

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 1365

H.P. 973

House of Representatives, April 9, 2013

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

Reference to the Committee on Transportation suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative TREAT of Hallowell.

Cosponsored by Representatives: BEAUDOIN of Biddeford, BEAVERS of South Berwick, BERRY of Bowdoinham, BRIGGS of Mexico, CASSIDY of Lubec, CHIPMAN of Portland, DAUGHTRY of Brunswick, DeCHANT of Bath, DEVIN of Newcastle, Speaker EVES of North Berwick, GATTINE of Westbrook, GRANT of Gardiner, HERBIG of Belfast, HUBBELL of Bar Harbor, KUMIEGA of Deer Isle, LUCHINI of Ellsworth, MASTRACCIO of Sanford, McCABE of Skowhegan, McLEAN of Gorham, PEOPLES of Westbrook, POULIOT of Augusta, ROTUNDO of Lewiston, SCHNECK of Bangor, SHAW of Standish, THERIAULT of Madawaska, VEROW of Brewer, WILSON of Augusta, Senators: FLOOD of Kennebec, MAZUREK of Knox.

1 **Be it enacted by the People of the State of Maine as follows:**

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

3 **82-A.**

4 Transportation: Maine Public Transit Not authorized 23 MRSA §4209-A
5 Public Transit Advisory Council

6 **Sec. 2. 23 MRSA §4204**, as enacted by PL 1971, c. 593, §16, is amended to read:

7 **§4204. Declaration of policy**

8 It is declared to be the policy of the State of Maine that adequate, safe and efficient
9 transportation facilities and services are essential to the economic growth of the State and
10 the well-being of its people and that the planning and development of such facilities and
11 services ~~shall~~ must be coordinated by a state department of transportation with overall
12 responsibility for balanced transportation policy and planning.

13 In each fiscal year, a portion of the funding available for transportation must be
14 dedicated to public transportation.

15 **Sec. 3. 23 MRSA §4209, sub-§1**, as amended by PL 2009, c. 130, §1, is further
16 amended to read:

17 **1. Geographic regions.** ~~The Department of Transportation~~ department shall divide
18 the State into a number of geographic regions for regional distribution of state-
19 administered transportation funds. Upon designation of the geographic regions, a regional
20 public transportation agency must be selected from each region to formulate a biennial
21 regional operations plan. Selection of regional public transportation agencies must be by
22 the ~~Department of Transportation~~ department in collaboration with the ~~committee~~ council
23 established in ~~subsection 1-A~~ section 4209-A. The ~~Department of Transportation~~
24 department shall establish a schedule for submittal of the biennial regional operations
25 plan and shall reference these plans in ~~its~~ the department's biennial ~~transportation~~
26 ~~improvement~~ plan submitted to the Legislature for transit under subsection 2-A. For
27 purposes of this section, "public transportation" means the transportation of persons,
28 including groups of the general public with special needs, by all means available to the
29 general public.

30 **Sec. 4. 23 MRSA §4209, sub-§1-A**, as enacted by PL 2009, c. 130, §2, is
31 repealed.

32 **Sec. 5. 23 MRSA §4209, sub-§1-B** is enacted to read:

33 **1-B. Goals and duties; public transportation.** In addition to implementing the
34 policy stated under the Sensible Transportation Policy Act, the goals and duties of the
35 department relating to public transportation are:

1 A. To make maximum use of available federal funds for the support of public
2 transportation; and

3 B. To support the maintenance of existing public transportation services and the
4 creation of new services, including the following goals:

5 (1) Provision for basic mobility for people who are dependent on public
6 transportation;

7 (2) Access to employment, including creation of on-demand services;

8 (3) Congestion mitigation to preserve air quality and the sustainability of the
9 highway network;

10 (4) Advancement of economic development objectives, including services for
11 workers and visitors that support the travel and tourism industry; and

12 (5) Provision of state operating support funds in agency operating budgets to the
13 extent that funds are available.

14 **Sec. 6. 23 MRSA §4209, sub-§2**, as amended by PL 2009, c. 130, §3, is further
15 amended to read:

16 **2. Biennial regional operations plan.** The biennial regional operations plan
17 submitted by each regional public transportation agency must provide for the following:

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

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

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

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

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

29 In years in which no biennial plan is required, amendments to the effective operations
30 may be submitted. Approval of each regional operations plan must be by the ~~Department~~
31 ~~of Transportation~~ department in collaboration with the ~~committee~~ council established
32 under section 4209-A. Upon approval, all agencies, groups or organizations named to
33 participate in the provision of service in accordance with a regional operations plan are
34 eligible to receive funds administered by the ~~Department of Transportation~~ department
35 and the Department of Health and Human Services.

