

By the Committee on Transportation; and Senator Sebesta

306-2267-03

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. 341.053, F.S.;  
11          including intercity bus lines within the  
12          state's intermodal freight network; providing  
13          that intercity bus service is one the projects  
14          eligible for funding under the Intermodal  
15          Development Program; providing an effective  
16          date.

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

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20           Section 1. Subsections (11), (12), (13), and (14) are  
21 added to section 341.031, Florida Statutes, to read:

22           341.031 Definitions relating to Florida Public Transit  
23 Act.--As used in ss. 341.011-341.061, the term:

24           (11) "Intercity bus service" means regularly scheduled  
25 bus service for the general public which operates with limited  
26 stops over fixed routes connecting two or more urban areas not  
27 in close proximity; has the capacity for transporting baggage  
28 carried by passengers; makes meaningful connections with  
29 scheduled intercity bus service to more distant points, if  
30 such service is available; maintains scheduled information in

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1 the National Official Bus Guide; and provides package express  
2 service incidental to passenger transportation.

3 (12) "Eligible bus carrier" or "carrier" means a  
4 private company that has operated defined intercity bus  
5 service in the state, with formal authority in accordance with  
6 the rules and regulations of the Federal Motor Carrier Safety  
7 Administration and the Surface Transportation Board of the  
8 Federal Department of Transportation, for a minimum of 2  
9 years.

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

14 (14) "Intercity bus capital project" means a capital  
15 project undertaken by an intercity bus carrier to provide  
16 intercity bus service, and is limited to acquisition, design,  
17 construction, reconstruction, or improvement of a privately  
18 operated intercity bus service. Projects may include that  
19 portion of a governmentally owned or operated transit system  
20 designed to support privately operated intercity bus service.

21 Section 2. Subsections (1), (2), (4), (5), and (6) of  
22 section 341.041, Florida Statutes, are amended, present  
23 subsections (8) through (15) of that section are redesignated  
24 as subsections (9) through (16), respectively, and a new  
25 subsection (8) is added to that section, to read:

26 341.041 Transit responsibilities of the  
27 department.--The department shall, within the resources  
28 provided pursuant to chapter 216:

29 (1) Develop a statewide plan that ~~which~~ provides for  
30 public transit and intercity bus service needs at least 5  
31 years in advance. The plan shall be developed in a manner that

1 will assure maximum use of existing facilities, and optimum  
2 integration and coordination of the various modes of  
3 transportation, including both governmentally owned and  
4 privately owned resources, in the most cost-effective manner  
5 possible. The plan shall also incorporate plans adopted by  
6 local and regional planning agencies which are consistent, to  
7 the maximum extent feasible, with adopted strategic policy  
8 plans and approved local government comprehensive plans for  
9 the region and units of local government covered by the plan  
10 and shall, insofar as practical, conform to federal planning  
11 requirements. The plan shall be consistent with the goals of  
12 the Florida Transportation Plan developed pursuant to s.  
13 339.155.

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

17 (4) Provide technical and financial assistance to  
18 units of local government and intercity bus carriers, based on  
19 an analysis of public transit and intercity bus service  
20 problems and needs, to assist in establishing and implementing  
21 effective transit systems and related support programs. In  
22 providing such assistance, the department may assist public  
23 agencies that provide public transit and intercity bus  
24 carriers that provide intercity bus services by making  
25 department-owned transit vehicles and appurtenances available  
26 for lease to such agencies for special needs of limited  
27 duration.

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

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1           (6) Assist in the development and implementation of  
2 marketing and passenger information programs for public  
3 transit and intercity bus services.

4           (8) Provide intercity bus service, as defined in s.  
5 341.031, to support projects that serve to maintain and  
6 enhance statewide intercity bus service. The department shall  
7 use and dedicate federal funds apportioned to intercity bus  
8 service according to federal requirements to support a  
9 statewide intercity bus network.

10           Section 3. Subsections (1), (4), and (5) of section  
11 341.051, Florida Statutes, are amended to read:

12           341.051 Administration and financing of public transit  
13 and intercity bus service programs and projects.--

14           (1) FEDERAL AID.--

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

18           (b) Local governmental entities are authorized to  
19 receive federal grants or apportionments for public transit  
20 and commuter assistance projects. In addition, the provisions  
21 of s. 337.403 notwithstanding, if the relocation of utility  
22 facilities is necessitated by the construction of a  
23 fixed-guideway public transit project and the utilities  
24 relocation is approved as a part of the project by a  
25 participating federal agency (if eligible for federal matching  
26 reimbursement), then any county chartered under s. 6(e), Art.  
27 VIII of the State Constitution shall pay at least 50 percent  
28 of the nonfederal share of the cost attributable to such  
29 relocation after deducting therefrom any increase in the value  
30 of the new facility and any salvage value derived from the old  
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1 facility. The balance of the nonfederal share shall be paid by  
2 the utility.

