

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 Appropriations

BILL: CS/CS/SB 1672

INTRODUCER: Community Affairs Committee; Transportation Committee; and Senator Latvala and others

SUBJECT: Tampa Bay Area Regional Transit Authority

DATE: April 24, 2017

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Price</u>	<u>Miller</u>	<u>TR</u>	<u>Fav/CS</u>
2. <u>Present</u>	<u>Yeatman</u>	<u>CA</u>	<u>Fav/CS</u>
3. <u>Pitts</u>	<u>Hansen</u>	<u>AP</u>	<u>Favorable</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1672 renames the Tampa Bay Area Regional Transportation Authority (Transportation Authority) as the Tampa Bay Area Regional *Transit* Authority (Transit Authority) and makes a conforming name change to create the Metropolitan Planning Organization (MPO) Chairs Coordinating Committee within the Transit Authority. The bill also revises the short title and definitions; revises membership, appointment, term, and quorum requirements; requires the governing board to conduct an evaluation of specified committees; deletes requirements relating to establishment of certain other committees; and revises the new Transit Authority's express purposes to reflect the bill's changes. Additionally, the bill requires the Transit Authority to develop and adopt a regional transit development plan; deletes obsolete provisions; and conforms provisions to changes made by the act.

The bill also:

- Requires an action by the Transit Authority regarding the funding of commuter rail, heavy rail transit, or light rail transit to be approved by a majority vote of each MPO serving the county or counties where such rail investment will be made and the approval of the Legislature;
- Prohibits the Transit Authority from engaging in any advocacy regarding a referendum, ordinance, legislation, or proposal under consideration by any governmental entity or the Legislature which relates to such funding; and

Requires the Transit Authority to conduct a feasibility study before proceeding with the project and before any contract is issued, which must be submitted to the Speaker of the House, Senate President, and the board of county commissioners of the relevant Transit Authority counties.

The Transit Authority, the Transit Authority MPO Chairs Coordinating Committee, the five counties in the authority's revised coverage area, and PSTA and HART are expected to experience indeterminate, but likely insignificant, administrative expenses associated with provisions of the bill. See section V., "Fiscal Impact Statement" for details.

The bill has an effective date of July 1, 2017.

II. Present Situation:

The Tampa Bay Area Regional Transportation Authority (Transportation Authority)

The Transportation Authority is an agency of the state¹ created in 2007, whose purpose is improving mobility and expanding multimodal transportation options for passengers and freight throughout Citrus, Hernando, Hillsborough, Pasco, Pinellas, Manatee, and Sarasota Counties.²

The Transportation Authority governing board currently has 15 voting members as follows:

- Each of the county commissions of the seven counties making up the authority's coverage area appoint one elected official to serve 2-year terms, with not more than 3 consecutive terms.
- The Transportation Authority Metropolitan Planning Organization Chairs Coordinating Committee appoints one member, who must be a chair of one of the Metropolitan Planning Organizations in the region and may not serve more than three consecutive terms.
- Two members must be the mayor, or the mayor's designee, of the largest municipality within the service area of the Pinellas Suncoast Transit Authority (PSTA)³ and the Hillsborough Area Regional Transit Authority (HART).⁴ If a mayor chooses not to serve, the designee must be an elected official selected by the mayor from that largest municipality's city council or commission. The mayor or the designee serves 2-year terms, with not more than 3 consecutive terms. Additional provisions address required processes if a mayor or a designee leaves office, or if a mayor has served 3 consecutive terms.
- One membership on the board rotates every 2 years between the mayor or designee of Manatee County and the mayor or designee of the largest municipality within Sarasota County, with the Manatee County mayor or designee serving the first 2-year term. If a mayor

¹ Section 343.92, F.S.

² Section 343.922(1), F.S.

³ The Legislature by special act in 1970 created the Central Pinellas Transit Authority. In 1982, the Central Pinellas Transit Authority was renamed as the PSTA. The PSTA is the public transit provider in Pinellas County with 38 bus routes, as well as two express routes to Tampa. Beach trolleys and a number of other special programs are available. See the PSTA website for more information available at: <http://psta.net/index.php>. (Last visited April 10, 2017.)

