

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Transportation

BILL: SB 1186

INTRODUCER: Senator Brandes

SUBJECT: Transportation

DATE: February 27, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Eichin	TR	Pre-meeting
2.			RI	
3.			ATD	
4.			AP	

I. Summary:

SB 1186 addresses the use of innovative transportation technologies, calls for studies and pilot programs to expedite integration of the technologies, directs the Department of Transportation to develop pedestrian and bicycle facilities, and makes a number of revisions relating to various transportation issues. More specifically, the bill:

- Authorizes a public transit provider to enter into an agreement with a transportation network company under which the company provides public transit service.
- Requires the Commission for the Transportation Disadvantaged and the Center for Urban Transportation Research to cooperatively develop and implement a pilot program, and provide a report, to assess the potential for increasing accessibility and cost effectiveness of providing transportation to certain transportation disadvantaged individuals through use of a transportation network company.
- Requires the Center for Urban Transportation Research to conduct a study, establish a pilot project, and provide a report, regarding the feasibility and means of implementing a vehicle-miles-traveled funding mechanism for transportation projects.
- Requires consideration of infrastructure and technological improvements necessary to accommodate advances in vehicle technology and revises existing statutes with regard to the definition and use of autonomous vehicle technology.
- Creates the Northwest Florida Regional Transportation Finance Authority Act, authorizing Escambia and Santa Rosa Counties, to form a regional transportation finance authority to develop transportation projects in the northwest region of the state.
- Creates the Shared-Use Nonmotorized Trail (SunTrail) Network as a component of the Florida Greenways and Trail System.
- Revises the appointment of membership to the governing body of a certain independent special district.

- Repeals obsolete bond language relating to the already-repealed Broward County Expressway Authority.
- Repeals obsolete language relating to transportation corridors.

II. Present Situation:

Due to the disparate issues in the bill, the present situation for each section is discussed below in conjunction with the Effect of Proposed Changes.

III. Effect of Proposed Changes:

Shared-Use Nonmotorized Trail (SunTrail) Network (Sections 1, 4, 9, 10, and 11)

Present Situation

Trail Development

The development of Florida's bicycle and pedestrian infrastructure did not begin in earnest until the late 20th Century. With the deregulation of the American railroad industry by the Staggers Rail Act of 1980¹, the state was presented with an immediate abundance of abandoned rail corridors. With the assistance of organizations such as The Rails-to-Trails Conservancy and The Trust for Public Land, the Florida Department of Transportation (FDOT), and the Florida Department of Environmental Protection (FDEP) coordinated to develop numerous abandoned rail corridors as shared-use "rail-trails" for nonmotorized transportation and recreation. Many of Florida's premier nonmotorized trails, including the Pinellas Trail, Tallahassee-St. Marks Trail, and the West Orange Trail, are a result of rail-trail conversions.

The second major thrust in trail development came in 1991 when Congress shifted transportation policy. The Intermodal Surface Transportation Efficiency Act, for the first time, identified pedestrian and bicycle facilities as components of the nation's transportation infrastructure, and created a dedicated funding source for multiuse trails and paths. With local governments serving as project sponsors,² many of the resulting projects are community-centric, short-distance trails, initiated by local governments and other governmental entities not traditionally associated with transportation development, such as water management districts and school districts.

Trail Connectivity

Although locales throughout the state benefited from federal trail funding, an unintended consequence of trail development being initiated by numerous state entities and local governments is a collection of random trails rather than a statewide system. As a result, many trails lack connectivity with other trails and often serve no meaningful origins and destinations. Trail users are often required to use roads, sidewalks, and highways to connect trails or complete a trip. Many trail trips are "out-and-back" trips in which the origin and destination are the same. Such trips serve little to no transportation function and do not realize the full economic potential of a trail network.

¹ Staggers Rail Act of 1980, Pub. L. 96-448, 94 Stat. 1895. Approved 1980-10-14.

² Resources for the Future Backgrounder "Federal Funding for Conservation and Recreation Trails" Joe Maher, February 2009 (http://www.rff.org/RFF/Documents/RFF-BCK-ORRG_DOT.pdf).

A widely accepted tenet in trail development holds that the longer a given trail is, the greater its propensity for becoming a “destination trail,” and the greater distance users will travel to use. Users traveling farther stay in the area longer and, consequently, increase spending in the area. Users of the Great Allegheny Passage/C&O Towpath, a 335-mile system of biking and hiking trails that connects Pittsburgh to Washington, DC, travel an average of 131 miles to a trailhead. Those traveling 50 miles or more had daily expenditures approximately twice that of users that traveled less.³

Recognizing this potential, the Florida Greenways and Trails Foundation (FGTF),⁴ recently announced its priority to “close the gaps” on a 275-mile corridor between the Canaveral National Seashore near Titusville and St. Petersburg.⁵ The “Coast-to-Coast Connector” will link communities along this destination trail, providing a year-round eco-tourism engine throughout the region. The Connector includes two of the state’s most popular trails, the Pinellas Trail and the West Orange Trail, each of which have served approximately one million users per year and fueled the economic transformation of trail communities, particularly Dunedin and Winter Garden. Components of the Connector will also serve other planned trails including multi-day loop trails such as the 250-mile Heart of Florida Greenway⁶ and the 300-mile St. Johns River-to-Sea Loop.⁷

Trail Benefits

In addition to the intrinsic values nonmotorized travel bring to community mobility, sustainable transportation, and personal health, trails provide the framework for, and access to, conservation lands and wildlife corridors. Trails also produce numerous quantifiable economic benefits:

