

**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.)

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Prepared By: The Professional Staff of the Appropriations Subcommittee on Transportation, Tourism, and Economic Development

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BILL: PCS/SB 76 (686184)

INTRODUCER: Appropriations Subcommittee on Transportation, Tourism, and Economic Development and Senator Book

SUBJECT: Transportation Disadvantaged

DATE: February 17, 2020      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Price</u>	<u>Miller</u>	<u>IS</u>	<b>Favorable</b>
2.	<u>McAuliffe</u>	<u>Hrdlicka</u>	<u>ATD</u>	<b>Recommend: Fav/CS</b>
3.	_____	_____	<u>AP</u>	_____

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Technical Changes

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**I. Summary:**

PCS/SB 76 revises the duties of community transportation coordinators and coordinating boards with respect to services provided to transportation disadvantaged persons. The bill requires community transportation coordinators, in cooperation with their respective coordinating boards, to plan for and use regional fare payment systems, if available and cost effective. The regional fare system must enhance cross-county mobility for the transportation disadvantaged to access employment, health care, education, shopping, or other life-sustaining services across one or more county lines.

The bill also requires coordinating boards to include regional fare payment systems that enhance cross-county mobility for the transportation disadvantaged in the board's evaluation of multicounty or regional transportation opportunities.

The bill has no impact on state revenues or expenditures. However, there is an indeterminate administrative cost to local coordinators and coordinating boards associated with evaluating, planning and implementing any new regional fare systems.

The bill takes effect July 1, 2020.

## II. Present Situation:

### The Transportation Disadvantaged Program

The Legislature created the Transportation Disadvantaged (TD) Program in Part I of ch. 427, F.S., in 1979.<sup>1</sup> The TD Program coordinates a network of local and state programs providing transportation services for elderly, disabled, and low-income citizens. In 1989, the Legislature created the Commission for the Transportation Disadvantaged (commission) as an independent entity within the Florida Department of Transportation.<sup>2</sup> The purpose of the Commission is to coordinate transportation services provided to the transportation disadvantaged,<sup>3</sup> to assure the cost-effective provision of transportation by qualified community transportation coordinators or transportation operators.<sup>4</sup> The program is “a shared-ride service” which, depending on location, may be provided using the fixed route transit or paratransit (door-to-door) service.

Each metropolitan planning organization (MPO), or the designated official planning agency in an area outside the purview of an MPO, recommends to the commission a single community transportation coordinator.<sup>5</sup> A “community transportation coordinator” is a transportation entity responsible for ensuring that coordinated transportation services are provided to the transportation-disadvantaged population in a designated service area.<sup>6</sup> Currently, 21 counties serve as the coordinator.<sup>7</sup>

Coordinators are currently charged with various powers and duties, including, but not limited to, establishing eligibility guidelines and priorities with respect to recipients of non-sponsored transportation disadvantaged services,<sup>8</sup> developing cost-effective coordination strategies and a service plan for the delivery of services, executing uniform contracts for services, and annually reviewing all transportation operator contracts.<sup>9</sup>

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<sup>1</sup> Chapter 79-180, Laws of Fla.

<sup>2</sup> Chapter 89-376, Laws of Fla.

<sup>3</sup> Section 427.011(1), F.S., defines a “transportation disadvantaged person” as a person who because of physical or mental disability, income status, or age is unable to transport himself or herself or to purchase transportation and is, therefore, dependent on others to obtain access to health care, employment, education, shopping, social activities, or other life-sustaining activities, or children who are handicapped or high-risk or at-risk as defined in s. 411.202, F.S.

<sup>4</sup> Section 427.013, F.S. Section 427.011(5) and (6), F.S., define the terms “community transportation coordinator” and “transportation operator.”

<sup>5</sup> Section 427.015(2), F.S.

<sup>6</sup> A “designated service area” is a geographical area recommended to and approved by the commission that defines the community where coordinated transportation services will be provided to the transportation disadvantaged.

Rule 41-2.002(4), F.A.C.

<sup>7</sup> Email from David Darm, Executive Director, Commission for the Transportation Disadvantaged, to the Senate Infrastructure and Security Committee staff, January 22, 2020 (on file in the Senate Infrastructure and Security Committee).

<sup>8</sup> “Non-sponsored transportation disadvantaged services” means transportation disadvantaged services that are not sponsored or subsidized by any funding source other than the Transportation Disadvantaged Trust Fund. Section 427.011(12), F.S.

<sup>9</sup> Section 427.0155, F.S.

Each coordinator undergoes an annual performance evaluation by the local coordinating board.<sup>10</sup> A “coordinating board” is an advisory entity in each designated service area, composed of representatives appointed by the MPO or the designated official planning agency, to provide assistance to the community transportation coordinators relative to the coordination of transportation services.<sup>11</sup> These boards develop local service needs and provide information, advice, and direction to the coordinators.

Section 427.0157, F.S., currently assigns a number of powers and duties to the coordinating boards, including, but not limited to, assisting the coordinators in establishing guidelines and priorities, approving the service plan and services provided in meeting the plan, reviewing coordination strategies, and evaluating multicounty or regional transportation opportunities.