⁴ In 1979, the Hillsborough Transit Authority, also known as the Hillsborough Area Regional Transit Authority (HART), was created under Chapter 163, part V, F.S., authorizing creation of regional transportation authorities. HART operates fixed-route local and express bus service, door-to-door paratransit service, flex-route neighborhood connector service, a "lightened" version of bus rapid transit, and manages the TECO Line Streetcar System. See the HART website for more information available at: <http://gohart.org/#>. (Last visited April 10, 2017.)

chooses not to serve, the designee must be an elected official selected by the mayor from that largest municipality's city council or commission.

- The Governor appoints four business representatives (3-year terms and not more than 2 consecutive terms), each of whom must reside in one of the seven counties governed by the authority and may not be an elected official. At least one but not more than two of the four representatives must represent counties within the federally designated Tampa Bay Transportation Management Area.⁵

The Florida Department of Transportation (FDOT) secretary appoints two advisors to the board from the FDOT districts within the seven-county area (Districts 1 and 7).⁶

The respective appointing authority must fill a vacancy during a term within 90 days, in the same manner as the original appointment, for the remainder of the unexpired term.⁷

The Governor appointed the initial chair (to serve for a minimum of 2 years) from among the full board membership immediately upon their appointment.⁸ These appointments were required within 45 days following the authority's creation.⁹ At the end of each subsequent chair's term, the board elects a chair from among its members.¹⁰ Eight members constitute a quorum, and the vote of eight members is required for any action taken by the authority.¹¹ The board may establish Planning, Policy, and Finance Committees; as well as a Citizens Advisory Committee and technical advisory committees.¹²

Consistent with statutory direction,¹³ the Transportation Authority adopted a regional transportation master plan in May of 2009, and updated the plan in June of 2011, 2013, and 2015.¹⁴ According to the annual *Transportation Authority Monitoring and Oversight, Fiscal Year 2015 Report*,¹⁵ the most recent update "refined the established transit, freight, and roadway networks, added a regional trails network, added a future priority projects list, outlined a strategic vision for implementation, [and] identified eight regional priority projects." The update serves as the Regional Long Range Transportation Plan.

The Transportation Authority MPO Chairs Coordinating Committee

Created in 1993, the West Central Florida MPO Chairs Coordinating Committee was established to coordinate projects deemed regionally significant, review regionally significant land use decisions, review all proposed regionally significant projects affecting more than one MPO, and institute a conflict resolution process throughout the West Central Florida region. After creation

⁵ Section 343.92(2), F.S.

⁶ Section 343.92(2)(a), F.S.

⁷ Section 343.92(2)(c), F.S.

⁸ Section 343.92(5), F.S.

⁹ *Id.*

¹⁰ Section 343.92(6), F.S.

¹¹ Section 343.92(8), F.S.

¹² Section 343.92(9) and (11), F.S.

¹³ Section 343.922(3)(a), F.S.

¹⁴ Master plan updates are statutorily required every 5 years before July 1 per section 343.922(3)(d), F.S.

¹⁵ Transportation Authority Monitoring and Oversight, Fiscal Year 2015 Report, p. 237, available at: <http://www.ftc.state.fl.us/documents/reports/TAMO/FY2015Report.pdf>. (Last visited April 10, 2017.)

of the Transportation Authority, the West Central Florida MPO Chairs Coordinating Committee and the authority more closely integrated planning efforts for the region. In 2016, the Chairs Coordinating Committee was placed within the Transportation Authority.^{16,17}

The Need for Regional Planning

Numerous studies have concluded that regional planning is needed throughout the country to address transportation needs and services. One such study asserts that transportation planning in some places, including Tampa Bay, “remains hyper-localized” and recommends an umbrella or coordinating agency in the form of a regional transit authority.¹⁸

III. Effect of Proposed Changes:

Section 1 amends s. 339.175(6)(i), F.S., to substitute the term “transit” for “transportation authority” in the Transit Authority MPO Chairs Coordinating Committee within the Transit Authority.

Section 2 amends s. 343.90, F.S., to revise the short title from the “Tampa Bay Area Regional Transportation Authority Act” to the “Tampa Bay Area Regional Transit Authority Act”.