3 (4) PROJECT ELIGIBILITY.--

4 (a) Any project that is necessary to meet the program  
5 objectives enumerated in s. 341.041, that conforms to the  
6 provisions of this section, and that is contained in the local  
7 transportation improvement program and the adopted work  
8 program of the department is eligible for the expenditure of  
9 state funds for transit purposes.

10 1. The project shall be a project for service or  
11 transportation facilities provided by the department under the  
12 provisions of this act, a public transit capital project, a  
13 commuter assistance project, a public transit service  
14 development project, an intercity bus service capital project,  
15 an intercity bus service project, or a transit corridor  
16 project.

17 2. The project must be approved by the department as  
18 being consistent with the criteria established pursuant to the  
19 provisions of this act.

20 (b) Such expenditures shall be in accordance with the  
21 fund participation rates and the criteria established in this  
22 section for project development and implementation, and are  
23 subject to approval by the department as being consistent with  
24 the Florida Transportation Plan and regional transportation  
25 goals and objectives.

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

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

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

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

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

22 (d) The department is authorized to fund up to 100  
23 percent of the capital and net operating costs of statewide  
24 transit service development projects or transit corridor  
25 projects. All transit service development projects shall be  
26 specifically identified by way of a departmental appropriation  
27 request, and transit corridor projects shall be identified as  
28 part of the planned improvements on each transportation  
29 corridor designated by the department. The project objectives,  
30 the assigned operational and financial responsibilities, the  
31 timeframe required to develop the required service, and the

1 criteria by which the success of the project will be judged  
2 shall be documented by the department for each such transit  
3 service development project or transit corridor project.

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

13 1. Improving system operations, including, but not  
14 limited to, realigning route structures, increasing system  
15 average speed, decreasing deadhead mileage, expanding area  
16 coverage, and improving schedule adherence, for a period of up  
17 to 3 years;

18 2. Improving system maintenance procedures, including,  
19 but not limited to, effective preventive maintenance programs,  
20 improved mechanics training programs, decreasing service  
21 repair calls, decreasing parts inventory requirements, and  
22 decreasing equipment downtime, for a period of up to 3 years;

23 3. Improving marketing and consumer information  
24 programs, including, but not limited to, automated information  
25 services, organized advertising and promotion programs, and  
26 signing of designated stops, for a period of up to 2 years;  
27 and

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

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

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

7           Section 4. Subsections (2) and (6) of section 341.053,  
8 Florida Statutes, are amended to read:

9           341.053 Intermodal Development Program;  
10 administration; eligible projects; limitations.--

11           (2) In recognition of the department's role in the  
12 economic development of this state, the department shall  
13 develop a proposed intermodal development plan to connect  
14 Florida's airports, deepwater seaports, rail systems serving  
15 both passenger and freight, and major intermodal connectors to  
16 the Florida Intrastate Highway System facilities as the  
17 primary system for the movement of people and freight in this  
18 state in order to make the intermodal development plan a fully  
19 integrated and interconnected system. The intermodal  
20 development plan must:

21           (a) Define and assess the state's freight intermodal  
22 network, including airports, seaports, rail lines and  
23 terminals, intercity bus lines and terminals, and connecting  
24 highways.

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

29           (c) Be developed in a manner that will assure maximum  
30 use of existing facilities and optimum integration and  
31 coordination of the various modes of transportation, including



1 both government-owned and privately owned resources, in the  
2 most cost-effective manner possible.

3 (6) The department is authorized to fund projects  
4 within the Intermodal Development Program, which are  
5 consistent, to the maximum extent feasible, with approved  
6 local government comprehensive plans of the units of local  
7 government in which the project is located. Projects that are  
8 eligible for funding under this program include major capital  
9 investments in public rail and fixed-guideway transportation  
10 facilities and systems which provide intermodal access; road,  
11 rail, intercity bus service, or fixed-guideway access to,  
12 from, or between seaports, airports, and other transportation  
13 terminals; construction of intermodal or multimodal terminals;  
14 development and construction of dedicated bus lanes; and  
15 projects which otherwise facilitate the intermodal or  
16 multimodal movement of people and goods.

17 Section 5. This act shall take effect upon becoming a  
18 law.

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20 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
21 COMMITTEE SUBSTITUTE FOR  
22 Senate Bill 2070

23 The CS removes the section which authorized FDOT to spend  
24 state block grant transit funds for the costs of intercity bus  
25 service development, and required FDOT to distribute 1 percent  
26 of the funds designated for the public transit block grant  
27 program for intercity bus services.  
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