent
4 of the nonfederal share of the cost attributable to such
5 relocation after deducting therefrom any increase in the value
6 of the new facility and any salvage value derived from the old
7 facility. The balance of the nonfederal share shall be paid by
8 the utility.

9 (4) PROJECT ELIGIBILITY.--

10 (a) Any project that is necessary to meet the program
11 objectives enumerated in s. 341.041, that conforms to the
12 provisions of this section, and that is contained in the local
13 transportation improvement program and the adopted work
14 program of the department is eligible for the expenditure of
15 state funds for transit purposes.

16 1. The project shall be a project for service or
17 transportation facilities provided by the department under the
18 provisions of this act, a public transit capital project, a
19 commuter assistance project, a public transit service
20 development project, an intercity bus service capital project,
21 an intercity bus service project, or a transit corridor
22 project.

23 2. The project must be approved by the department as
24 being consistent with the criteria established pursuant to the
25 provisions of this act.

26 (b) Such expenditures shall be in accordance with the
27 fund participation rates and the criteria established in this
28 section for project development and implementation, and are
29 subject to approval by the department as being consistent with
30 the Florida Transportation Plan and regional transportation
31 goals and objectives.

1 (c) Unless otherwise authorized by the Legislature,
2 the department is prohibited from entering into any agreement
3 or contract for a public transit project which would result in
4 the ultimate expenditure or commitment of state funds in
5 excess of \$5 million.

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

7 (a) The department may fund up to 50 percent of the
8 nonfederal share of the costs, not to exceed the local share,
9 of any eligible public transit capital project or commuter
10 assistance project that is local in scope; except, however,
11 that departmental participation in the final design,
12 right-of-way acquisition, and construction phases of an
13 individual fixed-guideway project which is not approved for
14 federal funding shall not exceed an amount equal to 12.5
15 percent of the total cost of each phase.

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

22 (c) The department is authorized to advance up to 80
23 percent of the capital cost of any eligible project that will
24 assist Florida's transit systems in becoming fiscally
25 self-sufficient. Such advances shall be reimbursed to the
26 department on an appropriate schedule not to exceed 5 years
27 after the date of provision of the advances.

28 (d) The department is authorized to fund up to 100
29 percent of the capital and net operating costs of statewide
30 transit service development projects or transit corridor
31 projects. All transit service development projects shall be

1 specifically identified by way of a departmental appropriation
2 request, and transit corridor projects shall be identified as
3 part of the planned improvements on each transportation
4 corridor designated by the department. The project objectives,
5 the assigned operational and financial responsibilities, the
6 timeframe required to develop the required service, and the
7 criteria by which the success of the project will be judged
8 shall be documented by the department for each such transit
9 service development project or transit corridor project.

10 (e) The department is authorized to fund up to 50
11 percent of the capital and net operating costs of transit
12 service development projects that are local in scope and that
13 will improve system efficiencies, ridership, or revenues. All
14 such projects shall be identified in the appropriation request
15 of the department through a specific program of projects, as
16 provided for in s. 341.041, that is selectively applied in the
17 following functional areas and is subject to the specified
18 times of duration:

19 1. Improving system operations, including, but not
20 limited to, realigning route structures, increasing system
21 average speed, decreasing deadhead mileage, expanding area
22 coverage, and improving schedule adherence, for a period of up
23 to 3 years;

24 2. Improving system maintenance procedures, including,
25 but not limited to, effective preventive maintenance programs,
26 improved mechanics training programs, decreasing service
27 repair calls, decreasing parts inventory requirements, and
28 decreasing equipment downtime, for a period of up to 3 years;

29 3. Improving marketing and consumer information
30 programs, including, but not limited to, automated information
31 services, organized advertising and promotion programs, and

1 signing of designated stops, for a period of up to 2 years;
2 and

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

7 (f) The department may fund up to 100 percent of the
8 federal-aid apportionment for intercity bus service.

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

13 Section 4. Subsection (2) and present subsection (6)
14 of section 341.052, Florida Statutes, are amended, present
15 subsections (6), (7), and (8) are redesignated as subsections
16 (7), (8), and (9), respectively, and a new subsection (6) is
17 added to that section, to read:

18 341.052 Public transit block grant program;
19 administration; eligible projects; limitation.--

20 (2) Costs for which public transit block grant program
21 funds may be expended include:

22 (a) Costs of public bus transit and local public fixed
23 guideway capital projects.

24 (b) Costs of public bus transit service development
25 and transit corridor projects. Whenever block grant funds are
26 used for a service development project or a transit corridor
27 project, the use of such funds is governed by s. 341.051.

