

MAINE STATE LEGISLATURE

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Date: 3/7/14

L.D. 1365
(Filing No. H-664)

TRANSPORTATION

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
126TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 973, L.D. 1365, Bill, "An Act To Promote New Models of Mobility and Access to Transportation"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 5 MRSA §12004-I, sub-§82-A is enacted to read:

82-A.

<u>Transportation:</u>	<u>Public Transit</u>	<u>Not Authorized</u>	<u>23 MRSA §4209-A</u>
<u>Public Transit</u>	<u>Advisory Council</u>		

Sec. 2. 23 MRSA §4209, sub-§1, as amended by PL 2009, c. 130, §1, is further amended to read:

1. Geographic regions. ~~The Department of Transportation~~ department shall divide the State into a number of geographic regions for regional distribution of state-administered transportation funds. Upon designation of the geographic regions, a regional public transportation agency must be selected from each region to formulate a ~~biennial regional operations plan~~ quinquennial locally coordinated plan for regional transit in accordance with federal requirements. ~~Selection of~~ The department shall select regional public transportation agencies ~~must be by the Department of Transportation~~ in collaboration with ~~committee~~ transit stakeholders including transportation providers, social service organizations, the Department of Health and Human Services, the Department of Labor, the United States Department of Transportation, Federal Transit Administration and the Public Transit Advisory Council established in ~~subsection 1-A~~ section 4209-A. ~~The Department of Transportation~~ department shall establish a schedule for submittal of the ~~biennial~~ quinquennial locally coordinated plans for regional operations plan and shall reference these plans in its ~~biennial transportation improvement plan submitted to the Legislature~~ transit to the department for review and approval in accordance with subsection 2.

COMMITTEE AMENDMENT

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COMMITTEE AMENDMENT "A" to H.P. 973, L.D. 1365

1 **Sec. 3. 23 MRSA §4209, sub-§1-A**, as enacted by PL 2009, c. 130, §2, is
2 repealed.

3 **Sec. 4. 23 MRSA §4209, sub-§2**, as amended by PL 2009, c. 130, §3, is further
4 amended to read:

5 **2. Quinquennial locally coordinated plan for regional transit.** The ~~biennial~~
6 quinquennial locally coordinated plan for regional operations-plan transit submitted by
7 each regional public transportation agency must provide for the following:

8 A. Maximum feasible coordination of funds among all state agencies that sponsor
9 transportation in the region;

10 B. Development and maintenance of a permanent and effective public transportation
11 system, with particular regard to riders who are low-income or elderly or who have
12 disabilities;

13 C. Participation of private transit operators in the service, to the greatest extent
14 possible;

15 D. Conformity with general operations requirements as may be prescribed by the
16 commissioner; and

17 E. Compliance with any appropriate federal regulations, including but not limited to
18 the federally required locally coordinated plan.

19 In years in which no ~~biennial~~ quinquennial plan is required, amendments to the effective
20 operations may be submitted. Approval of each locally coordinated plan for regional
21 operations-plan transit must be by the ~~Department of Transportation~~ department in
22 collaboration with transit stakeholders including transportation providers, social service
23 organizations, the Department of Health and Human Services, the Department of Labor,
24 the United States Department of Transportation, Federal Transit Administration and the
25 ~~committee~~ Public Transit Advisory Council established under section 4209-A. Upon
26 approval, all agencies, groups or organizations named to participate in the provision of
27 service in accordance with a locally coordinated plan for regional operations-plan transit
28 are eligible to receive funds administered by the ~~Department of Transportation~~
29 department and the Department of Health and Human Services.

30 **Sec. 5. 23 MRSA §4209, sub-§3, ¶A**, as amended by PL 1987, c. 428, §2, is
31 further amended to read:

32 A. Planning and technical assistance, information transfer, capital and operations
33 planning, performance monitoring and evaluation, quality assurance, accounting,
34 assistance with management information systems and service reporting to a locally
35 coordinated plan for regional operations-plan transit drafter or transportation provider
36 and securing of provider compliance with the requirements of other state agencies in
37 these areas;

38 **Sec. 6. 23 MRSA §4209, sub-§3, ¶C**, as amended by PL 1987, c. 428, §2, is
39 further amended to read:

40 C. Operating assistance to transportation providers in an amount up to 1/2 of the
41 operating deficit incurred in fulfillment of the ~~biennial~~ quinquennial locally
42 coordinated plan for regional operations-plan transit; and

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COMMITTEE AMENDMENT "A" to H.P. 973, L.D. 1365

1 **Sec. 7. 23 MRSA §4209, sub-§4**, as amended by PL 2009, c. 130, §4, is further
2 amended to read:

3 **4. Human services assistance; priorities.** ~~The committee commissioner, the~~
4 Commissioner of Health and Human Services and the Commissioner of Labor shall act to
5 coordinate purchase of service contracts ~~and. The Public Transit Advisory Council~~
6 established under section 4209-A shall serve in an advisory capacity to the department,
7 the Department of Health and Human Services and the Department of Labor in matters
8 concerning public transportation. In the event that transportation funds for human
9 services programs are insufficient for full implementation of the human services portion
10 of an approved ~~biennial quinquennial locally coordinated plan for regional operations~~
11 plan transit, priorities established by the Department of Health and Human Services
12 determine the priority clients that must be initially served by human services funds.
13 ~~Members of the committee~~ The department, the Department of Health and Human
14 Services and the Department of Labor and their contractors shall actively engage local
15 transportation providers in the planning of new services that are expected to have a
16 transportation component.