Section 3 amends s. 343.91, F.S., redefining the term “authority” to mean the Transit Authority, covering Hernando, Hillsborough, Manatee, Pasco, and Pinellas Counties and any other contiguous county that is party to an agreement of participation. This revision eliminates express identification of Citrus and Sarasota Counties from the authority’s revised coverage area. However, Sarasota County is contiguous to Manatee County, and Citrus County is contiguous to Hernando County.

Section 4 amends s. 343.92, F.S., to:

- Rename the Transportation Authority as the Transit Authority;
- Reduce the number of voting members from 15 to 13, appointed no later than 45 days after the creation of the authority, and revises the membership as follows:
 - Each of the county commissions of Hernando, Hillsborough, Manatee, Pasco, and Pinellas Counties appoint one county commissioner to serve 2-year terms, with not more than 3 consecutive terms. If a commissioner leaves elected office, the vacancy must be filled within 90 days. This change removes Citrus and Sarasota counties’ representation on the Authority.
 - The mayor of the largest municipality within PSTA’s service area and the mayor within HART’s service area will serve for as long as they hold office.
 - PSTA and HART (or their successor agencies) each appoint from the membership of their respective governing bodies one member to serve a 2-year term with no more than 3

¹⁶ See HB 7061 (2016).

¹⁷ See the Transportation Authority MPO Chairs Coordinating Committee website for additional information on background, priority projects, and regional planning and coordination efforts, available at: <http://www.tbarta.com/en/chairs-coordinating-committee/about/chairs-coordinating-committee>. (Last visited April 10, 2017.)

¹⁸ See *The Need for Regional Transportation Governance in Tampa Bay*, January 2017, available at: <https://www.enotrans.org/wp-content/uploads/2017/01/Eno-TPB-White-Paper-Final.pdf>. (Last visited April 10, 2017.)

- consecutive terms. If a member no longer meets criteria for appointment, a vacancy exists and must be filled within 90 days.
- The Governor appoints four 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 initially appointed members, one serves a 1-year term, two serve a 2-year term, and one serves a term as the initial chair. Thereafter, these members serve a 2-year term with not more than 3 consecutive terms. A vacancy during a term must be filled within 90 days in the same manner as the original appointment for the remainder of the unexpired term.

The Governor is required to appoint one of his appointees as the initial chair immediately upon their appointment. The initial chair serves a minimum of 2 years. At the end of the initial chair's term, the board elects a chair from among its members.

Seven, rather than eight, members constitute a quorum, and the vote of seven members is required by any action taken by the authority.

Beginning July 1, 2017, the authority's governing board must evaluate (and submit evaluation recommendations before the beginning of the 2018 Regular Session for) the abolishment, continuance, modification, or establishment of the following:

- Planning committee;
- Policy committee;
- Finance committee;
- Citizens advisory committee;
- Transit Authority MPO Chairs Coordinating Committee; and
- Transit management committee.

Section 5 amends s. 343.922, F.S., revising the purposes, powers, and duties of the Transit Authority to include:

- Planning, implementing, and operating mobility improvements and expansions of multimodal transportation options for passengers and freight throughout Hillsborough, Manatee, Pasco, and Pinellas Counties.
- Producing a regional *transit* development plan (rather than a regional *transportation* plan), integrating the transit development plans of participant counties, to include a prioritization of regionally significant transit projects and facilities. The bill directs the authority to provide to the Senate President and House Speaker on or before the beginning of the 2018 Regular Session a plan to produce the regional transit development plan. The development plan must adhere to guidance and regulations set forth by the FDOT or any successor agency, including without limitation:
 - Public involvement;
 - Collection and analysis of socioeconomic data;
 - Performance evaluation of existing services;
 - Service design and ridership forecasting; and
 - Financial planning.

- Serving, with the consent of the Governor or his or her designee, as the recipient of federal funds supporting an intercountry project or a regionally significant transit project that exists in a single county within the designated region.

An action by the Transit Authority regarding the funding of commuter rail, heavy rail transit, or light rail transit, as defined in s. 343.91, F.S., or any combination of such rail transits, requires approval by a majority vote of each MPO serving the county or counties where the rail transit investment will be made, and the approval of the Legislature by an act of general law.

The Transit Authority may not engage in any advocacy regarding a referendum, ordinance, legislation, or proposal under consideration by any governmental entity or the Legislature which seeks to approve the funding of commuter rail, heavy rail transit, or light rail transit, as defined in s. 343.91, F.S., or any combination thereof.