- *Trails increase the value of nearby properties.* Based on an analysis of comparable trails from across the country, the presence of Miami-Dade County’s Ludlam Trail will increase properties values within 1/2 mile of the trail, 0.32 percent to 0.73 percent faster than other properties throughout the county. This translates into a total property value increase over a twenty-five year period of between \$121 million and \$282 million.⁸ A survey co-sponsored by the National Association of Home Builders and the National Association of Realtors found that proximity to nonmotorized trails came in second only to highway access when recent home buyers were asked about the “importance of community amenities.”⁹ A study of

³The Great Allegheny Passage Economic Impact Study (2007–2008) Detailed Report The Progress Fund/Job #07-294b 91 March 9, 2009, page 70. (<http://www.atatrail.org/docs/GAPeconomicImpactStudy200809.pdf>)

⁴ The FGTF, a direct support organization, exists to support the mission and programs of the Florida Department of Environmental Protection’s Office of Greenways and Trails (OGT) as it continues toward establishing a statewide system of greenways and trails for recreation, conservation and alternative transportation.

⁵ Florida Greenways and Trails Foundation Website: Coast-to-Coast Connector (<http://fgtf.org/coast-to-coast/>) (Last visited: 2/25/15)

⁶ Florida Greenways and Trails Foundation Website: Heart of Florida Greenway (<http://fgtf.org/maps/hof/overview.pdf>) (Last visited 2/25/15)

⁷St. Johns River-to-Sea Loop Trail Status Update, September 2011. ETM, Inc.

http://www.etminc.com/SJR2C/sg_userfiles/SJR2C_Summary_Report_09-19-11.pdf

⁸ Miami-Dade County Trail Benefits Study: Ludlam Trail Case Study (<http://atfiles.org/files/pdf/Miami-Dade-Ludlam-Trail-Benefits.pdf>)

⁹ (<http://www.americantrails.org/resources/benefits/homebuyers02.html>)

property values near trails in Delaware found that properties within 50 meters of the bike paths sell for \$8,800 more than other similar homes.¹⁰

- *Trails boost spending at local businesses.* An economic impact analysis of Orange County trails found that in 2010, average spending per trail user is \$20 per visit, representing food and beverages, transportation, books and maps, bike maintenance, rentals and more. The West Orange Trail supported 61 jobs, and represented an estimated economic impact of \$5 million for Downtown Winter Garden. Longer, “destination trails,” increase spending and benefit hotels, bed and breakfasts, and outdoor outfitters. A study of the Great Allegheny Passage, a 132-mile corridor in Pennsylvania, found that users reporting longer average travel distances to the trail, were more likely to spend successive days on or near the trail. Those who reported an overnight stay in conjunction with their trip averaged spending \$203 per person.¹¹ A survey on the Greenbrier River Trail, an 81-mile corridor in West Virginia, found an overwhelming majority of trail users were highly educated professionals with high income levels, two-thirds were from outside of West Virginia, 93percent were staying in the area from one to four days, 58 percent spent between \$100 and \$500 in the area, and 93 percent indicated that they were highly likely to plan a return trip.¹²
- *Trails influence business location and relocations decisions.* Companies often choose to locate in communities that offer a high level of amenities to employees as a means of attracting and retaining top-level workers. Trails can make communities attractive to businesses looking to expand or relocate both because of the amenities they offer to employees and the opportunities they offer to cater to trail visitors.¹³
- *Trails revitalize depressed areas.* In Dunedin, Florida, after the abandoned CSX railroad was transformed into the Pinellas Trail, the downtown went from a 30 percent storefront vacancy rate to a 95 percent storefront occupancy.¹⁴
- *Trails provide sustainable tourism opportunities.* The Outer Banks of North Carolina generates \$60 million in economic activity through bicycle tourism. The one-time investment of \$6.7 million on bicycle infrastructure has resulted in an annual nine-to-one return. Outer Banks shows bicycle tourists tend to be affluent (half earn more than \$100,000 a year, 87 percent earn more than \$50,000) and educated (40 percent have a masters or doctoral degree). More than half of survey respondents said bicycling had a strong influence on their decision to return to the area. Two-thirds of respondents said that riding on bike facilities made them feel safer and three-quarters said that more paths, shoulders and lanes should be built.¹⁵ A trail can be regarded as a product that is able to provide a sustainable form

¹⁰ Lindsey et al, “Property Values, Recreation Values, and Urban Greenways,” Journal of Park and Recreation Administration, V22(3) pp.69-90.

¹¹ *The Great Allegheny Passage Economic Impact Study* (2007–2008) Detailed Report The Progress Fund/Job #07-294b 91 March 9, 2009, page 91 (<http://www.atatrail.org/docs/GAPEconomicImpactStudy200809.pdf>)

¹² *Maximizing Economic Benefits from a Rails-to-Trails Project in Southern West Virginia – A Case Study of the Greenbrier River Trail*, May 2001. Raymond Busbee, Ph.D. Marshall University.

