

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/CS/HB 1243 Tampa Bay Area Regional Transportation Authority
SPONSOR(S): Government Accountability Committee; Transportation & Infrastructure Subcommittee;
Raulerson
TIED BILLS: **IDEN./SIM. BILLS:** CS/CS/SB 1672

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Infrastructure Subcommittee	14 Y, 0 N, As CS	Johnson	Vickers
2) Government Accountability Committee	23 Y, 0 N, As CS	Johnson	Williamson

SUMMARY ANALYSIS

Part V of Ch. 343, F.S., creates the Tampa Bay Area Regional Transportation Authority (TBARTA). TBARTA is an agency of the state with a governing board of 15 voting members and includes representatives from Citrus, Hernando, Hillsborough, Pasco, Pinellas, Manatee, and Sarasota counties. TBARTA's express purpose is to improve mobility and expand multimodal transportation options for passengers and freight throughout the Tampa Bay region. Since its creation in 2007, TBARTA has effectively served as a regional transportation planning entity for the Tampa Bay area.

The bill changes the name of the authority from the Tampa Bay Area Regional Transportation Authority to the Tampa Bay Area Regional Transit Authority. The bill provides that the transit authority serves a geographic region that includes Hernando, Hillsborough, Manatee, Pasco, and Pinellas counties with other counties able to join by interlocal agreement. The authority is overseen by a 13 member board of directors. The bill requires the authority to evaluate the abolishment, continuance, modification, or establishment of existing committees.

The bill retains the most of the existing authority's powers and duties, including the capability to plan, build and manage transportation facilities. The authority is required to produce a regional transit development plan integrating the transit plans of participating counties. The bill also permits the new transit authority to serve, with the consent of the Governor or his or her designee, as the recipient of federal funds supporting an intercounty project or a phase of an intercounty regional project that exists in a single county within the designated region.

The bill does not appear to have a significant fiscal impact on state or local government.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Part V of Ch. 343, F.S., creates the Tampa Bay Area Regional Transportation Authority (TBARTA). TBARTA is an agency of the state with a governing board of 15 voting members and includes representatives from Citrus, Hernando, Hillsborough, Pasco, Pinellas, Manatee, and Sarasota counties.¹ TBARTA's express purpose is to improve mobility and expand multimodal transportation options for passengers and freight throughout the Tampa Bay region.²

In general, the bill changes the Tampa Bay Area Regional Transportation Authority into the Tampa Bay Area Regional Transit Authority. For ease of understanding this analysis is arranged by topic.

Metropolitan Planning Organizations (Section 1)

Current Situation

Federal law requires that a Metropolitan Planning Organization (MPO) be designated in each urbanized area with a population of greater than 50,000 in order to carry out the metropolitan transportation planning process, as a condition of Federal aid.³ Florida is currently home to 27 different MPOs.⁴

Section 339.175, F.S., contains the state's statutes regarding MPOs. Specifically, s. 339.175(6)(i), F.S., creates the TBARTA MPO Chairs Coordinating Committee within TBARTA, composed of the MPOs serving Citrus, Hernando, Hillsborough, Manatee, Pasco, Pinellas, Polk, and Sarasota counties. At a minimum, the committee is required to:

- Coordinate transportation projects deemed by the committee to be regionally significant.
- Review the impact of regionally significant land use decisions in the region.
- Review all proposed regionally significant transportation projects in the respective transportation improvement programs which affect more than one of the MPOs represented by the committee.
- Institute a conflict resolution process to address any conflict that may arise in the planning and programming of such regionally significant projects.

Proposed Changes

The bill amends s. 339.175(6)(i), F.S., changing the Tampa Bay Area Regional Transportation Authority MPO Chairs Coordinating Committee to the Tampa Bay Area Regional Transit Authority MPO Chairs Coordinating Committee.

Short Title (Section 2)

Current Situation

Section 343.90, F.S., provides that part V of Ch. 343, F.S., may be cited as the Tampa Bay Regional Transportation Authority Act.

Proposed Changes

The bill amends s. 343.90, F.S., providing that part V of Ch. 343, F.S., may be cited as the Tampa Bay Regional Transit Authority Act.

