

**HOUSE OF REPRESENTATIVES
FINAL BILL ANALYSIS**

BILL #:	CS/CS/HB 1243	FINAL HOUSE FLOOR ACTION:		
SUBJECT/SHORT TITLE	Tampa Bay Area Regional Transit Authority	117	Y's 0	N's
SPONSOR(S):	Government Accountability Committee; Transportation & Infrastructure Subcommittee; Raulerson	GOVERNOR'S ACTION:		Approved
COMPANION BILLS:	CS/CS/SB 1672			

SUMMARY ANALYSIS

CS/CS/HB 1243 passed the House on May 3, 2017, as CS/CS/SB 1672.

The bill changes the name of the authority from the Tampa Bay Area Regional Transportation Authority to the Tampa Bay Area Regional Transit Authority (transit authority). The bill designates the geographic region served by the transit authority. The bill requires the transit authority to evaluate existing committees, requires the transit authority to produce a regional transit development plan that integrates the transit plans of participating counties, and permits the transit authority to serve as the recipient of federal funds supporting certain projects with the consent of the Governor.

The bill provides that an action by the transit authority regarding state funding of rail transit requires approval of the metropolitan planning organizations serving the counties where the investment will be made and the Legislature. The transit authority must conduct a feasibility study regarding rail transit projects prior to proceeding with development of the project, and may not engage in advocacy regarding rail transit in its area.

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

The bill was approved by the Governor on June 14, 2017, ch. 2017-98, L.O.F., and will become effective on July 1, 2017.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Part V of Ch. 343, F.S., creates the Tampa Bay Area Regional Transportation Authority. The authority is an agency of the state with a governing board of 15 voting members and includes representatives from Citrus, Hernando, Hillsborough, Pasco, Pinellas, Manatee, and Sarasota counties.¹ Its express purpose is to improve mobility and expand multimodal transportation options for passengers and freight throughout the Tampa Bay region.²

In general, the bill makes changes to the Tampa Bay Area Regional Transportation Authority, including changing its name to the Tampa Bay Area Regional Transit Authority.

Metropolitan Planning Organizations

Current Situation

Federal law requires a metropolitan planning organization (MPO) to be designated in each urbanized area with a population of greater than 50,000 in order to carry out the metropolitan transportation planning process, as a condition of Federal aid.³ Florida is currently home to 27 different MPOs.⁴

Section 339.175, F.S., creates the Tampa Bay Area Regional Transportation Authority MPO Chairs Coordinating Committee, composed of the MPOs serving Citrus, Hernando, Hillsborough, Manatee, Pasco, Pinellas, Polk, and Sarasota counties. At a minimum, the committee is required to:

- Coordinate transportation projects deemed by the committee to be regionally significant.
- Review the impact of regionally significant land use decisions in the region.
- Review all proposed regionally significant transportation projects in the respective transportation improvement programs which affect more than one of the MPOs represented by the committee.
- Institute a conflict resolution process to address any conflict that may arise in the planning and programming of such regionally significant projects.

Proposed Changes

The bill changes the name of the Tampa Bay Area Regional Transportation Authority MPO Chairs Coordinating Committee to the Tampa Bay Area Regional Transit Authority MPO Chairs Coordinating Committee.

Short Title

Current Situation

Section 343.90, F.S., provides that part V of Ch. 343, F.S., may be cited as the Tampa Bay Area Regional Transportation Authority Act.

Proposed Changes

The bill amends s. 343.90, F.S., providing that part V of Ch. 343, F.S., may be cited as the Tampa Bay Area Regional Transit Authority Act.

¹ Section 343.92(1) and (2), F.S.

² Section 343.922(1), F.S.

³ United States Department of Transportation, Metropolitan Planning Organization Database. <https://www.planning.dot.gov/mpo.asp> (Last visited January 27, 2017).

⁴ Florida Metropolitan Planning Organization Advisory Council website <https://www.mpoac.org/mpos/> (Last visited January 27, 2017).