¹³ Economic Impacts of Protecting Rivers, Trails, and Greenway Corridors: Corporate Relocation and Retention. Rivers, Trails and Conservation Assistance Program, National Park Service 1995

¹⁴ FDEP Presentation: “*The Impact of Trails on Communities*” Office of Greenways and Trails. (<http://www.opportunityflorida.com/pdf/Jim%20Wood%20-%20Trails%20and%20Economic%20Impact%20-%20Rural%20Summit.pdf>)

¹⁵ Lawrie, et al, “*Pathways to Prosperity: the economic impact of investments in bicycling facilities*,” N.C. Department of Transportation Division of Bicycle and Pedestrian Transportation, Technical Report, July 2004. http://www.ncdot.org/transit/bicycle/safety/safety_economicimpact.html.

of tourism resting on a ‘quadruple bottom line’ of environmental, social, economic and climate responsiveness.”¹⁶

- *Trail development creates more jobs than road development.* A national comparison of the number of jobs created per \$1 million spent on various types of transportation projects found that for every \$1 million spent on the development of multi-use trails, 9.57 jobs were created while road-only development yielded 7.75 jobs.¹⁷

Effect of Proposed Changes

Generally, the bill creates the Shared-Use Nonmotorized Trail (SunTrail) Network as a component of the Florida Greenways and Trail System. The FDOT is given primary responsibility for developing and maintaining the SunTrail network, although provisions are included to allow the FDOT to outsource maintenance and to enter into trail sponsorship agreements with public and private entities. Specific provisions of the bill follow.

Section 1 amends s. 260.0144 F.S., to remove SunTrail components from existing provisions for sponsorship of state trails by not-for-profit or private sector entities. Other greenways and trails remain eligible for sponsorship under the section. Section 10 of the bill creates a new s. 339.83, F.S., to provide for sponsorship of SunTrail components.

Section 4 amends s. 335.065, F.S., to remove the FDOT’s authority to enter contracts for commercial sponsorship of multi-use trails. This authority is provided in new section 339.83, F.S., which expands sponsorship opportunities for SunTrail components.

Section 9 creates s. 339.81, F.S., to establish the Florida SunTrail Network as a component of the Florida Greenways and Trails System established in ch. 260. SunTrail components will provide nonmotorized travel opportunities between and within communities, conservation areas, state parks, beaches and other natural and cultural attractions.

SunTrail components will not include sidewalks, nature trails, or loop trails in a single park. Bicycle lanes on roadways may not be considered components of the SunTrail network unless the lane is used to connect two or more nonmotorized trails and is no more than one-half mile long. Exceptions are provided to include some on-road components of the Florida Keys Overseas Heritage Trail within the SunTrail Network.

The FDOT will include SunTrail projects within its five year work program. The FDOT and other agencies and units of government are authorized to expend funds and accept gifts and grants of funds, property, and property rights for the development of the SunTrail network. The FDOT is authorized to enter into memoranda of agreement with other governmental entities and contract with private entities to provide maintenance services on individual components of the network and may adopt rules to assist in developing and maintaining the network.

¹⁶ Reis, A.C.; Jellum, C. (2012). Rail trails development: a conceptual model for sustainable tourism. *Tourism Planning and Development*,9(2): 133-148

¹⁷ Pedestrian And Bicycle Infrastructure: A National Study Of Employment Impacts Heidi Garrett-Peltier Political Economy Research Institute University of Massachusetts, Amherst June 2011

Section 10 creates s. 339.82, F.S., directing the FDOT to develop the SunTrail Network Plan in coordination with FDEP, MPOs, local governments, other public agencies, and the Florida Greenways and Trails Council. The plan must include:

- A needs assessment, including a comprehensive inventory of existing facilities;
- A process that prioritizes projects that:
 - Are identified by the Florida Greenways and Trails Council as priority projects;
 - Connect components by closing gaps in the network; and
 - Maximize use of federal, local, and private funds;
- A map showing existing and planned facilities;
- A finance plan in five- and ten-year cost-feasible increments;
- Performance measures focusing on trail access and connectivity;
- A timeline for completion of the base network; and
- A marketing plan prepared in conjunction with Visit Florida.

Section 11 creates s. 339.83, F.S., to provide for sponsorship of SunTrail components by not-for-profit or private sector entities. The bill provides guidance on sponsor signs, markings, and exhibits and provides for trail marketing materials to recognize sponsors.

Autonomous Vehicles (Sections 2, 3, and 7)

Present Situation

Autonomous or “self-driving” vehicles are those operated “without direct driver input to control the steering, acceleration, and braking and ... designed so that the driver is not expected to constantly monitor the roadway while operating in self-driving mode.”¹⁸ According to the National Highway Traffic Safety Administration, autonomous vehicles have the potential to improve highway safety, increase environmental benefits, expand mobility, and create new economic opportunities for jobs and investment.¹⁹

A review of material obtained via a simple Internet search reveals that common availability and use of such vehicles was not previously anticipated for at least a couple of decades. However, some expect increased availability and use in the relative near future, perhaps no longer than in the next five years.²⁰

Some states, such as Nevada and California, have already enacted legislation relating to autonomous vehicles. The Florida Legislature has likewise taken steps to encourage development of autonomous vehicles by expressly:

- Defining the term “autonomous vehicle” to mean any vehicle equipped with autonomous technology, and defining the term “autonomous technology” to mean technology installed on

¹⁸ See the National Highway Traffic Safety Administration’s Press Release: *U.S. Department of Transportation Releases Policy on Automated Vehicle Development*. On file in the Senate Transportation Committee.

¹⁹ See NHTSA’s statement of [policy on automated vehicles](#).

