

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: CS/CS/SB 686

SPONSOR: Comprehensive Planning Committee, Transportation Committee, Senator Geller, and others

SUBJECT: South Florida Regional Transportation Act

DATE: April 21, 2003 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McAuliffe	Meyer	TR	Fav/CS
2.	Cooper	Yeatman	CP	Fav/CS
3.	_____	_____	FT	_____
4.	_____	_____	ATD	_____
5.	_____	_____	AP	_____
6.	_____	_____	_____	_____

I. Summary:

This CS replaces Tri-Rail with the South Florida Regional Transportation Authority (SFRTA) whose proposed authority would extend to any transit system in the three affected counties with approval by the county commission with authority over the transit agency. The CS discontinues the current Tri-Rail governing board and provides for new appointments for the SFRTA governing board.

The CS provides Palm Beach, Broward and Miami-Dade Counties must each contribute \$2.67 million annually for as long as obligated to secure federal funding through the reauthorization of the federal transportation act. Each county must also continue to contribute \$1.565 million in operating costs to SFRTA.

The CS authorizes the authority to expand the service area of the SFRTA beyond Palm Beach, Broward and Miami-Dade Counties and enter into a partnership with contiguous counties with consent from the county commission of that county. However, a county may join the SFRTA only upon contributing an equal share of funding in time to qualify for federal funding through the reauthorization of the federal transportation act.

This CS substantially amends sections 343.51, 343.52, 343.53, 343.54, 343.55, 343.56, 343.57, and creates 343.58 of the Florida Statutes.

II. Present Situation:

Currently, the Tri-County Commuter Rail Authority Act (ch. 343, Part I, F.S.) authorizes Tri-Rail to plan and operate the commuter train connecting Palm Beach, Broward and Miami-Dade

Counties. The act does not authorize the authority to excise any taxes, but the authority does have the power of eminent domain and the authority to issue revenue bonds. The governing board of Tri-Rail consists of nine members: one county commissioner from each of the three affected counties, selected by each county commission; one resident from each county, selected by each county commission, representing business or civic interests; one representative of Florida's Department of Transportation selected by its Secretary; one resident of any of the three counties selected by the Governor; and one resident of any of the three counties selected by the other eight members of the Tri-Rail board.

Tri-Rail is responsible for the operation of commuter rail service along the 71.7-mile South Florida Rail Corridor. The rail corridor, which is owned by FDOT, extends northward from the Miami Airport Station in Miami-Dade County through Broward County to the northern terminus at the Mangonia Park Station in Palm Beach County.

This rail corridor is currently operating at capacity, with not only Tri-Rail commuter traffic, but also daily CSXT freight trains and Amtrak passenger trains. To address this problem, Tri-Rail, with federal, state, and local financing, has undertaken an aggressive program of projects to improve the corridor system as a whole. The Program, known as the Double Track Corridor Improvement Program, entails the laying of a second mainline track along the current 71.7 miles of rail right-of-way, upgrading the grade crossing and signal systems and modifying stations to accommodate the double track.

According to a white paper prepared for the Regional Business Alliance (an alliance of countywide organizations of business leaders from South Florida including the Economic Council of Palm Beach County Inc., Broward Workshop, and the Greater Miami Chamber of Commerce) by the South Florida and Treasure Coast Regional Planning Councils, unfunded regional transit needs at years 2020 to 2025 are \$6.462 billion under the best of circumstances. This sum does not include projected funding shortfalls for highway projects in the region. The white paper also asserts the counties' ability to raise new funds within their own borders is limited. Both Palm Beach and Broward Counties' local option gas tax is maximized at 12 cents per gallon. Miami-Dade County's local option gas tax is at 10 cents per gallon. In 1999, Miami-Dade County attempted to secure voter approval for a 1 penny sales tax increase for transit, and that attempt failed 67.5% to 32.5%. However, a one-half penny sales tax increase for transit in Miami-Dade passed on November 5, 2002, by 67%.

Regional Transportation Authority Law

Section 163.565 – 163.572, F.S., the Regional Transportation Authority Law, authorizes the creation of regional transportation authorities by any two or more contiguous counties, cities or other political subdivisions. This law was created in the early 1970's to create the HART (Hillsborough Area Regional Transit) line transit agency in Hillsborough County and has not been used to create any other agency.