Definitions

Current Situation

Section 343.91(1)(a), F.S., defines “authority” as the Tampa Bay Area Regional Transportation Authority, the body politic and corporate and agency of the state created by Part V of Ch. 343, F.S., covering the seven-county area comprised of Citrus, Hernando, Hillsborough, Pasco, Pinellas, Manatee, and Sarasota counties.

Proposed Changes

The bill revises the definition of “authority” to the Tampa Bay Area Regional Transit Authority, the body politic and corporate and agency of the state created by Part V of Ch. 343, F.S., covering Hernando, Hillsborough, Manatee, Pasco, and Pinellas counties and any other contiguous county that is party to an agreement of participation.

The bill also amends the definition of “commuter rail” to remove a reference to the designated seven-county region to conform to the region being reduced to five counties with the ability for other counties to join the transit authority.

Creation of the Authority

Current Situation

Section 343.92, F.S., creates and establishes a body politic and corporate, an agency of the state, to be known as the Tampa Bay Area Regional Transportation Authority (transportation authority).⁵

The transportation authority’s governing board consists of 15 voting members.⁶ The secretary of the Department of Transportation (DOT) appoints two advisors to the board who are district secretaries for each of the DOT districts within the transportation authority’s seven-county area.⁷ The 15 voting members of the board are as follows:

- The county commissions of Citrus, Hernando, Hillsborough, Pasco, Pinellas, Manatee, and Sarasota counties each appoint one elected official. These members serve two-year terms with not more than three consecutive terms being served by any person.
- The Tampa Bay Area Regional Transportation Authority Metropolitan Planning Organization Chairs Coordinating Committee appoints one member who is a chair of one of the six MPOs in the region.⁸ This member serves a two-year term with not more than three consecutive terms being served by any person.
- Two members are the mayor, or the mayor's designee, of the largest municipality within the service area of each of the following independent transit agencies: Pinellas Suncoast Transit Authority (PSTA) and Hillsborough Area Regional Transit Authority (HART).⁹ A mayor or his or her designee serves a two-year term with not more than three consecutive terms being served by any person.
- One membership rotates every two years between the mayor, or his or her designee, of the largest municipality within Manatee County and the mayor, or his or her designee, of the largest municipality within Sarasota County.
- The Governor appoints four business representatives, each of whom must reside in one of the counties governed by the authority, none of whom may be elected officials, and at least one but not more than two of whom must represent counties within the federally designated Tampa Bay

⁵ Section 343.92(1), F.S.

⁶ Section 343.92(2), F.S.

⁷ Manatee and Sarasota Counties are in DOT District 1. Citrus, Hernando, Hillsborough, Pasco, and Pinellas Counties are in DOT District 7.

⁸ Manatee and Sarasota Counties are in the same MPO.

⁹ The largest municipality is the municipality with the largest population as determined by the most recent United States Decennial Census.

Transportation Management Area.¹⁰ Members appointed by the Governor serve three-year terms with not more than two consecutive terms being served by any person.

Board appointments may be staggered to avoid mass turnover at the end of any 2-year or 4-year period. A vacancy on the board is filled by the respective appointing authority within 90 days in the same manner as the original appointment and only for the remainder of the unexpired term.

Board members serve without compensation but may be reimbursed travel expenses and per diem actually incurred in connection with transportation authority business.^{11,12} Board members are required to comply with applicable financial disclosure requirements contained in various provisions of Ch. 112, F.S., relating to public officers and employees.¹³

Eight members constitute a quorum, and a vote of eight members is necessary for the transportation authority to take any action. The transportation authority may meet upon the constitution of a quorum. A vacancy does not impair the right of a quorum to exercise all rights and the ability to perform all duties of the transportation authority.¹⁴

The board may establish committees for the following areas: planning, policy, and finance.¹⁵

The transportation authority must establish a Transit Management Committee comprised of the executive directors or general managers, or their designees, of each of the existing transit providers and bay area commuter services.¹⁶ It must establish a Citizens Advisory Committee comprised of appointed citizen committee members from each county and transit provider in the region, not to exceed 16 members.¹⁷ The transportation authority may establish technical advisory committees to provide guidance and advice on regional transportation issues, and may establish the size, composition, and focus of any technical advisory committee created.¹⁸

Persons appointed to a committee serve without compensation but may be entitled to per diem or travel expenses.¹⁹

Proposed Changes

The bill amends s. 343.92, F.S., creating the Tampa Bay Area Regional Transit Authority (transit authority) as a body politic and corporate and an agency of the state.