²⁰ See, e.g.: *Autonomous Cars are Closer Than You Think*: <http://techcrunch.com/2015/01/18/autonomous-cars-are-closer-than-you-think/>. Last visited February 21, 2015.

a motor vehicle that has the capability to drive the vehicle on which the technology is installed without the active control or monitoring by a human operator.²¹

- Authorizing employees, contractors, or other persons designated by manufacturers of autonomous technology, or research organizations associated with accredited educational institutions, to operate vehicles equipped with autonomous technology on roads in this state, under certain conditions, for the purpose of testing the technology.²²
- Requiring that such vehicles meet federal standards, be operable in compliance with state motor vehicle and traffic laws, and be equipped with methods to alert the operator of technical failure, allowing the operator to engage and disengage autonomous operation.²³
- Authorizing a licensed driver to operate an autonomous vehicle in autonomous mode and deeming that person the operator of the vehicle when the person causes the vehicle's autonomous technology to engage, regardless of whether the person is physically present in the vehicle while it is in autonomous mode.²⁴

Transportation Planning and Autonomous Vehicles

Current law requires metropolitan planning organizations (MPOs) to develop a long-range transportation plan addressing at least a 20-year planning horizon. The plans must be consistent, to the maximum extent feasible, with local government comprehensive plans of the local governments located within the jurisdiction of the MPO. A long-range transportation plan must:

- Identify transportation facilities that will function as an integrated metropolitan transportation system;
- Include a financial plan demonstrating how the plan can be implemented, indicating resources from public and private sources reasonably expected to be available to carry out the plan and recommending any additional financing strategies for needed projects and programs;
- Assess capital investment and other measures necessary to:
- Ensure the preservation of the existing MPO system including requirements for major roadways and requirements for the operation, maintenance, modernization, and rehabilitation of public transportation facilities; and
- Make the most efficient use of existing transportation facilities to relieve vehicular congestion and maximize the mobility of people and goods; and
- Indicate, as appropriate, proposed transportation enhancement activities, such as pedestrian and bicycle facilities, scenic easements, and control of outdoor advertising.²⁵

Section 339.64, F.S., requires the FDOT to develop and update every five years, in cooperation with MPOs, regional planning councils, local governments, and other transportation providers, a

²¹ See s. 316.003(90), F.S. The term excludes a motor vehicle enabled with active safety systems or driver assistance systems, including, without limitation, a system to provide electronic blind spot assistance, crash avoidance, emergency braking, parking assistance, adaptive cruise control, lane keep assistance, lane departure warning, or traffic jam and queuing assistant, unless any such system alone or in combination with other systems enables the vehicle on which the technology is installed to drive without the active control or monitoring by a human operator.

²² See s. 316.86, F.S., which also requires the testing entity to provide \$5 million in insurance and exempts vehicle manufacturers from liability under conditions related to conversion of a vehicle after manufacture.

²³ See s. 319.45, F.S.

²⁴ See s. 316.85, F.S.

²⁵ See s. 339.175(7), F.S. Additional requirements exist for metropolitan areas classified as nonattainment areas for ozone or carbon monoxide.

Strategic Intermodal System Plan. The plan must be consistent with the Florida Transportation Plan.²⁶ The FDOT is instructed to provide a number of entities the opportunity to participate in the development of updates, and to coordinate planning with federal, regional, and local partners. The SIS Plan must include:

- A needs assessment.
- A project prioritization process.
- A map of facilities.
- A finance plan based on reasonable projections of anticipated revenues.
- An assessment of the impacts of proposed improvements to certain SIS corridors.²⁷

Current law makes no specific mention of taking into consideration planning for infrastructure and technological improvements necessary to accommodate advances in vehicle technology, such as autonomous vehicles, in developing MPO long-range transportation plans or when updating the SIS Plan.

Electronic Displays in Autonomous Vehicles

A motor vehicle operated on the highways of this state may not be equipped with television-type receiving equipment that is visible from the driver's seat. The prohibition does not apply to an electronic display used in conjunction with a vehicle navigation system.²⁸

Definitions

The definitions of the terms "autonomous vehicle" and "autonomous technology" are currently contained together in one subsection of s. 316.003, F.S.

Effect of Proposed Changes

Section 7 amends s. 339.175(3)(c)2., F.S., to include in an MPO's capital investment assessment the goal of improving safety while making the most efficient use of existing transportation facilities. In addition, MPOs are required to consider in developing long-range transportation plans infrastructure and technological improvements necessary to accommodate advances in vehicle technology, such as autonomous vehicle technology and other developments.

Similarly, section 8 amends s. 339.64, F.S., to require the FDOT to coordinate with federal, regional, and local partners, as well as industry representatives, to consider when updating the SIS Plan infrastructure and technological improvements to the SIS necessary to accommodate advances in vehicle technology. The bill also requires the same consideration to be included in the needs assessment.

Section 3 amends s. 316.303(1) and (3), F.S., respectively, to allow autonomous vehicles to be equipped with television-type receiving equipment visible from the driver's seat, and to authorize an operator of an autonomous vehicle to use an electronic display in conjunction with a vehicle navigation system, both while the vehicle is being operated in autonomous mode.

²⁶ The Florida Transportation Plan is a statewide transportation plan that considers the needs of the entire state transportation system and examines the use of all modes of transportation to meet such needs. The purpose of the plan is to establish and define the state's long-range transportation goals and objectives over a period of at least 20 years. See s. 339.155, F.S.

²⁷ See s. 339.64(4), F.S.

²⁸ See s. 316.303(1) and (3), F.S.

Section 2 amends s. 316.003, F.S., to separate the definitions of the terms “autonomous vehicle” and “autonomous technology,” currently contained in one subsection, to facilitate ease of reference.

Transportation Network Companies (Sections 13 and 29)

Present Situation

For-hire vehicle services are undergoing changes with respect to models most often associated with the provision of transportation to individuals, such as by taxi. Technological advances are resulting in new methods for consumers to arrange and pay for transportation, including software applications that make use of mobile smartphone applications, Internet web pages, and email and text messages. Some states and local governments have taken steps to recognize and regulate companies using these new methods, which describe themselves as “transportation network companies” (TNCs) and not vehicles for hire.