The law provides for a charter committee to be formed consisting of representatives of the affected local governments (by population formula) to develop a charter defining the powers and duties of the transportation authority and submit the charter to the Department of State. Once the charter is filed the Governor must appoint two members to the board of directors of the

transportation authority. The remaining membership of the board of directors are held by representatives of the local governments. The authority is authorized to incur debt, levy taxes (up to 3 mills ad valorem tax, with county commission approval and by a majority of voters in the affected area), and has limited eminent domain powers.

Central Florida Regional Transportation Authority

While the Regional Transportation Authority Law provides a general framework for establishing a regional transportation authority, s. 343, Part II, F.S., specifically creates the Central Florida Regional Transportation Authority. The Central Florida Regional Transportation Authority, commonly known as LYNX, serves the transit needs of Orange, Osceola and Seminole Counties. The Board of Directors of LYNX is composed of 11 voting members representing the three counties served, the largest city in each of those counties, five gubernatorial appointments and the FDOT secretary as ex officio.

Regional Planning Councils

Regional planning councils are multipurpose organizations composed of representatives of local governments and appointed representatives from the geographic area covered by the council, and designated as the primary organization to address problems and plan solutions that are of greater than local concern or scope. Eleven regional planning councils exist in Florida; boundaries are established by rule by the Governor. Each regional planning council develops a Strategic Regional Policy Plan which contains goals and policies addressing affordable housing, economic development, emergency preparedness, natural resources of regional significance, and regional transportation issues.

Area Transit Agencies

The Miami-Dade Transit agency (MDT) is the largest transit agency in the state of Florida. MDT offers transit services with Metrobus, Metrorail, Metromover, and Paratransit services. MDT is responsible for the planning and provision of all public transit services in the Miami-Dade County. MDT's public transportation system consists of four major components: the Metrobus fleet, providing service 24 hours per day and connecting most areas of Miami-Dade County; Metrorail, an electrically powered, elevated rapid transit system stretching 21 miles; Metromover, a 4.4-mile elevated people-mover system that serves the downtown central business district of Miami; and Special Transportation Service (STS), designed to meet the needs of people with disabilities unable to use regular transit services. Currently, Miami-Dade Transit records over 267,300 boardings each day, and STS boardings average over 2,900. In 2001, MDT collected approximately \$73.4 million in fairbox revenues. In 2001, MDT received approximately the following capital and operating funds: \$64.8 million in federal funds; \$20.4 million in state funds; and \$134 million in local funds.

The Broward County Transit agency (BCT) offers fixed route bus service throughout Broward County. BCT also offers a regional bus route for the tri-county area of Miami-Dade, Broward and Palm Beach. BCT's fixed route service makes 29.7 million passenger trips annually, and BCT's total active fleet is 255 full-size buses. In 2001, BCT collected approximately \$18.6 million in fairbox revenues. In 2001, BCT received approximately the following capital and

operating funds: \$14.8 million in federal funds; \$570,000 in state funds; and \$45.4 million in local funds.

The Palm Beach County Transit agency (Palm Tran) operates throughout Palm Beach County. Palm Tran has 128 buses serving approximately 22,000 people everyday. In 2001, Palm Tran collected approximately \$6.8 million in fairbox revenues. In 2001, Palm Tran received approximately the following capital and operating funds: \$15 million in federal funds; \$13.8 million in state funds; and \$20.4 million in local funds.

III. **Effect of Proposed Changes:**

This CS replaces Tri-Rail with the South Florida Regional Transportation Authority (SFRTA), whose proposed authority would extend to any transit system in the three affected counties. However, the three southeast Florida counties currently have separate transit agencies, and the authority granted by this CS would not supersede authority over their systems or the funding of those systems unless the county commissions of the respective counties vote to allow the SFRTA to inherit the counties transit agency.

Section 1 amends s. 343.51, F.S., to replace Tri-Rail with the South Florida Regional Transportation Authority.

Section 2 amends s. 342.52, F.S., to amend definitions to change the a reference from Tri-County Rail to the South Florida Regional Transportation Authority, to add a definition of the area served, and to specify the type of system and facilities the authority may provide.

