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2003 Legislature CS for CS for SB 2070, 1st Engrossed (ntc)

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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; amending s. 339.135, F.S.;  
16 providing for distribution of funds for the  
17 intercity bus program; providing for state  
18 matching funds; providing an effective date.

19  
20 Be It Enacted by the Legislature of the State of Florida:

21  
22 Section 1. Subsections (11), (12), (13), and (14) are  
23 added to section 341.031, Florida Statutes, to read:  
24 341.031 Definitions relating to Florida Public Transit  
25 Act.--As used in ss. 341.011-341.061, the term:  
26 (11) "Intercity bus service" means regularly scheduled  
27 bus service for the general public which operates with limited  
28 stops over fixed routes connecting two or more urban areas not  
29 in close proximity; has the capacity for transporting baggage  
30 carried by passengers; makes meaningful connections with  
31 scheduled intercity bus service to more distant points, if

1 such service is available; maintains scheduled information in  
2 the National Official Bus Guide; and provides package express  
3 service incidental to passenger transportation.

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

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

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

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

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

30 (1) Develop a statewide plan that ~~which~~ provides for  
31 public transit and intercity bus service needs at least 5

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1 years in advance. The plan shall be developed in a manner that  
2 will assure maximum use of existing facilities, and optimum  
3 integration and coordination of the various modes of  
4 transportation, including both governmentally owned and  
5 privately owned resources, in the most cost-effective manner  
6 possible. The plan shall also incorporate plans adopted by  
7 local and regional planning agencies which are consistent, to  
8 the maximum extent feasible, with adopted strategic policy  
9 plans and approved local government comprehensive plans for  
10 the region and units of local government covered by the plan  
11 and shall, insofar as practical, conform to federal planning  
12 requirements. The plan shall be consistent with the goals of  
13 the Florida Transportation Plan developed pursuant to s.  
14 339.155.

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

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

29 (5) Coordinate activities between the public entities  
30 and private entities on matters relating to public transit and  
31 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.--

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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 and intercity bus services in  
19 becoming fiscally self-sufficient. Such advances shall be  
20 reimbursed to the department on an appropriate schedule not to  
21 exceed 5 years 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

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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.

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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



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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. Paragraph (a) of subsection (4) of section  
18 339.135, Florida Statutes, is amended to read:

19 339.135 Work program; legislative budget request;  
20 definitions; preparation, adoption, execution, and  
21 amendment.--

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

23 (a)1. To assure that no district or county is  
24 penalized for local efforts to improve the State Highway  
25 System, the department shall, for the purpose of developing a  
26 tentative work program, allocate funds for new construction to  
27 the districts, except for the turnpike enterprise, based on  
28 equal parts of population and motor fuel tax collections.  
29 Funds for resurfacing, bridge repair and rehabilitation,  
30 bridge fender system construction or repair, public transit  
31 projects except public transit block grants as provided in s.

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1 341.052, and other programs with quantitative needs  
2 assessments shall be allocated based on the results of these  
3 assessments. The department may not transfer any funds  
4 allocated to a district under this paragraph to any other  
5 district except as provided in subsection (7). Funds for  
6 public transit block grants shall be allocated to the  
7 districts pursuant to s. 341.052. Funds for the intercity bus  
8 program provided for under s. 5311(f) of the federal  
9 nonurbanized area formula program shall be administered and  
10 allocated directly to eligible bus carriers as defined in s.  
11 341.031(12) at the state level rather than the district. In  
12 order to provide state funding to support the intercity bus  
13 program provided for under provisions of the federal 5311(f)  
14 program, the department shall allocate an amount equal to the  
15 federal share of the 5311(f) program from amounts calculated  
16 pursuant to s. 206.46(3).

17 2. Notwithstanding the provisions of subparagraph 1.,  
18 the department shall allocate at least 50 percent of any new  
19 discretionary highway capacity funds to the Florida Intrastate  
20 Highway System established pursuant to s. 338.001. Any  
21 remaining new discretionary highway capacity funds shall be  
22 allocated to the districts for new construction as provided in  
23 subparagraph 1. For the purposes of this subparagraph, the  
24 term "new discretionary highway capacity funds" means any  
25 funds available to the department above the prior year funding  
26 level for capacity improvements, which the department has the  
27 discretion to allocate to highway projects.

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