California was the first state to recognize TNCs,²⁹ such as Uber, Lyft, and SideCar, which use these new methods to match drivers of vehicles with passengers requesting vehicles for transportation. Presently, Florida law does not recognize TNCs, but some local governments have adopted local regulations authorizing TNCs to operate within the given local jurisdiction, some have rejected new regulations in favor of existing for-hire vehicle regulations, and some local governments are currently considering new regulations.

Public Transit Services/Transportation Disadvantaged

Under current law, a public transit provider is a public agency that provides public transit service.³⁰ Florida law defines “public transit” to mean the transporting of people by conveyances, or systems of conveyances, traveling on land or water, local or regional in nature, and available for use by the public. The definition expressly includes “paratransit” services.³¹ Paratransit services are “on-demand” services. The individual user selects the specific origin and destination at a time agreed upon by the user and the service provider. Currently, public transit providers contract with taxis, limousines, “dial-a-ride,” buses, and other demand-responsive operations to provide paratransit services to their customers.³²

Paratransit services for the transportation disadvantaged³³ are provided through the Commission for the Transportation Disadvantaged. A local coordinating board oversees the community

²⁹ See Forbes, *California Becomes First State to Regulate Ridesharing Services Lyft, Sidecar, UberX*:

<http://www.forbes.com/sites/tomiogeron/2013/09/19/california-becomes-first-state-to-regulate-ridesharing-services-lyft-sidecar-uberx/>. Last visited February 24, 2015.

³⁰ See s. 341.031(1), F.S.

³¹ See s. 341.031(6), F.S.

³² See s. 341.031(5) and (6) and s. 427.011(9), F.S.

³³ Those persons who because of physical or mental disability, income status, or age are unable to transport themselves or to purchase transportation and are dependent on others to obtain access to health care, employment, education, shopping, social activities, or other life-sustaining activities, or certain children. See s. 427.011(1), F.S.

transportation coordinator,³⁴ who contracts with operators³⁵ that provide transportation. Some trips for individuals who are transportation disadvantaged are “sponsored”; i.e., funding for the trips is provided or subsidized, for example, by Medicaid. “Non-sponsored” transportation disadvantaged services are those not sponsored or subsidized by any funding source other than the Transportation Disadvantaged Trust Fund.³⁶

Discussion with Commission staff indicates that gaps exist in the ability to provide non-sponsored, non-medical-emergency paratransit services, particularly for transportation disadvantaged individuals in rural areas, largely due to reduced availability of public transit services in rural areas and the cost of travel to and from those areas. Commission staff advise that potential opportunities exist to increase accessibility and cost effectiveness in the more rural areas, particularly with TNCs offering services that combine passengers with differing trip origins and destinations into a single TNC vehicle trip.³⁷

Effect of Proposed Changes

Section 13 creates s. 341.1025, F.S., to authorize a public transit provider (a public agency) to enter into an agreement with a TNC under which the company provides public transit service on behalf of the provider. The bill defines “transportation network company” to mean an entity that uses a digital or software application to connect passengers to services provided by TNC drivers. A public agency that provides public transit and enters into such a contract may use drivers for companies such as Uber, Lyft, and SideCar, to provide public transit, including paratransit services, in addition to other demand-responsive operations.

Section 29 authorizes the Commission for the Transportation Disadvantaged, in cooperation with the Center for Urban Transportation Research (CUTR), to develop and implement a pilot program with at least one community transportation coordinator to assess the potential for increasing accessibility and cost effectiveness made possible through use of a TNC³⁸ as a transportation operator. The program must allow one or more TNCs to provide all or some non-sponsored paratransit services to eligible transportation disadvantaged persons for no less than six months. The participating TNC must comply with all relevant requirements for transportation operators relating to performance standards for the delivery of services and minimum insurance requirements. The Commission is authorized to expend up to \$750,000 for the pilot, contingent upon legislative appropriation, and present the findings of the pilot program in a report to the chairs of the appropriate Senate and House Committees by October 1, 2016.

³⁴ A transportation entity recommended by an MPO, or by the appropriate official planning agency in an area outside the purview of an MPO, to ensure coordinated transportation services are provided to transportation disadvantaged persons in a designated service area. See s. 427.011(5), F.S.

³⁵ One or more public, private for-profit, or private nonprofit entities engaged by the community transportation coordinator to provide service to transportation disadvantaged persons. See s. 427.011(6), F.S.

³⁶ See 427.011(12), F.S.

³⁷ Conversation between Commission and Committee Staff, February 6, 2015, in the Senate Transportation Committee.

³⁸ Defined identically as in the new s. 341.0125, F.S.

Independent Special Districts Regulating Vehicles For Hire (Section 5)

Current Situation

Hillsborough County Public Transportation Commission

The Hillsborough County Public Transportation Commission (HPTC) is a legislatively-created independent special district regulating vehicles for hire. The HPTC regulates such vehicles in that county pursuant to authority granted to counties in s. 125.01(1)(n), F.S., to license and regulate taxis, jitneys, limousines for hire, rental cars, and other passenger vehicles for hire that operate in the unincorporated areas of the county. The Commission appears to be the only independent special district with such responsibilities.³⁹

The HPTC currently has seven members.⁴⁰ The Board of County Commissioners appoints three members from the board, the City Council of Tampa appoints two members, and the City Commission of Plant City and the City Council of Temple Terrace appoint one member each. Each member serves a two-year term.

Effect of Proposed Changes

Section 5 creates s. 335.21, F.S., to revise the appointment of membership to the HPTC, notwithstanding any provision of local law. The Governor appoints four members, the Tampa City Council appoints one member, and the Hillsborough County Board of Commissioners appoints two members. All seven members must be Hillsborough County residents.