¹ Section 343.92(1) and (2), F.S.

² Section 343.922(1), F.S.

³ United States Department of Transportation, Metropolitan Planning Organization Database. <https://www.planning.dot.gov/mpo.asp> (Last visited January 27, 2017).

⁴ Florida Metropolitan Planning Organization Advisory Council website <https://www.mpoac.org/mpos/> (Last visited January 27, 2017).

Definitions (Section 3)

Current Situation

Section 343.91(1)(a), F.S., defines “authority” as the Tampa Bay Area Regional Transportation Authority, the body politic and corporate and agency of the state created by Part V of Ch. 343, F.S., covering the seven-county area comprised of Citrus, Hernando, Hillsborough, Pasco, Pinellas, Manatee, and Sarasota counties.

Proposed Changes

The bill revises the definition of “authority” to the Tampa Bay Area Regional Transit Authority, the body politic and corporate and agency of the state created by Part V of Ch. 343, F.S., covering Hernando, Hillsborough, Manatee, Pasco, and Pinellas counties and any other contiguous county that is party to an agreement of participation.

The bill also amends the definition of “commuter rail” to remove a reference to the designated seven-county region to conform to the region being reduced to four counties with the ability for other counties to join the authority.

Creation of the Authority (Section 4)

Current Situation

Section 343.92, F.S. creates and establishes a body politic and corporate, an agency of the state, to be known as the Tampa Bay Area Regional Transportation Authority (authority).⁵

Section 343.92(2), F.S., provides that the authority’s governing board consists of 15 voting members. The secretary of the Department of Transportation (DOT) appoints two advisors to the board who are district secretaries for each of the DOT districts within the authority’s seven-county area.⁶ The 15 voting members of the board are as follows:

- The county commissions of Citrus, Hernando, Hillsborough, Pasco, Pinellas, Manatee, and Sarasota Counties each appoint one elected official. These members serve two-year terms with not more than three consecutive terms being served by any person.
- The Tampa Bay Area Regional Transportation Authority Metropolitan Planning Organization Chairs Coordinating Committee appoints one member who is a chair of one of the six MPOs in the region.⁷ This member serves a two-year term with not more than three consecutive terms being served by any person.
- Two members are the mayor, or the mayor’s designee, of the largest municipality within the service area of each of the following independent transit agencies: Pinellas Suncoast Transit Authority (PSTA) and Hillsborough Area Regional Transit Authority (HART).⁸ A mayor or his or her designee serves a two-year term with not more than three consecutive terms being served by any person.
- One membership rotates every two years between the mayor, or his or her designee, of the largest municipality within Manatee County and the mayor, or his or her designee, of the largest municipality within Sarasota County.
- The Governor appoints four business representatives, each of whom must reside in one of the counties governed by the authority, none of whom may be elected officials, and at least one but not more than two of whom must represent counties within the federally designated Tampa Bay

⁵ Section 343.92(1), F.S.

⁶ Manatee and Sarasota Counties are in DOT district 1. Citrus, Hernando, Hillsborough, Pasco, and Pinellas Counties are in DOT district 7.

⁷ Manatee and Sarasota Counties are in the same MPO.

⁸ The largest municipality is the municipality with the largest population as determined most recent United States Decennial Census.

Transportation Management Area.⁹ Members appointed by the Governor serve three-year terms with not more than two consecutive terms being served by any person.

Section 343.92(2)(c), F.S., provides that board appointments may be staggered to avoid mass turnover at the end of any 2-year or 4-year period. A vacancy on the board is filled by the respective appointing authority within 90 days in the same manner as the original appointment and only for the remainder of the unexpired term.

