HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCS for HB 551 Transportation Disadvantaged
SPONSOR(S): Transportation & Infrastructure Subcommittee
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Transportation & Infrastructure Subcommittee		Johnson	Vickers

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 is the state-level policy board responsible for the oversight of the implementation of coordinated transportation disadvantaged services. A community transportation coordinator (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 requires 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.

There does not appear to be a fiscal impact to state government. For local governments, to the extent that they are CTCs, they may incur some expenditures associated with increasing and supporting programs enhancing cross-county mobility services for the transportation disadvantaged.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Transportation Disadvantaged
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 as defined in s. 411.202, F.S.[1]

Commission for Transportation Disadvantaged
In 1989, the Legislature created the Commission for the Transportation Disadvantaged within the Department of Transportation to coordinate the transportation services provided to the transportation disadvantaged. The goal of this coordination is to ensure the cost-effective provision of transportation by qualified community transportation coordinators or transportation operators to the transportation disadvantaged.[2]

The commission is the state-level policy board responsible for the oversight of the implementation of coordinated transportation disadvantaged services. To assist with program implementation, the commission contracts with a Community Transportation Coordinator (CTC) and planning agency in each county. [3]

Community Transportation Coordinators
A community transportation coordinator is a transportation entity recommended by a metropolitan planning organization,[4] or by the appropriate designated official planning agency[5] in an area outside the purview of a metropolitan planning organization, to ensure that coordinated transportation services are provided to the transportation disadvantaged population in a designated service area.[6]

Each local CTC is responsible for the actual arrangement and/or delivery of transportation services to the transportation disadvantaged. The CTC, through a competitive procurement process, may contract with local transportation operators[7] 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 CTD.
- 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.

[1] Section 427.011(1), F.S.
[2] 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).
[3] *Id.*
[4] 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).
[5] This is as provided in ss. 427.011-427.017, F.S.
[6] Section 427.011(5), F.S.
[7] Section 427.011(6), F.S., defines the term "transportation operator" as one or more public, private for-profit, or private nonprofit entities engaged by the community transportation coordinator to provide service to transportation disadvantaged persons pursuant to a coordinated system service plan.

- 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 CTD.
- In cooperation with the coordinating board and pursuant to criteria developed by the CTD, establish eligibility guidelines and priorities with regard to the recipients of nonsponsored transportation disadvantaged services[8] that are purchased with Transportation Disadvantaged Trust Fund moneys.
- Have full responsibility for the delivery of transportation services for the transportation disadvantaged.[9]
- Work cooperatively with local workforce development boards[10] to provide assistance in the development of innovative transportation services for participants in the welfare transition program.[11]

Local Coordinating Board

The local coordinating board (LCB) is an advisory entity in each designated service area composed of representatives appointed by the metropolitan planning organization or designated official planning agency, to provide assistance to the CTC relative to the coordination of transportation services.[12]

The LCB, which is appointed and staffed by the planning agency, oversees and annually evaluates the CTC. LCBs also provide assistance to the CTCs by identifying local service needs and providing information, advice and direction to CTCs on the coordination[13] of services.[14] 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.[15]

Transportation Disadvantaged Funding

Florida's transportation disadvantaged program is funded through the Transportation Disadvantaged Trust Fund, which the commission administers pursuant to s. 427.0159, F.S. In FY 2019-2020, the commission received a total of $65.6 million in revenue through the TDTF. The largest source of revenue comes from the $1.50 fee collected from each motor vehicle license tag registration.[16]

In 2019, the Legislature passed HB 7068,[17] creating the Multi-Use Corridors of Regional Economic Significance (M-CORES) Program within DOT.[18] The bill allocated $10 million in M-CORES funding for

[8] 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.
[9] These are outlined in s. 427.015(2), F.S.
[10] Workforce development boards are established in Ch. 445, F.S.
[11] Section 427.0155, F.S.
[12] Section 427.011(7), 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] Florida Commission for Transportation Disadvantaged, 2018 Annual Performance Report, P. 9-11.
[15] Section 427.0157, F.S.
[16] 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).
[17] Chapter 2019-43, L.O.F.
[18] Section 338.2278(1), F.S.

each fiscal year beginning in 2019-2020 to the Transportation Disadvantaged Trust Fund.[19] M-CORES funds allocated to the Transportation Disadvantaged 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.[20]

The commission has issued M-CORES funded grants to several CTCs around the state to support projects designed to enhance cross-county mobility for the transportation disadvantaged.[21]

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/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 ¾ 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.[22]
- 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.[23]

Effect of the Bill

The bill requires CTCs, in cooperation with the local coordinating board, 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 local coordinating boards 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.

It should be noted that the bill does not require implementation of specific programs to enhance cross-county mobility for the transportation disadvantaged.

B. SECTION DIRECTORY:

[19] Section 338.2278(8), F.S.
[20] Section 338.2278(8)(e), F.S.
[21] 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).
[22] 49 C.F.R. Part 37
[23] 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).

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:

   Indeterminate. To the extent that CTCs and LCBs are local governmental entities, there may be an increase in expenditures associated with supporting programs enhancing 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 their 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:

   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

Not applicable.