Vehicle Miles Traveled Pilot (Section 30)

Present Situation

Concern regarding the sustainability of transportation funding sources remains as a focus of attention in the transportation arena. A number of factors have together caused a reduction in transportation revenues:

- The bulk of federal surface transportation funding comes from the federal taxes on gasoline and diesel fuel assessed on a per-gallon basis, and the tax rates are not adjusted for inflation.
- The total number of vehicle miles traveled (VMT) has declined in recent years, resulting in fewer gallons of gas and diesel sold upon which to assess federal, state, and local taxes. This number is not expected to return to previously realized growth levels.
- Vehicle fuel efficiency continues to increase, also lowering the demand for gallons of gas and diesel.⁴¹

Various alternatives to the existing gas and diesel taxes have been considered. One alternative is to replace those taxes with a “vehicle-miles-traveled tax” or a “mileage-based user fee”:

Mileage-based user fees (MBUF) are an alternative way to finance the construction and maintenance of roads. Rather than the current

³⁹ The HPTC is an independent special district first created in 1983. See ch. 83-423, Laws of Florida.

⁴⁰ See ch. 2001-299, Laws of Florida.

⁴¹ See the Center for Urban Transportation Research, *Florida MPOAC Transportation Revenue Study*, July 2012. On file in the Senate Transportation Committee.

gas tax method, which is based on the amount of fuel purchased at the pump, a VMT tax is based on how many miles are driven.⁴²

According to the Mileage-based User Fee Alliance (MBUFA), use of a distance-traveled mechanism is already being successfully implemented in several European nations and in New Zealand. Domestically, "...states are taking a lead in helping to resolve many of the implementation questions by working with academia, industry partners and each other to devise mileage-based user fee pilot projects around the country."⁴³

The State of Oregon appears to have made the most progress in the United States, having already completed two pilots and planning implementation of a voluntary program, beginning July 1, 2015, using 5,000 vehicles.⁴⁴ Interest has been expressed in developing a Florida-specific, implementable pilot project to determine the efficacy of a VMT fee as a viable alternative to per-gallon gas and diesel taxes.

Effect of Proposed Changes

Section 30 directs the Center for Urban Transportation Research to establish an extensive study, addressing minimum specified issues, on the impact of implementing a VMT charge as an alternative, sustainable source of transportation funding. The study must examine the types of vehicles being operated on Florida's highways and recommend an appropriate charge for various modes of private and public transportation. Vehicle weight, axle number, roadway types, trip purposes, and other factors deemed relevant must be considered.

CUTR is directed, in the course of the study:

- To establish a six-month pilot project to study the feasibility and economic impact of implementing a VMT system; and
- To identify, in advance of the pilot, at least three vendors capable of operating and administering a VMT program, able to demonstrate interoperability with other service providers, and having sophisticated privacy protections in place. Each vendor must submit a business model, which must include plans for the assessment and collection of fees.

The pilot must be conducted within the FDOT district having the greatest diversity of traffic and a combination of rural and urban roadways and must be operated as if a VMT funding mechanism were in place. Vendors must issue statements to vehicle operators showing a history of miles traveled per vehicle, but no charges will be assessed or collected from pilot participants.

Vendors are directed to track the miles traveled by participating vehicles and to conduct a survey of private and public operators to determine if the operators have privacy concerns and if problems with billing software and mock statements are experienced.

⁴² See Mileage-Based User Fee Alliance website: <http://mbufa.org/about.html>. Last visited February 26, 2015.

⁴³ See MBUFA website: <http://mbufa.org/where.html>. Last visited February 26, 2015. Colorado, Minnesota, Nevada, New York City, Texas, Washington, the University of Iowa, and the I-95 Corridor Coalition have all undertaken efforts with respect to a

⁴⁴ See *Oregon's VMT Pilot to Begin its Third Phase – Road usage Charge Program Update*: <http://www.nlc.org/media-center/news-search/oregon%E2%80%99s-vmt-pilot-to-begin-its-third-phase-road-usage-charge-program-update>. Last visited February 26, 2015.

CUTR is required to submit a report to the Governor, Senate President, House Speaker, and the Metropolitan Planning Organization Advisory Council, by December 31, 2016, that details the findings of the study and the pilot and makes recommendations regarding the feasibility and means of implementing a VMT funding mechanism for transportation projects.

Northwest Florida Regional Transportation Finance Authority (Sections 14 through 28)

Present Situation

Escambia and Santa Rosa counties, are currently served by the Northwest Florida Transportation Corridor Authority and the Santa Rosa Bay Bridge Authority.

The Northwest Florida Transportation Corridor Authority (NFTCA) has the primary purpose of improving mobility and safety, promoting economic development, and implementing transportation projects to alleviate congestion in the northwest region. The NFTCA is also authorized to issue bonds.⁴⁵ Eight voting members, one each from Escambia, Santa Rosa, Walton, Okaloosa, Bay, Gulf, Franklin and Wakulla counties, are appointed by the Governor to serve four-year terms on the governing body. The FDOT's District 3 Secretary serves as an ex-officio, non-voting member.⁴⁶

According to a report by the Florida Transportation Commission (FTC), the NFTCA is not currently operating any facility. The report indicates the NFTCA and the FDOT executed a two-year agreement in 2010 providing \$1.1 million in federal funding for Authority administration, professional services, and regional transportation planning. The agreement was amended in 2011 to include an additional \$1.1 million and extend the agreement for one year. A second amendment in February of 2012 included a new work plan.⁴⁷