Board members serve without compensation but may be reimbursed travel expenses and per diem actually incurred in connection with authority business.^{10, 11} Board members are required to comply with applicable financial disclosure requirements contained in various provisions of Ch. 112, F.S., relating to public officers and employees.¹²

Eight members constitute a quorum, and the vote of eight members is necessary for the authority to take any action. The authority may meet upon the constitution of a quorum. A vacancy does not impair the right of a quorum to exercise all rights and the ability to perform all duties of the authority.¹³

The board may establish committees for the following areas: planning, policy, and finance.¹⁴

The authority must establish a Transit Management Committee comprised of the executive directors or general managers, or their designees, of each of the existing transit providers and bay area commuter services.¹⁵ It must establish a Citizens Advisory Committee comprised of appointed citizen committee members from each county and transit provider in the region, not to exceed 16 members.¹⁶ The authority may establish technical advisory committees to provide guidance and advice on regional transportation issues, and may establish the size, composition, and focus of any technical advisory committee created.¹⁷

Persons appointed to a committee serve without compensation but may be entitled to per diem or travel expenses.¹⁸

Proposed Changes

The bill amends s. 343.92, F.S., creating the Tampa Bay Area Regional Transit Authority as a body politic and corporate and an agency of the state.

The bill revises the membership of the governing board to reduce its membership from 15 to 13 voting members who are appointed no later than 45 days after the authority is created. The Secretary of DOT continues to appoint two advisors to the board who are district secretaries for each of the DOT districts within the authority's service area. The voting members of the board are as follows:

- The county commissions of Hernando, Hillsborough, Manatee, Pasco, and Pinellas counties each appoint one county commissioner. These members serve two-year terms with a person serving no more than three consecutive terms.
- The mayors of the largest municipalities within the service areas of PSTA and HART. Currently this means the mayors of St. Petersburg and Tampa.

⁹ Transportation management areas are urbanized areas with populations of greater than 200,000 as determined by the 2010 census. The Tampa Bay Transportation Management Area encompasses a population of approximate 2.4 million people in Hillsborough, Pasco, and Pinellas Counties. <https://www.pinellascounty.org/mpo/TMA/TMAProfile.pdf> (Last visited March 15, 2017).

¹⁰ This is provided in s. 112.061, F.S.

¹¹ Section 343.92(3), F.S.

¹² Section 343.92(4), F.S.

¹³ Section 343.92(8), F.S.

¹⁴ Section 343.92(9), F.S.

¹⁵ Section 343.92(11)(a), F.S.

¹⁶ Section 343.92(11)(b), F.S.

¹⁷ Section 343.92(11)(c), F.S.

¹⁸ Section 343.92(11)(d), F.S.

- PSTA and HART each appoint one member who serves a two year term with no more than three consecutive terms being served by any person.
- The President of the Senate and the Speaker of the House of Representative each appoint to the board one member from the regional business community, each of whom must reside in one of the counties governed by the authority and may not be an elected official. A member initially appointed serves a one-year term. Thereafter, a member appointed by the President and the Speaker serves a two-year term with no more than three consecutive terms being served by any person.
- The Governor appoints two members from the regional business community, each of whom must reside in one of the counties governed by the authority and may not be an elected official. Of the Governor's initial appointments one serves a one-year term and one serves a two-year term, and one serves a term as the initial chair of the authority. Thereafter, members appointed by the Governor serve two-year terms with no more than three terms being served by any person. Appointments may be staggered to avoid mass turnover at the end of any two-year or four-year period.

Vacancies on the board are filled by the appointing entity within 90 days for the remainder of the unexpired term.

Members of the board serve without compensation, but are entitled to receive reimbursement for travel expenses and per diem actually incurred with authority business. Members must comply with financial disclosure requirements contained in Ch. 112, F.S., relating to public officers and employees.

The Governor appoints one of his or her two appointments as the initial chair of the board. The initial chair serves a minimum term of two-years. The board elects a vice chair and secretary-treasurer from among its members who serves a minimum term of one year and is required to establish the duties and powers of those positions during its inaugural meeting. During its inaugural meeting, the board must also establish its rules of conduct and meeting procedures.

At the end of the initial chair's term, the board elects a chair from among the members. The chair holds office at the will of the board. In that election, the board will also elect a vice chair and a secretary-treasurer.

The first meeting of the authority must be no later than 60 days after the authority's creation.

Seven members of the board constitute a quorum, and a vote of seven members is necessary for the authority to take any action. The authority may meet upon the constitution of a quorum. A vacancy does not impair the right of a quorum of the board to exercise all rights and the ability to perform all of the authority's duties.