36 **Sec. 7. 23 MRSA §4209, sub-§§2-A and 2-B** are enacted to read:

37 2-A. Department biennial operations plan for transit. To provide a foundation
38 for financial stability and reliability in the provision of transportation services to the
39 public, the department shall, in cooperation with the council established under section

1 4209-A, establish short-term and long-term fiscal, operating and capital investment plans
2 to support the goals established in this section. The department shall incorporate ongoing
3 planning into its biennial operations plan for transit, which must be submitted to the
4 Legislature no later than December 31st of each odd-numbered year. The development of
5 the department biennial operations plan for transit must include:

6 A. Consultation with the council established under section 4209-A, public transit
7 providers and regional public transportation agencies to ensure the integration of
8 transit planning with the Sensible Transportation Policy Act;

9 B. An inventory of transportation resources and programs, including state, regional
10 and local public transit as well as volunteer, nonprofit and private programs and fixed
11 route and on-demand transportation options available;

12 C. An assessment of public transportation needs throughout the State, identifying the
13 types and scope of services that are inadequate and any geographic areas of the State
14 where key services are deficient, including the potential cost of providing those
15 services;

16 D. A prioritized list of both short-term and long-term public transportation needs,
17 goals and objectives with consideration of the needs for regional service and local
18 service;

19 E. An assessment of any deficiencies in regional planning and implementation
20 capacity and whether additional or alternative organization models may aid in
21 achieving the goals under this section; and

22 F. Identification of incentives for regional transportation agencies within regional
23 transportation districts as designated and certified by the department to facilitate
24 planning and advocacy for new services and to enhance communication and
25 information sharing within each regional transportation district and across the State.

26 **2-B. Plan implementation; projects.** To implement the biennial operations plan for
27 transit under subsection 2-A, the department shall:

28 A. Create and adapt models for community and regional transportation projects that:

29 (1) Connect volunteer, shared ride including the Regional Ride Share Services
30 Matching Fund Program under Title 10, chapter 216 and on-demand services;
31 and

32 (2) Serve a wide constituency of seniors, people with disabilities, workers,
33 students and people without reliable or affordable transportation; and

34 B. Link regional transportation agencies within regional transportation districts as
35 designated by the department by, without limitation:

36 (1) Determining whether fixed route, flexible route or on-demand services are
37 viable in the community or region;

38 (2) Marketing connections between fixed route, volunteer and on-demand
39 services within and between regions;

- 1 (3) Maximizing connectivity with fixed route train and bus services from
2 outlying areas;
- 3 (4) Connecting fixed routes in different regions of the State with each other;
- 4 (5) Expanding shared ride options through technology;
- 5 (6) Involving health care providers and other service providers in contributing to
6 payment for services;
- 7 (7) Coordinating with existing private services; and
- 8 (8) Integrating MaineCare to the extent possible and other state and federally
9 supported services with unsubsidized services to create a more efficient system of
10 public transportation services for all residents regardless of income.

11 **Sec. 8. 23 MRSA §4209, sub-§3**, as amended by PL 1991, c. 859, §1, is further
12 amended to read:

13 **3. State assistance.** Within the limits of available funding, the department shall
14 provide assistance as follows:

- 15 A. Planning and technical assistance, information transfer, capital and operations
16 planning, performance monitoring and evaluation, quality assurance, accounting,
17 assistance with management information systems and service reporting to a regional
18 operations plan drafter or transportation provider and securing of provider
19 compliance with the requirements of other state agencies in these areas;
- 20 A-1. Act as mediator and, if necessary, final arbiter of disputes between state
21 agencies and transportation providers regarding service;
- 22 A-2. In consultation with the Bureau of Insurance, advise transportation providers
23 regarding the liability of volunteer drivers;
- 24 B. Capital assistance to transportation providers for up to 100% of the nonfederal
25 share required by federal assistance programs;
- 26 C. Operating assistance to transportation providers in an amount up to 1/2 of the
27 operating deficit incurred in fulfillment of the biennial regional operations plan; and
- 28 D. Notwithstanding any other provision of law and except as funds are necessary to
29 carry out the object of this section, funds appropriated for public transportation shall
30 not lapse at the end of a fiscal year, but shall be carried forward from year to year to
31 be expended for the same purpose.

32 The department shall evaluate proposals for new public transit service submitted by
33 providers in response to a notice of funding availability by requiring feasibility studies to
34 be submitted by providers to address criteria set forth in the most recent biennial
35 operations plan for transit as set out in subsection 2-A.

36 The department may enter into a request for proposals process for grants to nonprofit
37 organizations for innovative regional projects that reflect the priorities in subsection 2-B,
38 involve and integrate multiple service providers and modes of transportation and address
39 service gaps identified as priorities in regional or state planning.

1 The department shall provide guidance, training, funding and technical assistance to
2 transit systems in order to meet performance and service standards.