The Santa Rosa Bay Bridge Authority (SRBBA) owns the Garcon Point Bridge, a 3.5-mile tolled bridge that spans Pensacola/East Bay between Garcon Point (south of Milton) and Redfish Point (between Gulf Breeze and Navarre) in southwest Santa Rosa County. Florida's Turnpike Enterprise provides toll operations for the SRBBA.⁴⁸ The SRBBA governing body consists of seven members, three each appointed by the Governor and the Board of County Commissioners, with the FDOT District 3 Secretary serving as an ex-officio member. Except for the Secretary, all members are required to be permanent residents of Santa Rosa County at all times during their term of office.⁴⁹ Because toll revenues are insufficient to pay both debt service on outstanding bonds and operations and maintenance (O&M) expenses, the costs of the O&M are recorded as debt owed to the FDOT. The FDOT advises the long-term debt for O&M expenses as of June 30, 2014, was \$20.4 million. The SRBBA also has outstanding loans from the Toll

⁴⁵ Section 343.82, F.S.

⁴⁶ Section 343.81, F.S.

⁴⁷ Florida Transportation Commission, *Transportation Authority Monitoring and Oversight Fiscal Year 2013 Report*, at 163, available at: <http://www.ftc.state.fl.us/reports/TAMO.shtm>. Last visited February 16, 2015.

⁴⁸ *Supra*, note 3, at 2.

⁴⁹ See s. 348.967, F.S.

Facilities Revolving Trust Fund,⁵⁰ with a balance of \$7.9 million as of June 30, 2014.⁵¹ According to the FTC report, the SRBBA is in default, and the principal on all outstanding bonds, totaling \$131.2 million, was declared immediately due and payable on January 1, 2013.⁵²

Effect of Proposed Changes

The bill creates chapter 345 of the Florida Statutes, the Northwest Florida Regional Transportation Finance Authority Act, consisting of ss. 345.0001 – 345.0014, F.S. The bill authorizes Escambia County, alone or together with a consenting Santa Rosa County, to form a regional finance authority in the northwest region of the state. The governing body of the Authority consists of two resident members from each participating county appointed by the county commission of each county, an equal number to be appointed by the Governor, and the FDOT's District Three secretary. County commission appointees must represent the business and civic interests of the relevant community, if possible.

The Authority is authorized to construct, operate, and maintain a regional system in the area served, except for an existing system for transporting people and goods owned by another non-consenting entity. Broad powers are granted to the Authority, including, but not limited to:

- The exercise of eminent domain;
- The establishment and collection of rates and fees, which power may be assigned or delegated to the FDOT;
- The power to borrow money and issue bonds⁵³ to finance the system and to secure the payment of such bonds by a pledge of system revenues, including any municipal or county funds received by the Authority under an agreement with the municipality or county.
- The power to enter into contracts, including, but not limited to, partnerships providing for participation in system ownership and revenues;
- The power to employ an executive director, attorney, staff, and consultants, with the FDOT furnishing the services of an FDOT employee to act as the executive director upon the request of the Authority.

The FDOT is deemed the Authority's agent for performing all construction, extension, and improvement phases of a project. After the issuance of bonds to finance construction, the Division of Bond Finance and the Authority are required to transfer the necessary funds to the credit of the State Transportation Trust Fund. Alternatively, with the FDOT's consent and approval, the Authority may appoint a local, FDOT-certified agency to administer federal-aid projects.

The FDOT is also deemed the Authority's agent for operating and maintaining the system, except for transit facilities, and the costs incurred by the FDOT must be reimbursed from system

⁵⁰ The Toll Facilities Revolving Trust Fund was dissolved in 2012. See ch. 2012-128, L.O.F. All outstanding repayments are to be deposited into the State Transportation Trust Fund.

⁵¹ See the FDOT email to committee staff, February 16, 2015. On file in the Senate Transportation Committee.

⁵² *Supra*, note 3, at 5.

⁵³ A resolution authorizing issuance of bonds on behalf of the authority under the State Bond Act and pledging system revenues must require periodic deposits of system revenues into appropriate accounts in amounts sufficient to pay the costs of O&M for the current fiscal year and to reimburse the FDOT for any unreimbursed O&M costs from prior fiscal years before revenues of the system are deposited for payment of principal and interest on such bonds.

revenues. However, the Authority remains obligated as principal to operate and maintain the system.

At the request of the Authority and subject to appropriation by the Legislature, the FDOT may pay the cost of financial, engineering, or traffic feasibility studies or of the design, financing, acquisition, or construction of an Authority project that is included in the ten-year Strategic Intermodal System Plan.⁵⁴ The FDOT is required to include funding for such payments in its legislative budget request. The request for funding may be included in the FDOT's five-year Tentative Work Program. However, the request must appear as a distinct funding item in the legislative budget request and be supported by a financial feasibility test.

The FDOT may not make a budget request unless the estimated net revenues of the proposed project will be sufficient to pay at least 50 percent of the annual debt service on the bonds associated with the project by the end of 12 years of operation, and at least 100 percent of the same by the end of 30 years of operation.⁵⁵ Funding for a project must appear in the General Appropriations Act as a distinct fixed capital outlay item and must clearly identify the related project.

The FDOT may participate in projects that, at a minimum, serve national, statewide, or regional functions; are identified in the capital improvements element of a comprehensive plan; comply with local government policies in such plans relative to corridor management; are consistent with the Strategic Intermodal System Plan; and have a local, regional, or private financial match.

Before approving a proposed project, the FDOT must determine that the project:

- Is in the public's best interest;
- Does not require the use of state funds, unless the project is on the State Highway System;
- Has adequate safeguards in place to ensure no additional imposed costs or service disruptions if the FDOT cancels or defaults on the agreement, and to ensure that the FDOT and the Authority have the opportunity to add capacity to the project and other transportation facilities serving similar origins and destinations.

