

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 551 Transportation Disadvantaged

SPONSOR(S): Transportation & Infrastructure Subcommittee, Jenne and others

TIED BILLS: **IDEN./SIM. BILLS:** HB 76

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Infrastructure Subcommittee	15 Y, 0 N, As CS	Johnson	Vickers
2) State Affairs Committee	22 Y, 0 N	Johnson	Williamson

SUMMARY ANALYSIS

Florida law defines the transportation disadvantaged as those persons who, because of physical or mental disability, income status, or age, are unable to transport themselves or to purchase transportation and are, therefore, dependent upon 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.

The Commission for the Transportation Disadvantaged within the Department of Transportation coordinates the transportation services provided to the transportation disadvantaged. The purpose of the coordinated effort assures the cost-effective provision of transportation by qualified community transportation coordinators (CTCs) or transportation operators to the transportation disadvantaged. A CTC is a designated entity responsible for ensuring that coordinated transportation services are provided to the transportation disadvantaged population in a designated service area. The local coordinating board (LCB) provides assistance to the CTCs by identifying local service needs and providing information, advice, and direction to CTCs on the coordination of services.

The bill expands the powers and duties of CTCs to require CTCs, in cooperation with the LCBs, to increase and support programs that 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 LCBs to evaluate multicounty or regional transportation opportunities to increase and support programs that enhance cross-county mobility for the transportation disadvantaged to access employment, health care, education, shopping, or other life-sustaining services across county lines.

The bill does not appear to have a fiscal impact on the state or local governments.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Transportation Disadvantaged

Florida law defines the term “transportation disadvantaged” as those persons who, because of physical or mental disability, income status, or age, are unable to transport themselves or to purchase transportation and are, therefore, dependent upon 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.¹

Commission for Transportation Disadvantaged

In 1989, the Legislature created the Commission for the Transportation Disadvantaged (commission) within the Department of Transportation (DOT) to coordinate the transportation services provided to the transportation disadvantaged.² The purpose of the coordinated effort was to assure the cost-effective provision of transportation by qualified community transportation coordinators (CTCs) or transportation operators³ to the transportation disadvantaged.⁴ The commission as the state-level entity responsible for the oversight of the coordinated transportation disadvantaged services, contracts with CTCs and the planning agency for each county.⁵

Community Transportation Coordinators

A CTC is a transportation entity recommended by a metropolitan planning organization (MPO),⁶ or by the appropriate designated official planning agency⁷ in an area outside the purview of a MPO, to ensure that coordinated transportation services are provided to the transportation disadvantaged population in a designated service area.⁸

Each local CTC is responsible for the actual arrangement and delivery of transportation services to the transportation disadvantaged. The CTC, through a competitive procurement process, may contract with local transportation operators to provide transportation services to the transportation disadvantaged. Specifically, CTCs must:

- Execute uniform contracts for service using a standard contract, which includes performance standards for operators.
- Collect annual operating data for submittal to the commission.
- Review all transportation operator contracts annually.
- Approve and coordinate the utilization of school bus and public transportation services in accordance with the transportation disadvantaged service plan.
- In cooperation with a functioning coordinating board, review all applications for local government, federal, and state transportation disadvantaged funds, and develop cost-effective coordination strategies.
- In cooperation with, and approved by, the coordinating board, develop, negotiate, implement, and monitor a memorandum of agreement, including a service plan, for submittal to the commission.

¹ Section 427.011(1), F.S.

² Section 427.013, F.S.

³ The term “transportation operator” means one or more public, private for-profit, or private nonprofit entities engaged by the CTC to provide service to transportation disadvantaged persons pursuant to a coordinated system or plan. Section 427.011(6), F.S.

⁴ *Id.* Florida Commission for Transportation Disadvantaged, 2018 Annual Performance Report, p. 9-11. Available at: <https://ctd.fdot.gov/docs/AORAPRDocs/ApprovedAOR2017-2018.pdf> (last visited Jan. 13, 2020).

⁵ *Id.*

⁶ Section 427.011(2), F.S., defines the term “metropolitan planning organization” as the organization responsible for carrying out transportation planning and programming in accordance with the provisions of 23 U.S.C. s. 134, as provided in 23 U.S.C. s. 104(f)(3).

⁷ This is as provided in ss. 427.011-427.017, F.S.