The bill revises the membership of the governing board to reduce its membership from 15 to 13 voting members who are appointed no later than 45 days after the transit authority is created. The Secretary of DOT continues to appoint two advisors to the board who are district secretaries for each of the DOT districts within the transit authority's service area. The voting members of the board are as follows:

- The county commissions of Hernando, Hillsborough, Manatee, Pasco, and Pinellas counties each appoint one county commissioner. These members serve two-year terms with a person serving no more than three consecutive terms.
- The mayors of the largest municipalities within the service areas of PSTA and HART. Currently this means the mayors of St. Petersburg and Tampa.

¹⁰ Transportation management areas are urbanized areas with populations of greater than 200,000 as determined by the 2010 census. The Tampa Bay Transportation Management Area encompasses a population of approximately 2.4 million people in Hillsborough, Pasco, and Pinellas counties. <https://www.pinellascounty.org/mpo/TMA/TMAProfile.pdf> (Last visited March 15, 2017).

¹¹ This is provided in s. 112.061, F.S.

¹² Section 343.92(3), F.S.

¹³ Section 343.92(4), F.S.

¹⁴ Section 343.92(8), F.S.

¹⁵ Section 343.92(9), F.S.

¹⁶ Section 343.92(11)(a), F.S.

¹⁷ Section 343.92(11)(b), F.S.

¹⁸ Section 343.92(11)(c), F.S.

¹⁹ Section 343.92(11)(d), F.S.

- PSTA and HART each appoint one member who serves a two-year term with no more than three consecutive terms being served by any person.
- The Governor appoints four members from the regional business community, each of whom must reside in one of the counties governed by the transit authority and may not be an elected official. Of the Governor's initial appointments one serves a one-year term and two serve a two-year term, and one serves a term as the initial chair of the transit authority. Thereafter, members appointed by the Governor serve two-year terms with no more than three terms being served by any person. Appointments may be staggered to avoid mass turnover at the end of any two-year or four-year period.

Vacancies on the board are filled by the appointing entity within 90 days for the remainder of the unexpired term.

Members of the board serve without compensation, but are entitled to receive reimbursement for travel expenses and per diem actually incurred with transit authority business. Members must comply with financial disclosure requirements contained in Ch. 112, F.S., relating to public officers and employees.

The Governor appoints one of his or her four appointments as the initial chair of the board. The initial chair serves a minimum term of two-years. The board elects a vice chair and secretary-treasurer from among its members who serves a minimum term of one-year and is required to establish the duties and powers of those positions during its inaugural meeting. During its inaugural meeting, the board must also establish its rules of conduct and meeting procedures.

At the end of the initial chair's term, the board elects a chair from among the members. The chair holds office at the will of the board. In that election, the board will also elect a vice chair and a secretary-treasurer.

The first meeting of the transit authority board must be held no later than 60 days after the transit authority's creation.

Seven members of the board constitute a quorum, and a vote of seven members is necessary for the transit authority to take any action. The transit authority may meet upon the constitution of a quorum. A vacancy does not impair the right of a quorum of the board to exercise all rights and the ability to perform all of the transit authority's duties.

Beginning July 1, 2017, the board is required to evaluate the abolishment, continuance, modification, or establishment of the Planning Committee, Policy Committee, Finance Committee, Citizens Advisory Committee, Tampa Bay Area Regional Transit Authority MPO Chairs Coordinating Committee, Transit Management Committee, and Technical Advisory Committee. The board must submit its recommendations for abolishment, continuance, modification, or establishment of committees to the President and Speaker before the beginning of the 2018 Regular Session.