The Transit Authority must conduct a feasibility study through an independent third party, for any project of commuter rail, heavy rail transit, or light rail transit, as defined in s. 343.91, F.S., or any combination thereof, before proceeding with the development of the project and before any related contract is issued. The feasibility study shall be submitted, upon completion, to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the board of county commissioners of Hernando, Hillsborough, Manatee, Pasco, and Pinellas Counties.

Sections 3 through 10 delete obsolete language and conform provisions to changes made by the act.

Section 11 provides the bill takes effect July 1, 2017.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, s. 18(a) of the Florida Constitution provides that no county or municipality shall be bound by any general law requiring such county or municipality 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 unless: funds have been appropriated that have been estimated at the time of enactment to be sufficient to fund such expenditure; the legislature authorizes or has authorized a county or municipality to enact a funding source not available for such county or municipality on February 1, 1989, that can be used to generate the amount of funds estimated to be sufficient to fund such expenditure by a simple majority vote of the governing body of such county or municipality; the law requiring such expenditure is approved by two-thirds of the membership in each house of the legislature; the expenditure is required to comply with a law that applies to all persons similarly situated, including the state and local governments; or the law is either required to comply with a federal requirement or required for eligibility for a federal entitlement, which federal requirement specifically contemplates actions by counties or municipalities for compliance.

Article VII, s. 18(d) of the Florida Constitution provides laws adopted to require funding of pension benefits existing on the effective date of this section, criminal laws, election laws,

the general appropriations act, special appropriations acts, laws reauthorizing but not expanding then-existing statutory authority, laws having insignificant fiscal impact, and laws creating, modifying, or repealing noncriminal infractions, are exempt from the requirements of this section.

An exemption from the mandates provision may apply if the expected fiscal impact on municipalities/counties is less than \$2 million. Because the fiscal impact is anticipated to be less than \$2 million, the bill appears to be exempt from the mandate requirements.

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:

To the extent that the bill's changes result in the provision of improved and more efficient regional transit services in the Tampa Bay area, public mobility options would be increased.

C. Government Sector Impact:

The Transit Authority, the Transit Authority MPO Chairs Coordinating Committee, the five counties in the authority's revised coverage area, and PSTA and HART are expected to experience indeterminate, but likely insignificant, administrative expenses associated with the organization's name change, committee evaluation and recommendations, and various planning requirements related to producing a regional transit development plan.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends the following sections of the Florida Statutes: 339.175, 343.90, 343.91, 343.92, 343.922, 343.94, 343.947, 343.95, 343.975, and 343.976.

IX. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS/CS by Community Affairs on April 17, 2017:**

- Adds Hernando County to the list of expressly covered counties under the Transit Authority;
- Revises the composition of the Transit Authority governing board such that the county commission of Hernando County shall appoint one county commissioner to the board, and the Governor shall appoint one additional member, bringing the governor's appointee total to four. These two new members replace the members that were to be appointed by the Speaker of the House and the President of the Senate under the previous version of the bill;
- Restores current law that requires the secretary of the Florida DOT to appoint two advisors to the board;
- Provides that the chair of the board shall be selected from the board's members, rather than from the appointments of the Governor, Speaker of the House, or President of the Senate specifically;
- Requires an action by Transit Authority regarding the funding of commuter rail, heavy rail transit, or light rail transit to be approved by a majority vote of each MPO serving the county or counties where such rail investment will be made and the approval of the Legislature;
- Prohibits the Transit Authority from engaging in any advocacy regarding a referendum, ordinance, legislation, or proposal under consideration by any governmental entity or the Legislature which relates to such funding; and
- Requires the Transit Authority to conduct a feasibility study before proceeding with the project and before any contract is issued, which must be submitted to the Speaker of the House, Senate President, and the board of county commissioners of the relevant Transit Authority counties.

CS by Transportation on March 22, 2017:

- Makes changes relating to the Transit Authority's membership. Specifically:
 - Restores the two mayors from the largest municipality within PSTA's and HART's service areas to governing board membership; and
 - Removes the ability of the mayors from the largest municipality within PSTA's and HART's service areas to choose not to serve and to appoint a designee to serve on the governing board, as well as provisions relating to termination of a designee's term and requirements for filling a vacancy.

B. Amendments:

None.