⁸ Section 427.011(5), F.S.

- In cooperation with the coordinating board and pursuant to criteria developed by the commission, establish eligibility guidelines and priorities with regard to the recipients of nonsponsored transportation disadvantaged services⁹ that are purchased with Transportation Disadvantaged Trust Fund moneys.
- Have full responsibility for the delivery of transportation services for the transportation disadvantaged.¹⁰
- Work cooperatively with local workforce development boards¹¹ to provide assistance in the development of innovative transportation services for participants in the welfare transition program.¹²

Local Coordinating Boards

The local coordinating board (LCB) is an advisory entity in each designated service area composed of representatives appointed by the MPO, or designated official planning agency, to assist the CTC relative to the coordination¹³ of transportation services.¹⁴ The LCB oversees and annually evaluates the CTC. The LCB also provides assistance to the CTC by identifying local service needs.¹⁵ Each LCB must:

- Review and approve the coordinated community transportation disadvantaged service plan, including the memorandum of agreement, prior to submittal to the commission.
- Evaluate services provided in meeting the approved plan.
- In cooperation with the CTC, review and provide recommendations to the commission on funding applications affecting the transportation disadvantaged.
- Assist the CTC in establishing eligibility guidelines and priorities with regard to the recipients of nonsponsored transportation disadvantaged services that are purchased with Transportation Disadvantaged Trust Fund moneys.
- Review the coordination strategies of service provision to the transportation disadvantaged in the designated service area.
- Evaluate multicounty or regional transportation opportunities.
- Work cooperatively with local workforce development boards to provide assistance in the development of innovative transportation services for participants in the welfare transition program.¹⁶

Transportation Disadvantaged Funding

The Transportation Disadvantaged Trust Fund (Trust Fund) is administered by the commission. The funds deposited into the Trust Fund must be appropriated by the Legislature to fund the commission and may be used by the commission to subsidize a portion of a transportation disadvantaged person's transportation costs if certain criteria are met.¹⁷ In fiscal year 2019-2020, the Legislature appropriated \$65.6 million in revenue through the Trust Fund. The largest source of revenue deposited in the Trust Fund is the \$1.50 fee collected from each motor vehicle license tag registration.¹⁸

In 2019, the Legislature passed HB 7068,¹⁹ creating the Multi-use Corridors of Regional Economic Significance (M-CORES) Program within DOT.²⁰ The bill allocated \$10 million in M-CORES funding for

⁹ Section 427.022(12), F.S., defines the term "nonsponsored transportation disadvantaged services" as transportation disadvantaged services that are not sponsored or subsidized by any funding source other than the Transportation Disadvantaged Trust Fund.

¹⁰ These are outlined in s. 427.015(2), F.S.

¹¹ Workforce development boards are established in Ch. 445, F.S.

¹² Section 427.0155, F.S.

¹³ Section 427.011(11), F.S., defines the term "coordination" as the arrangement for the provision of transportation services to the transportation disadvantaged in a manner that is cost-effective, efficient, and reduces fragmentation and duplication of services.

¹⁴ Section 427.011(7), F.S.

¹⁵ Florida Commission for Transportation Disadvantaged, 2018 Annual Performance Report, p. 9-11.

¹⁶ Section 427.0157, F.S.

¹⁷ Section 427.0159, F.S.

¹⁸ Email from David Darm, Executive Director, Commission for the Transportation Disadvantaged, RE: HB 551-TD Funding, Jan. 8, 2020. (Copy on file with Transportation & Infrastructure Subcommittee); s. 320.03(9), F.S.

¹⁹ Chapter 2019-43, L.O.F.

²⁰ Section 338.2278(1), F.S.

each fiscal year, beginning in 2019-2020, to the Trust Fund.²¹ M-CORES funds allocated to the Trust Fund must be used to award competitive grants to CTCs and transportation network companies for the purposes of providing cost-effective, door-to-door, on-demand, and scheduled transportation services that increase a transportation disadvantaged person's access to and departure from job training, employment, health care, and other life-sustaining services; enhances regional connectivity and cross-county mobility; or reduce the difficulty in connecting transportation disadvantaged persons to a transportation hub and from the hub to their final destination.²²