17 The Department of Health and Human Services and the Department of Labor shall ensure
18 that any new service to be provided is adequately funded to cover the costs of the
19 transportation component of the program.

20 **Sec. 8. 23 MRSA §4209, sub-§5**, as enacted by PL 1979, c. 505, §4, is amended
21 to read:

22 **5. Intercity service.** Intercity service ~~shall be~~ is service designated as such in a
23 public transportation plan developed by the department. Intercity service planning ~~shall~~
24 must fulfill the requirements set forth in subsection 2 and ~~shall~~ must address public
25 transportation needs that cannot be met by locally coordinated regional operations transit
26 planning. The State may contribute to the nonfederal costs of intercity service.

27 **Sec. 9. 23 MRSA §4209-A** is enacted to read:

28 **§4209-A. Public Transit Advisory Council**

29 **1. Council established.** The Public Transit Advisory Council, referred to in this
30 section as "the council," is established in accordance with Title 5, section 12004-I,
31 subsection 82-A to advise the Legislature and the department regarding public transit
32 services in the State. The council shall advise the department on the review and approval
33 of locally coordinated plans for regional transit and shall advise on any statewide
34 strategic transit planning undertaken by the department, including short-term and long-
35 term fiscal, operating and capital investments, and the integration of transit planning with
36 the Sensible Transportation Policy Act.

37 **2. Membership.** The council must include, but is not limited to, the following:

38 A. The commissioner or the commissioner's designee;

39 B. The Commissioner of Health and Human Services or the commissioner's
40 designee;

41 C. The Commissioner of Labor or the commissioner's designee;

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COMMITTEE AMENDMENT "A" to H.P. 973, L.D. 1365

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D. The Commissioner of Economic and Community Development or the commissioner's designee; and

E. The following individuals appointed by the commissioner:

- (1) One representative each from the federally designated planning organizations for the Portland, Bangor and Lewiston regions;
- (2) One representative of private bus operators;
- (3) One representative of a statewide, nonprofit organization advocating on behalf of the elderly;
- (4) One representative of a medical provider;
- (5) One representative of a business relying on public transportation;
- (6) One representative of a statewide association of planning and development agencies;
- (7) One representative of an organization representing persons with disabilities;
- (8) One representative of a nonprofit transit provider;
- (9) One representative of an economic development organization; and
- (10) One representative of an organization representing low-income persons.

In making appointments, the commissioner shall ensure that rural and urban areas and each transportation planning region of the State designated pursuant to section 4209, subsection 1 is represented.

3. Council invitees. In addition to the requirements in subsection 2, the commissioner shall invite at least 2 members of the joint standing committee of the Legislature having jurisdiction over transportation matters representing different political parties and at least one representative of a rail transit group to participate in council meetings.

4. Terms, vacancies and council chair. A member of the council appointed pursuant to subsection 2, paragraph E serves for a term of 3 years. If a member is unable to complete the term, the commissioner shall appoint a member from the same category of members listed in subsection 2, paragraph E as the member who vacated the council to serve out the unexpired portion of the term. The commissioner shall determine how the council is to choose a chair and for how long the chair is to serve.

5. Report. The council shall report on its deliberations and any recommendations by March 1st of each odd-numbered year to the Governor and the joint standing committees of the Legislature having jurisdiction over transportation matters and health and human services matters.

Sec. 10. 30-A MRSA §3515, sub-§1, ¶A, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

COMMITTEE AMENDMENT

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COMMITTEE AMENDMENT "A" to H.P. 973, L.D. 1365

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A. The directors of a district that participates in a locally coordinated plan for regional ~~operations plan~~ transit that has been approved in accordance with Title 23, section 4209, shall establish routes and fixed fares in accordance with the plan whenever the plan requires.'

SUMMARY

This amendment replaces the bill. It replaces the requirement in current law for biennial plans for regional transit with a requirement for quinquennial plans, which is consistent with federal requirements. Like the bill, the amendment eliminates the Interagency Transportation Coordinating Committee and replaces it with a new public transit advisory council. Like the bill, the amendment provides that the council must include, at a minimum, the Commissioner of Transportation, the Commissioner of Health and Human Services, the Commissioner of Labor and the Commissioner of Economic and Community Development. The amendment requires the other members to be appointed by the Commissioner of Transportation, instead of by the Governor as in the bill. The amendment establishes a 3-year term for appointed council members, states how vacancies are to be filled and provides that the Commissioner of Transportation is to choose how a chair is chosen and how long the chair is to serve. The amendment makes changes to the membership of the council and directs the commissioner to invite members from the joint standing committee of the Legislature having jurisdiction over transportation matters representing different political parties and at least one representative of a rail transit group to participate in council meetings. The amendment also clarifies the role of the council and changes the council's annual reporting requirement to a biennial requirement. Lastly, the amendment makes technical changes.

FISCAL NOTE REQUIRED

(See attached)



126th MAINE LEGISLATURE

LD 1365

LR 1806(02)

An Act To Promote New Models of Mobility and Access to Transportation

Fiscal Note for Bill as Amended by Committee Amendment 'A' (H-1664)
Committee: Transportation
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund
Minor cost increase - Highway Fund

Fiscal Detail and Notes

Additional costs to the Department of Transportation, the Department of Labor, the Department of Health and Human Services and the Department of Economic and Community Development associated with serving on the Public Transit Advisory Council can be absorbed within existing budgeted resources.

The Legislature will incur some additional costs, if members of the Joint Standing Committee on Transportation decide to participate. These costs can be absorbed within existing funding for the committee.