Beginning July 1, 2017, the board is required to evaluate the abolishment, continuance, modification, or establishment of the following committees:

- Planning Committee
- Policy Committee
- Finance Committee
- Citizens Advisory Committee
- Tampa Bay Area Regional Transit Authority MPO Chairs Coordinating Committee
- Transit Management Committee
- Technical Advisory Committee

The board must submit its recommendations for abolishment, continuance, modification, or establishment of committees to the President and the Speaker before the beginning of the 2018 Regular Session.

The authority may employ such employees, permanent or temporary, as it may require. The authority determines the qualifications and fixes the compensation of such persons, firms, or corporations and may employ a fiscal agent or agents. However, the authority must solicit sealed proposals from at least three entities for the performance of any services as fiscal agents. The authority may, except for duties specified in the Administrative Procedure Act¹⁹ delegate its power to one or more of its agents or employees to carry out its purposes, subject to the supervision and control of the authority.

Persons appointed to a committee serve without compensation, but may be entitled to per diem or travel expenses.

Powers and Duties

Current Situation

Section 343.922, F.S., provides the powers and duties of the Tampa Bay Regional Transportation Authority. The authority's express purposes are to improve mobility and expand multimodal transportation options for passengers and freight throughout the seven-county Tampa Bay region.²⁰

The authority may plan, develop, finance, construct, own, purchase, operate, maintain, relocate, equip, repair, and manage those public transportation projects, such as express bus services; bus rapid transit services; light rail, commuter rail, heavy rail, or other transit services; ferry services; transit stations; park-and-ride lots; transit-oriented development nodes; or feeder roads, reliever roads, connector roads, bypasses, or appurtenant facilities, that are intended to address critical transportation needs or concerns in the Tampa Bay region as identified by the authority by July 1, 2009. These projects may also include all necessary approaches, roads, bridges, and avenues of access that are desirable and proper with the concurrence of DOT, as applicable, if the project is to be part of the State Highway System.²¹

Any authority-constructed transportation facilities may be tolled. Fare payment methods for public transportation projects must promote seamless integration between regional and local transit systems. Tolling technologies must be consistent with the systems used by the Florida Turnpike Enterprise for the purpose of allowing the use of a single transponder or a similar electronic tolling device for all facilities of the authority and the Florida Turnpike Enterprise.²²

The authority must coordinate and consult with local governments on transit or commuter rail station area plans that provide for compact, mixed-use, transit-oriented development that will support transit investments and provide a variety of workforce housing choices, recognizing the need for housing alternatives for a variety of income ranges.²³

By no later than July 1, 2009, the authority was required to develop and adopt a regional transportation master plan providing a vision for a regionally integrated multimodal transportation system. The plan had specified goals and objectives, was required to be conducted in coordination with various local government plans. The plan was required to identify and could prioritize projects that would accomplish the goals and objectives, including the costs of the proposed projects and revenue sources that could pay those costs.²⁴

Before the adoption of the master plan, the authority must hold at least one public meeting in each of the seven counties within the designated region. At least one public hearing must be held before the authority's board.²⁵ After its adoption, the master plan must be updated every five years before July 1.²⁶

¹⁹ Chapter 120, F.S.,

²⁰ Section 343.922(1), F.S.

²¹ Section 343.922(2)(a), F.S.

²² Section 343.922(2)(b), F.S.

²³ Section 343.922(2)(c), F.S.

²⁴ Section 343.922(3)(a), F.S.

²⁵ Section 343.922(3)(c), F.S.