28 Local transit service development projects and transit
29 corridor projects currently operating under contract with the
30 department shall continue to receive state funds according to
31 the contract until such time as the contract expires. Transit

1 corridor projects, wholly within one county, meeting or
2 exceeding performance criteria as described in the contract
3 shall be continued by the transit provider at the same or a
4 higher level of service until such time as the department, the
5 M.P.O., and the service provider, agree to discontinue the
6 service. The provider may not increase fares for services in
7 transit corridor projects wholly within one county without the
8 consent of the department.

9 (c) Costs of public bus transit operations.

10 (d) Costs of intercity bus service development.

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12 All projects must be consistent, to the maximum extent
13 feasible, with the approved local government comprehensive
14 plans of the units of local government in which the project is
15 located.

16 (6) The department shall distribute 1 percent of the
17 funds designated for the public transit block grant program
18 for intercity bus service.

19 (7)~~(6)~~ The department shall distribute 84 ~~85~~ percent
20 of the public transit block grant funds to "Section 9" and
21 "Section 18" providers designated by the United States
22 Department of Transportation. The funds shall be distributed
23 to "Section 9" providers, and to "Section 18" providers that
24 are not designated as community transportation coordinators
25 pursuant to chapter 427, according to the following formula,
26 except that at least \$20,000 shall be distributed to each
27 eligible provider if application of the formula provides less
28 than that amount for any such provider:

29 (a) One-third shall be distributed according to the
30 percentage that an eligible provider's county population in
31 the most recent year for which those population figures are

1 available from the state census repository is of the total
2 population of all counties served by eligible providers.

3 (b) One-third shall be distributed according to the
4 percentage that the total revenue miles provided by an
5 eligible provider, as verified by the most recent "Section 15"
6 report to the Federal Transit Administration or a similar
7 audited report submitted to the department, is of the total
8 revenue miles provided by eligible providers in the state in
9 that year.

10 (c) One-third shall be distributed according to the
11 percentage that the total passengers carried by an eligible
12 provider, as verified by the most recent "Section 15" report
13 submitted to the Federal Transit Administration or a similar
14 audited report submitted to the department, is of the total
15 number of passengers carried by eligible providers in the
16 state in that year.

17 Section 5. Subsections (2) and (6) of section 341.053,
18 Florida Statutes, are amended to read:

19 341.053 Intermodal Development Program;
20 administration; eligible projects; limitations.--

21 (2) In recognition of the department's role in the
22 economic development of this state, the department shall
23 develop a proposed intermodal development plan to connect
24 Florida's airports, deepwater seaports, rail systems serving
25 both passenger and freight, and major intermodal connectors to
26 the Florida Intrastate Highway System facilities as the
27 primary system for the movement of people and freight in this
28 state in order to make the intermodal development plan a fully
29 integrated and interconnected system. The intermodal
30 development plan must:

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1 (a) Define and assess the state's freight intermodal
2 network, including airports, seaports, rail lines and
3 terminals, intercity bus lines and terminals, and connecting
4 highways.

5 (b) Prioritize statewide infrastructure investments,
6 including the acceleration of current projects, which are
7 found by the Freight Stakeholders Task Force to be priority
8 projects for the efficient movement of people and freight.

9 (c) Be developed in a manner that will assure maximum
10 use of existing facilities and optimum integration and
11 coordination of the various modes of transportation, including
12 both government-owned and privately owned resources, in the
13 most cost-effective manner possible.

14 (6) The department is authorized to fund projects
15 within the Intermodal Development Program, which are
16 consistent, to the maximum extent feasible, with approved
17 local government comprehensive plans of the units of local
18 government in which the project is located. Projects that are
19 eligible for funding under this program include major capital
20 investments in public rail and fixed-guideway transportation
21 facilities and systems which provide intermodal access; road,
22 rail, intercity bus service, or fixed-guideway access to,
23 from, or between seaports, airports, and other transportation
24 terminals; construction of intermodal or multimodal terminals;
25 development and construction of dedicated bus lanes; and
26 projects which otherwise facilitate the intermodal or
27 multimodal movement of people and goods.

28 Section 6. This act shall take effect upon becoming a
29 law.

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SENATE SUMMARY

Defines terms related to intercity bus service. Includes intercity bus service as part of the transit responsibilities of the Department of Transportation. Authorizes the department to receive federal and state funding for intercity bus service. Provides for the expenditure of public transit block grant program funds for the development of intercity bus service. Provides for the department to distribute a certain percentage of the funds designated for the public transit block program for intercity bus service. Includes intercity bus lines within the state's intermodal freight network. Provides that the intercity bus service is one of the eligible projects to receive funding under the Intermodal Development Program.