Section 3 amends s. 343.53, F.S., to change references and authority from Tri-County Rail to the South Florida Regional Transportation Authority.

The CS discontinues the current Tri-Rail governing board and provides for new appointments for the SFRTA governing board. The appointment process remains the same, except that the authority appointed at-large member is deleted, and the Governor has two appointees, as opposed to one appointee. In addition, the FDOT and Governor's appointees may not be residents of the same county. This residential requirement applies only at the time of the initial appointment. The term of all appointees to the board are for four years.

Section 4 amends s. 343.54, F.S., to change references and authority from Tri-County Rail to SFRTA. It also includes legislative intent language, specifying that the authority "shall have overall authority to coordinate, develop, and operate a regional transportation system within the area served." In addition, the authority is required to obtain the consent of exiting transportation entities before assuming primary responsibility for such services. Upon approval from these entities, the authority will inherit all rights, assets, agreements, appropriations, privileges, and obligations of such transit authorities.

If the authority assumes responsibility for these systems, it must guarantee the rights, privileges, benefits, and other employee protective conditions and remedies provided under federal law. In addition, the authority is prohibited from affecting the rights of existing transit employees as it relates to their current union representation.

Subsection (5) is created to authorize the authority to expand the service area of the SFRTA beyond Palm Beach, Broward and Miami-Dade Counties and enter into a partnership with contiguous counties with consent from the county commission of that county. However, a county may join the SFRTA only upon contributing an equal share of funding in time to qualify for federal funding through the reauthorization of the federal transportation act.

Section 5 amends s. 343.55, F.S., to change the reference from Tri-County Rail to the South Florida Regional Transportation Authority.

Section 6 amends s. 343.56, F.S., to change the reference from Tri-County Rail to the South Florida Regional Transportation Authority.

Section 7 amends s. 343.57, F.S., to delete a reference to Tri-County Rail authority.

Section 8 creates s. 343.58, F.S., to require Palm Beach, Broward and Miami-Dade Counties to each contribute \$2.67 million annually for as long as obligated to secure federal funding. The first annual installment must be dedicated by August 1, 2003. In addition, counties are authorized to use gas tax revenues to meet this obligation, notwithstanding the restrictions in ss. 206.41 and 206.87, F.S. Each county must also continue to contribute \$1.565 million in operating costs to SFRTA.

Section 9 creates an undesignated section of law to declare that this act fulfills an important state interest.

Section 10 provides that the act will take effect July 1, 2003.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, s. 18 of the State Constitution provides that counties and municipalities may not be bound by any general law them to spend funds or to take an action requiring the expenditure of funds unless the legislature has determined that such law fulfills an important state interest and, among other options, the law is approved by 2/3 of the membership in each house of the legislature.

This CS requires Miami-Dade, Broward, and Palm Beach counties to contribute \$2.67 million annually to support SFRTA. Section 9 contains a declaration of important state interest. To be effective, the CS must be approved by 2/3 of the membership of each house of the legislature.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

The CS provides that Palm Beach, Broward and Miami-Dade Counties must each contribute \$2.67 million annually for as long as obligated to secure federal funding through the reauthorization of the federal transportation act. Each county must also continue to contribute \$1.565 million in operating costs to SFRTA. Counties in SFRTA are authorized to use gas tax revenues to meet this obligation, notwithstanding the restrictions in ss. 206.41 and 206.87, F.S.

B. Private Sector Impact:

None.

C. Government Sector Impact:

This CS allows local governments flexibility as to how to fund SFRTA. However, because no new funding mechanism is authorized, local governments may be required to shift funds from current local projects to provide the required \$2.67 million contribution.

VI. Technical Deficiencies:

None.

VII. Related Issues:

Staff of the Senate Transportation Committee note that some of the benefits of this act are to offer a regional perspective to transit in the tri-county area, and to coordinate the planning of the three systems. Past research conducted by staff indicates that a regional planning perspective (assuming cooperation from members of the region) provides for better planning and coordination and is usually a more cost effective way to plan and fund not only transit systems, but other transportation facilities as well.

VIII. Amendments:

None.