### **Inter-County Trips and Seamless Regional Travel**

Designated service areas may include just one county or multiple counties. However, issues may arise for transportation disadvantaged persons who must travel across county boundaries.

Coordinators face challenges with respect to providing trips outside of a given county, such as:

- **Urban transit systems:** If the coordinator is a transit authority, federal law requires it to provide Americans with Disabilities Act (ADA) complementary paratransit services for individuals who, due to a disability, cannot access the fixed-route bus system. The Federal Transit Administration requires these services to be provided within  $\frac{3}{4}$  of a mile outside the bus route, but the local transit authority may decide whether or not to provide these services beyond the ADA corridor, including across county lines.<sup>12</sup>
- **Local autonomy:** The TD Program provides the coordinators and their local coordinating boards with the flexibility of determining their own service areas, which includes prioritizing the service needs. Some coordinators may choose to limit the number of trips that go out of county or support a certain activity based on a priority determined by the local program.
- **Costs:** Out-of-county trips are more expensive and require additional resources, such as drivers and vehicles. Despite these challenges, several coordinators are coordinating such trips, which may be limited to certain days of the week or month to manage costs. Additionally, some coordinators may have to contract with a taxi or transportation network company to provide cross-county trips for individuals who need an “on-demand” service.<sup>13</sup>

One solution to the challenges of cross-county trips may arise in efforts to address regional multimodal travel through fare collection systems that are interoperable. One such effort in South Florida involves an agreement between Tri-Rail,<sup>14</sup> Broward County Transit, and Palm Tran to allow for the use of a pay card and mobile app on any of their respective transportation modes.<sup>15</sup>

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<sup>10</sup> Section 427.015(2), F.S., allows a coordinator to provide all or a portion of needed transportation services for the transportation disadvantaged and requires the coordinator to subcontract or broker those services that are more cost-effectively and efficiently provided by subcontracting or brokering.

<sup>11</sup> Sections 427.011(7) and 427.0157, F.S.

<sup>12</sup> 49 C.F.R. Part 37.

<sup>13</sup> Email from David Darm, Executive Director, Commission for the Transportation Disadvantaged, to the House Transportation and Infrastructure Subcommittee staff relating to HB 551 (Cross-County Mobility), Follow-up, January 7, 2020 (on file in the Senate Infrastructure and Security Committee).

<sup>14</sup> Tri-Rail provides commuter rail service in Miami-Dade, Broward, and Palm Beach Counties.

<sup>15</sup> See the Miami-Dade County News Release, *Miami-Dade County moves towards an interoperability agreement with Tri-Rail, Broward County Transit, and Palm Tran for seamless regional travel*, (March 10, 2017) available at:

Such a system, designed to allow a transportation disadvantaged person deemed eligible in his or her county of residence to move freely across county boundaries in the same or another designated service area, could increase mobility for the transportation disadvantaged person.

### III. Effect of Proposed Changes:

**Section 1** amends s. 427.0155, F.S., to authorize community transportation coordinators, in cooperation with the coordinators' boards, to plan and use regional fare payment systems, when available and cost-effective, to enhance cross-county mobility for the transportation disadvantaged to access employment, health care, education, shopping, or other life-sustaining services across one or more county.

**Section 2** amends s. 427.0157, F.S., relating to the powers and duties of coordinating boards, to provide additional direction to coordinating boards with respect to the boards' existing duty to evaluate multicounty or regional transportation opportunities during quarterly meetings.<sup>16</sup> This section requires the boards to include evaluations of regional fare payment systems, when available, that enhance cross-county mobility for the transportation disadvantaged to access employment, health care, education, shopping, or other life-sustaining activities.

**Section 3** provides the bill takes effect July 1, 2020.

### 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.

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[http://www.miamidade.gov/releases/2017-03-10-dtpw-regional-fare-collection.asp?utm\\_source=media&utm\\_medium=email&utm\\_campaign=release-distribution&utm\\_term=transit](http://www.miamidade.gov/releases/2017-03-10-dtpw-regional-fare-collection.asp?utm_source=media&utm_medium=email&utm_campaign=release-distribution&utm_term=transit) (Last visited January 30, 2020).

<sup>16</sup> Section 427.0157, F.S., requires coordinating boards to meet "at least" quarterly.

**B. Private Sector Impact:**

To the extent that regional fare payment systems are implemented, transportation disadvantaged persons may benefit from increased mobility.

**C. Government Sector Impact:**

Coordinators and coordinating boards may experience administrative expenses associated with planning for regional fare payment systems to the extent that such planning is not already taking place. Coordinating boards may experience administrative expenses associated with including regional fare payment systems in their evaluations of multicounty and regional transportation opportunities if these evaluations are not currently being performed. The fiscal impact of implementing regional fare payment systems, if available and proven cost effective, is unknown.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill amends the following sections of the Florida Statutes: 427.0155 and 427.0157.

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

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

**Recommended CS by the Appropriations Subcommittee on Transportation, Tourism, and Economic Development on February 13, 2020:**

The committee substitute clarifies the scope of the multicounty and regional mobility evaluation.

**B. Amendments:**

None.