The transit authority may employ such employees, permanent or temporary, as it may require. The transit authority determines the qualifications and fixes the compensation of such persons, firms, or corporations and may employ a fiscal agent or agents. However, the transit authority must solicit sealed proposals from at least three entities for the performance of any services as fiscal agents. The transit authority may, except for duties specified in the Administrative Procedure Act²⁰ delegate its power to one or more of its agents or employees to carry out its purposes, subject to the supervision and control of the transit authority.

²⁰ Chapter 120, F.S.

Powers and Duties

Current Situation

Section 343.922, F.S., provides the powers and duties of the Tampa Bay Area Regional Transportation Authority. The transportation authority's express purposes are to improve mobility and expand multimodal transportation options for passengers and freight throughout the seven-county Tampa Bay region.²¹

The transportation authority may plan, develop, finance, construct, own, purchase, operate, maintain, relocate, equip, repair, and manage those public transportation projects, such as express bus services; bus rapid transit services; light rail, commuter rail, heavy rail, or other transit services; ferry services; transit stations; park-and-ride lots; transit-oriented development nodes; or feeder roads, reliever roads, connector roads, bypasses, or appurtenant facilities, that are intended to address critical transportation needs or concerns in the Tampa Bay region as identified by the authority by July 1, 2009. These projects may also include all necessary approaches, roads, bridges, and avenues of access that are desirable and proper with the concurrence of DOT, as applicable, if the project is to be part of the State Highway System.²²

Any authority-constructed transportation facilities may be tolled. Fare payment methods for public transportation projects must promote seamless integration between regional and local transit systems. Tolling technologies must be consistent with the systems used by the Florida Turnpike Enterprise for the purpose of allowing the use of a single transponder or a similar electronic tolling device for all facilities of the transportation authority and the Florida Turnpike Enterprise.²³

The transportation authority must coordinate and consult with local governments on transit or commuter rail station area plans that provide for compact, mixed-use, transit-oriented development that will support transit investments and provide a variety of workforce housing choices, recognizing the need for housing alternatives for a variety of income ranges.²⁴

By no later than July 1, 2009, the transportation authority was required to develop and adopt a regional transportation master plan providing a vision for a regionally integrated multimodal transportation system. The plan was required to be conducted in coordination with various local government plans. The plan was required to identify and could prioritize projects that would accomplish the goals and objectives, including the costs of the proposed projects and revenue sources that could pay those costs.²⁵

Before the adoption of the master plan, the transportation authority must hold at least one public meeting in each of the seven counties within the designated region. At least one public hearing must be held before the transportation authority's board.²⁶ After its adoption, the master plan must be updated every five years before July 1.²⁷

The transportation authority must present the original master plan and updates to the governing bodies of the counties within its seven-county region, Tampa Bay Area Regional Transportation Authority MPO Chairs Coordinating Committee, and legislative delegation members representing those counties within 90 days after adoption.²⁸

²¹ Section 343.922(1), F.S.

²² Section 343.922(2)(a), F.S.

²³ Section 343.922(2)(b), F.S.

²⁴ Section 343.922(2)(c), F.S.

²⁵ Section 343.922(3)(a), F.S.

²⁶ Section 343.922(3)(c), F.S.

²⁷ Section 343.922(3)(d), F.S.

²⁸ Section 343.922(3)(e), F.S.

The transportation authority must consult with DOT to further the goals and objectives of the DOT-completed Strategic Regional Transit Needs Assessment.²⁹

The transportation authority must coordinate plans and projects with the Tampa Bay Area Regional Transportation Authority MPO Chairs Coordinating Committee, to the extent practicable, and participate in the regional MPO planning process to ensure regional comprehension of the transportation authority's mission, goals, and objectives.³⁰

The transportation authority must provide administrative support and direction to the Tampa Bay Area Regional Transportation Authority MPO Chairs Coordinating Committee.^{31,32}