3 **Sec. 9. 23 MRSA §4209, sub-§4**, as amended by PL 2009, c. 130, §4, is further
4 amended to read:

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

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

21 **Sec. 10. 23 MRSA §4209-A** is enacted to read:

22 **§4209-A. Maine Public Transit Advisory Council**

23 **1. Purpose.** The Maine Public Transit Advisory Council, referred to in this section
24 as "the council," is established in accordance with Title 5, section 12004-I, subsection 82-
25 A to advise the Legislature and the department regarding strategic planning for public
26 transportation services in the State and to fulfill duties under section 4209 and this
27 section.

28 **2. Membership.** The council has a minimum of 21 members as follows:

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

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

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

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

35 E. One member of the Senate, appointed by the President of the Senate;

36 F. One member of the House of Representatives, appointed by the Speaker of the
37 House;

38 G. One representative each from the federally designated planning organization for
39 the Portland region, the Portland Area Comprehensive Transportation System, or a

1 successor organization, and the federally designated planning organization for the
2 Bangor region, the Bangor Area Comprehensive Transportation System, or a
3 successor organization, appointed by the Governor;

4 H. One representative each from the geographic regions designated by the
5 department under section 4209, subsection 1, appointed by the Governor;

6 I. One representative of private bus operators or taxi services, appointed by the
7 Governor;

8 J. One representative of a statewide, nonprofit organization advocating on behalf of
9 the elderly and supporting social and economic resources that promote independence
10 and self-sufficiency for the elderly, appointed by the Governor;

11 K. One representative of a statewide association of planning and development
12 agencies, appointed by the Governor;

13 L. One representative of an organization representing people with disabilities,
14 appointed by the Governor; and

15 M. One representative of an organization representing low-income persons,
16 appointed by the Governor.

17 Senators and members of the House of Representatives serve for the duration of the
18 legislative terms that they are serving when appointed. All other members serve 3-year
19 terms and may continue to serve beyond their terms until their successors are appointed.
20 If a vacancy occurs before a term has expired, the vacancy must be filled for the
21 remainder of the unexpired term by the authority who made the original appointment. If
22 a member is absent for 2 consecutive meetings and has not been excused by the chair
23 from either meeting, the council may remove the member by majority vote.

24 The council shall determine whether having more than 21 members would assist it in its
25 work. If a majority of the council votes to request the appointment of additional
26 members, the council shall specify the number of additional members needed and shall
27 convey a request for the appointment of those additional members to the Governor, who
28 shall make the appointments.

29 **3. Meetings; chair.** The commissioner shall call the first meeting of the council by
30 December 31, 2013. At the first meeting, the council shall select by majority vote a chair
31 from among its members to serve a term of one year. A chair may be reelected to
32 subsequent terms. The chair shall call subsequent meetings. The council may meet as
33 often as funding permits, but must meet at least 4 times per year at a date, time and place
34 determined by the council. The chair, in collaboration with the department, may call a
35 special meeting to address an issue that, in the judgment of the chair, cannot wait until the
36 next regularly scheduled meeting.

37 **4. Notice of meetings; agenda.** At a reasonable time before a meeting of the
38 council, the chair shall send a notice of the meeting to every member. A notice of
39 meeting required under this subsection must contain the date, time, place and agenda of
40 the meeting and the minutes of the previous meeting. Notice of a special meeting under
41 subsection 3 must be sent under this subsection as expeditiously as possible.

1 5. Attendance at meetings. A member of the council is expected to attend all
2 meetings under subsection 3. If a member is unable to attend a meeting called under
3 subsection 3, the member shall inform the chair. A member may attend a meeting under
4 subsection 3 by participating remotely through the means of telephone or other
5 telecommunications device if the facilities allow for such participation. The council shall
6 endeavor to install means by which a member may participate remotely pursuant to this
7 subsection.

8 6. Staff. The department shall provide staffing assistance to the council.

9 7. Report. The council shall develop an annual report on its deliberations and any
10 recommendations for submission by February 15th annually to the Governor and the joint
11 standing committees of the Legislature having jurisdiction over transportation matters and
12 health and human services matters.

13 **Sec. 11. Grants to nonprofit organizations.** The department shall fund at least
14 3 projects as described by the Maine Revised Statutes, Title 23, section 4209, subsection
15 2-B in different geographic regions as defined by Title 23, section 4209, subsection 1 in
16 fiscal year 2014-15.

17 SUMMARY

18 This bill amends the Department of Transportation's biennial operations plan for
19 transit process in order to promote and facilitate new models of mobility and service. The
20 bill adds a declaration of policy to the public transportation administration law. The bill
21 also provides components that must be included in the department's biennial operations
22 plan for transit and describes how the department's plan for transit must be implemented.

23 The bill eliminates the Interagency Transportation Coordinating Committee and
24 replaces it with a larger, more comprehensive Maine Public Transit Advisory Council.
25 The role of the council is to advise the Legislature and the department regarding strategic
26 planning for public transportation services in the State.