The FDOT may require any contribution to be repaid from tolls of the project, other Authority revenue, or other sources of funds. The FDOT must receive a share of the Authority's net revenues equal to the ratio of the FDOT's total contributions to the Authority to the sum of:

- The FDOT's total contributions;
- Any local government contributions to the cost of revenue-producing Authority projects; and
- The sale proceeds of Authority bonds after payment of costs of issuance.

The Authority is exempt from paying any taxes or assessments upon any Authority property, rates, fees, or income, etc., or upon bonds issued by the Authority. Issuance of bonds to finance

⁵⁴ The Strategic Intermodal System (SIS) is the statewide network of high priority transportation facilities, including the state's largest and most significant airports, spaceports, deepwater seaports, freight rail terminals, interregional rail and bus terminals, rail corridors, urban fixed guideway transit corridors, waterways, and highways. The SIS is the state's highest statewide priority for transportation capacity improvements. See the FDOT SIS brochure, available at: <http://www.dot.state.fl.us/planning/sis/Strategicplan/>. Last visited February 17, 2015.

⁵⁵ Equivalent to the economic feasibility test for proposed Turnpike projects under s. 338.221(8)(a), F.S.

the cost of extension or improvement of a system is authorized without compliance with any other law.

Broward County Expressway Authority/Obsolete Bond Language (Section 6)

Present Situation

The Broward County Expressway Authority built the Sawgrass Expressway, a 23-mile facility in Broward County. The expressway opened to traffic in 1986 and extends from I-75 in Weston to its interchange with the Florida Turnpike and Southwest 10th Street in Deerfield Beach. In 1990, the FDOT acquired the expressway, and it became a part of Florida's Turnpike System.⁵⁶ The Expressway Authority was abolished in 2011.⁵⁷ Section 338.221(5), F.S., generally authorizes the FDOT, in each fiscal year during which any of the Broward County Expressway Authority bond series 1984 and series 1986-A remain outstanding, to pledge revenues from the turnpike system to the payment of such bonds and the operation and maintenance of the Sawgrass Expressway. No such bonds are currently outstanding, and the language is obsolete.

Effect of Proposed Changes

Section 6 repeals the obsolete language in s. 338.221(5), F.S., relating to bonds of the abolished Broward County Expressway Authority.

Transportation Corridors (Section 12)

Present Situation

Section 341.0532, F.S., enacted in 2003, currently defines "statewide transportation corridor" as a system of transportation infrastructure that collectively provides for the efficient movement of significant volumes of intrastate, interstate, and international commerce by seamlessly linking multiple modes of transport. That section also lists eight corridors deemed "Florida's statewide transportation corridors."

In the same year, the Legislature enacted the Strategic Intermodal System (SIS).⁵⁸ SIS facilities collectively serve 56 percent of State Highway System traffic, 70 percent of State Highway System truck traffic, 89 percent of interregional bus and rail passengers, 99 percent of commercial air passengers and cargo, and 100 percent of rail and waterborne freight tonnage and cruise ship passengers.⁵⁹ SIS facilities are designated by the FDOT based on criteria provided in ss. 339.61 through 339.64, F.S. The corridors currently listed in s. 341.0532, F.S., with limited exception,⁶⁰ are also part of the SIS. Section 341.0532, F.S., is not referenced elsewhere in the Florida Statutes, and the FDOT advises that section is not used in performing any of its duties and responsibilities. The statute appears to be obsolete.

⁵⁶ See the FDOT website: http://www.floridasturnpike.com/about_system.cfm#7. Last visited February 23, 2015.

⁵⁷ See s. 18, ch. 2011-64, Laws of Florida.

⁵⁸ See the web link, *Supra*, note 10, for additional information on the SIS.

⁵⁹ See the 2014 FDOT *Strategic Intermodal System Briefing*. On file in the Senate Transportation Committee.

⁶⁰ See the FDOT email, March 2, 2015. On file in the Senate Transportation Committee.

Effect of Proposed Changes

Section 12 repeals s. 341.0532, F.S., which created Florida's statewide transportation corridors. The corridors continue to be managed through their inclusion in the SIS.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Indeterminate.

C. Government Sector Impact:

Sections 1, 4, 9, 10, 11: The bill currently provides no funding for the SunTrail Network.

Sections 2, 3, 7, and 8: MPOs may experience minimal expenses in considering autonomous vehicle technology when developing long-range transportation plans. Likewise for the FDOT when updating the SIS Plan.

Sections 13, and 29: The fiscal impact associated with authorizing contracts with transportation network companies to provide public transit services is indeterminate. The bill authorizes the Commission to expend up to \$750,000 for the pilot project to assess increased accessibility and cost effectiveness of providing certain transportation disadvantaged services through the use of a transportation network company.

Section 30: The bill currently provides no funding for the VMT study and pilot program.

Sections 14 through 28: The fiscal impact of authorizing creation of the Northwest Florida Regional Transportation Finance Authority is indeterminate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 260.0144, 316.003, 316.303, 335.065, 338.231, 339.175, and 339.64.

This bill creates the following sections of the Florida Statutes: 335.21, 339.81, 339.82, 339.83, 341.1025, 345.0001, 345.0014, 345.0002, 345.0003, 345.0004, 345.0005, 345.0006, 345.0007, 345.0008, 345.0009, 345.001, 345.0011, 345.0012, and 345.0013.

This bill repeals section 341.0532 of the Florida Statutes.

The bill creates two undesignated sections of the Florida law.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.