The transportation authority may undertake projects or other improvements in the master plan in phases as particular projects or segments become feasible, as determined by the transportation authority. The transportation authority must coordinate project planning, development, and implementation with the applicable local governments. The transportation authority's projects that are transportation oriented must be consistent to the maximum extent feasible with the adopted local government comprehensive plans at the time such projects are funded for construction. Transportation authority projects that are not transportation oriented and meet the definition of development pursuant to s. 380.04, F.S., must be consistent with the local comprehensive plans. In carrying out its purposes and powers, the transportation authority may request funding and technical assistance from DOT and appropriate federal and local agencies, including, but not limited to, state infrastructure bank loans.³³

Proposed Changes

The bill amends s. 343.922(1), F.S., providing that the express purposes of the transit authority are to:

- Plan, implement, and operate mobility improvements and expansions of multimodal transportation options for passengers and freight throughout the designated region.
- Produce a regional transit development plan, integrating the transit development plans of participant counties, to include a prioritization of regionally significant transit projects and facilities. The transit authority must provide to the President and Speaker, on or before the beginning of the 2018 Regular Legislative Session, a plan to produce the regional transit development plan, which must adhere to guidance and regulations set forth by DOT or any successor agency, including, but not limited to public involvement, collection and analysis of socioeconomic data, performance evaluation of existing services, service design and ridership forecasting, and financial planning.
- Serve, with the consent of the Governor or his or her designee, as the recipient of federal funds supporting an intercounty project or an intercounty capital project that represents a phase of an intracounty regional project within the designated region.

The bill provides that an action by the transit authority regarding state funding of commuter rail,³⁴ heavy rail transit,³⁵ or light rail transit,³⁶ or any combination thereof, requires approval by majority vote of each

²⁹ Section 343.922(3)(b), F.S.

³⁰ Section 343.922(3)(f), F.S.

³¹ The Tampa Bay Area Regional Transportation Authority MPO Chairs Coordinating Committee is provided for in s. 339.175(6)(i), F.S.

³² Section 343.922(3)(g), F.S.

³³ Section 343.922(4), F.S.

³⁴ Section 343.91(1)(e)1., F.S., defines “commuter rail” as a complete system of tracks, guideways, stations, and rolling stock necessary to effectuate medium-distance to long-distance passenger rail service to, from, or within the municipalities within the authority's designated seven-county region.

³⁵ Section 343.91(1)(e)2., F.S., defines “heavy rail transit” as a complete rail system operating on an electric railway with the capacity for a heavy volume of traffic, characterized by high-speed and rapid-acceleration passenger rail cars operating singly or in multicar trains on fixed rails in separate rights-of-way from which all other vehicular and pedestrian traffic are excluded. “Heavy rail transit” includes metro, subway, elevated, rapid transit, and rapid rail systems.

MPO serving the county or counties where such rail transit investment will be made, and approval by an act of the Legislature.

Subject to the requirements of s. 106.113, F.S.,³⁷ 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 that seeks to approve the funding of commuter rail, heavy rail transit, or light rail transit, or any combination thereof.

The bill requires the transit authority to conduct a feasibility study through an independent third party for any project of commuter rail, heavy rail transit, or light rail transit, or any combination thereof, before proceeding with the development of the project and before any related contract is issued. The feasibility study must be submitted to the Governor, President of the Senate, Speaker of the House of Representatives, and board of county commissioners of Hernando, Hillsborough, Manatee, Pasco, and Pinellas counties.

Conforming Changes

The bill amends ss. 343.94, 343.947, 343.95, 343.975, and 343.976, F.S., conforming to other changes made in the bill.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

³⁶ Section 343.91(1)(e)3., F.S., defines “light rail transit” as a complete system of tracks, overhead catenaries, stations, and platforms with lightweight passenger rail cars operating singly or in short, multicar trains on fixed rails in rights-of-way that are not separated from other traffic for much of the way.

³⁷ Section 106.113, F.S., relates to expenditures by local governments.

D. FISCAL COMMENTS:

The bill designates the transit authority as the recipient of federal funds supporting an intercounty project or a regionally significant transit project that exists in a single county within the designated region.