The commission has issued M-CORES grants to several CTCs around the state to support projects designed to enhance cross-county mobility for the transportation disadvantaged.²³ For example, the commission is funding a pilot program in Pinellas, Hillsborough, and Manatee Counties to support on-demand, cross-county transportation services for individuals with intellectual or developmental disabilities.²⁴

Cross-County Mobility

Cross-county mobility is the ability to utilize transportation disadvantaged services across county lines. While the commission encourages CTCs and local planning agencies to promote regional and cross-county transportation to enhance the mobility of the transportation disadvantaged, there are challenges that may inhibit certain CTCs from providing trips outside of their county, including:

- Urban transit systems – If the CTC 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 to provide these services beyond the ADA corridor, including across county lines.²⁵
- Local autonomy – The transportation disadvantaged program provides the CTCs and their local coordinating boards with the flexibility of determining their own service area, which includes prioritizing the service needs. Some CTCs 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 this challenge, several CTCs are coordinating out-of-county trips, which may be limited to certain days of the week or month to manage costs. Additionally, some CTCs may have to contract with a taxi or transportation network company to provide cross-county trips for individuals who need an “on-demand” service.²⁶

Effect of the Bill

The bill expands the powers and duties of CTCs to require CTCs, in cooperation with the LCB, to increase and support programs that 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 LCBs to evaluate multicounty or regional transportation opportunities to increase and support programs that enhance cross-county mobility for the transportation disadvantaged to access employment, health care, education, shopping, or other life-sustaining services across county lines.

The bill does not require the implementation of any specific program to enhance cross-county mobility for the transportation disadvantaged.

²¹ Section 338.2278(8), F.S.

²² Section 338.2278(8)(e), F.S.

²³ Email from David Darm, Executive Director, Commission for Transportation Disadvantaged, Re: HB 551-Follow-up, Dec. 20, 2019. (Copy on file with Transportation & Infrastructure Subcommittee).

²⁴ Department of Transportation, Agency Analysis of 2020 House Bill 551, p.2. (Jan. 15, 2020). (Copy on file with Transportation & Infrastructure Subcommittee).

²⁵ 49 C.F.R. Part 37

²⁶ Email from David Darm, Executive Director, Commission for Transportation Disadvantaged, Re: HB 551-Cross-County Mobility Follow-up, Jan. 7, 2020. (Copy on file with Transportation & Infrastructure Subcommittee).

B. SECTION DIRECTORY:

Section 1 amends s. 427.0155, F.S., providing the powers and duties of community transportation coordinators.

Section 2 amends s. 427.0157, F.S., providing the powers and duties of coordinating boards.

Section 3 provides an effective date of July 1, 2020.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill does not appear to impact state government revenues.

2. Expenditures:

The bill does not appear to impact state government expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The bill does not appear to impact local government revenues.

2. Expenditures:

DOT anticipates that an expansion of cross-county mobility programs for the transportation disadvantaged will increase a local government's expenditures on transportation disadvantaged services;²⁷ however, the bill does not require any specific cross-county mobility program. It merely expands the powers of CTCs to include increasing and supporting programs that enhance cross-county mobility for the transportation disadvantaged and requires LCBs to evaluate multicounty or regional transportation opportunities to increase and support programs that enhance cross-county mobility for the transportation disadvantaged.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The enhancement of cross-county mobility services for the transportation disadvantaged may increase access to employment, health care, education, shopping, and other life-sustaining services across county lines.

D. FISCAL COMMENTS:

None.

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 expenditure of funds, reduce the authority that counties or municipalities have to raise revenues in the aggregate, or reduce the percentage of sales tax shared with counties or municipalities.

2. Other:

²⁷ Department of Transportation, Agency Analysis of 2020 House Bill 551, p.5. (Jan. 15, 2020).
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None.

B. RULE-MAKING AUTHORITY:

The bill does not provide a grant of rulemaking authority, nor does it require rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 15, 2020, the Transportation & Infrastructure Subcommittee adopted a proposed committee substitute (PCS) and reported the bill favorably as a committee substitute. The PCS removed the provisions from the bill that required the commission to develop a disability sensitivity training program, required identification cards for transportation disadvantaged drivers and passengers, and required specified equipment be installed in motor vehicles transporting the transportation disadvantaged.

This analysis is drafted to the committee substitute as approved by the Transportation & Infrastructure Subcommittee.