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The authority must present the original master plan and updates to the governing bodies of the counties within its seven-county region, to the TBARTA Metropolitan Planning Organization Chairs Coordinating Committee, and to the legislative delegation members representing those counties within 90 days after adoption.²⁷

The authority must consult with DOT to further the goals and objectives of the DOT completed Strategic Regional Transit Needs Assessment.²⁸

The authority must coordinate plans and projects with the TBARTA Metropolitan Planning Organization Chairs Coordinating Committee, to the extent practicable, and participate in the regional M.P.O. planning process to ensure regional comprehension of the authority's mission, goals, and objectives.²⁹

The authority must provide administrative support and direction to the TBARTA Metropolitan Planning Organization Chairs Coordinating Committee.^{30 31}

The authority may undertake projects or other improvements in the master plan in phases as particular projects or segments become feasible, as determined by the authority. The authority must coordinate project planning, development, and implementation with the applicable local governments. The authority's projects that are transportation oriented must be consistent to the maximum extent feasible with the adopted local government comprehensive plans at the time such projects are funded for construction. Authority projects that are not transportation oriented and meet the definition of development pursuant to s. 380.04, F.S., must be consistent with the local comprehensive plans. In carrying out its purposes and powers, the authority may request funding and technical assistance from DOT and appropriate federal and local agencies, including, but not limited to, state infrastructure bank loans.³²

Proposed Changes

The bill amends s. 343.922(1), F.S., providing that the express purposes of the transit authority are to:

- Plan, implement, and operate mobility improvements and expansions of multimodal transportation options for passengers and freight throughout the designated region.
- Produce a regional transit development plan, integrating the transit development plans of participant counties, to include a prioritization of regionally significant transit projects and facilities.
 - The authority must provide to the President and the Speaker, on or before the beginning of the 2018 Regular Legislative Session, a plan to produce the regional transit development plan, which must adhere to guidance and regulations set forth by DOT or any successor agency, including, but not limited to public involvement, collection and analysis of socioeconomic data, performance evaluation of existing services, service design and ridership forecasting, and financial planning.
- Serve, with the consent of the Governor or his or her designee, as the recipient of federal funds supporting an intercounty project or an intercounty capital project that represents a phase of an intercounty regional project within the designated region.

²⁶ Section 343.922(3)(d), F.S.

²⁷ Section 343.922(3)(e), F.S.

²⁸ Section 343.922(3)(b), F.S.

²⁹ Section 343.922(3)(f), F.S.

³⁰ The TBARTA Metropolitan Planning Organization Chairs Coordinating Committee is provided for in s. 339.175(6)(i), F.S.

³¹ Section 343.922(3)(g), F.S.

³² Section 343.922(4), F.S.

Conforming Changes

The bill amends ss. 343.94, 343.947, 343.95, 343.975, and 343.976, F.S., conforming to other changes made in the bill.

B. SECTION DIRECTORY:

Section 1 amends s. 339.175, F.S., relating to metropolitan planning organizations.

Section 2 amends s. 343.90, F.S., providing a short title.

Section 3 amends s. 343.91, F.S., providing definitions.

Section 4 amends s. 343.92, F.S., relating to the Tampa Bay Regional Transit Authority.

Section 5 amends s. 343.922, F.S., providing powers and duties.

Sections 6 through 10 amend ss. 343.94, 343.947, 343.95, 343.975, 343.976, F.S., making conforming changes.

Section 11 provides an effective date of July 1, 2017.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill designates the new authority as the recipient of federal funds supporting an intercounty project or a regionally significant transit project that exists in a single county within the designated region.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Section 1 of the bill amends the TBARTA MPO Chairs Coordinating Committee to conform the name of the committee to other provisions in the bill. However, the bill does not change the counties represented on the coordinating committee to reflect the change in the counties on the authority.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 21, 2017, the Transportation & Infrastructure Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment provided for the addition of the mayors of the largest municipalities served by PSTA and HART to the TBARTA Board. The amendment also reduced from two to one the number of members of the board appointed by the President of the Senate and the Speaker of the House of Representatives.

On April 19, 2017, the Government Accountability Committee adopted one amendment and reported the bill favorably as a committee substitute. The amendment:

- Added Hernando County to the authority and provided for a representative from the Hernando County Commission on the authority's board.
- Retained DOT representatives as nonvoting advisors to the authority.
- Reduced the number of appointments the Governor makes to the authority.
- Allowed any member of the board to become the chair, following the initial appointment of the chair by the Governor.
- Revised provisions regarding the receipt of federal funds.

This analysis is drafted to the committee substitute as reported favorably by the Government Accountability Committee.