

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 844

H.P. 578

House of Representatives, March 10, 2015

An Act To Improve Transit Services Statewide

Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative McLEAN of Gorham.
Cosponsored by Senator DIAMOND of Cumberland and
Representatives: HUBBELL of Bar Harbor, MAKER of Calais, MASTRACCIO of Sanford,
TURNER of Burlington, WINSOR of Norway, Senator: VALENTINO of York.

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: Public Transit Not Authorized 23 MRSA §4209-A
5 Public Transit Advisory Council

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

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

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25 repealed.

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

28 **2. Quinquennial locally coordinated plan for regional transit.** ~~The biennial~~
29 quinquennial locally coordinated plan for regional operations plan ~~transit~~ submitted by
30 each regional public transportation agency must provide for the following:

- 31 A. Maximum feasible coordination of funds among all state agencies that sponsor
32 transportation in the region;
- 33 B. Development and maintenance of a permanent and effective public transportation
34 system, with particular regard to riders who are low-income or elderly or who have
35 disabilities;
- 36 C. Participation of private transit operators in the service, to the greatest extent
37 possible;

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

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

5 In years in which no ~~biennial~~ quinquennial plan is required, amendments to the effective
6 operations may be submitted. Approval of each locally coordinated plan for regional
7 ~~operations plan transit~~ must be by the ~~Department of Transportation~~ department in
8 collaboration with transit stakeholders, including transportation providers, social service
9 organizations, the Department of Health and Human Services, the Department of Labor,
10 the United States Department of Transportation, Federal Transit Administration and the
11 ~~committee~~ Public Transit Advisory Council under section 4209-A. Upon approval, all
12 agencies, groups or organizations named to participate in the provision of service in
13 accordance with a locally coordinated plan for regional operations plan transit are eligible
14 to receive funds administered by the ~~Department of Transportation~~ department and the
15 Department of Health and Human Services.

16 **Sec. 5. 23 MRSA §4209, sub-§3**, as amended by PL 1991, c. 859, §1, is further
17 amended to read:

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

20 A. Planning and technical assistance, information transfer, capital and operations
21 planning, performance monitoring and evaluation, quality assurance, accounting,
22 assistance with management information systems and service reporting to a locally
23 coordinated plan for regional operations plan transit drafter or transportation provider
24 and securing of provider compliance with the requirements of other state agencies in
25 these areas;

26 A-1. Act as mediator and, if necessary, final arbiter of disputes between state
27 agencies and transportation providers regarding service;

28 A-2. In consultation with the Bureau of Insurance, advise transportation providers
29 regarding the liability of volunteer drivers;

30 B. Capital assistance to transportation providers for up to 100% of the nonfederal
31 share required by federal assistance programs;

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

35 D. Notwithstanding any other provision of law and except as funds are necessary to
36 carry out the object of this section, funds appropriated for public transportation shall
37 not lapse at the end of a fiscal year, but shall be carried forward from year to year to
38 be expended for the same purpose.

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

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

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

19 **Sec. 7. 23 MRSA §4209, sub-§5**, as enacted by PL 1979, c. 505, §4, is amended
20 to read:

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

26 **Sec. 8. 23 MRSA §4209-A** is enacted to read:

27 **§4209-A. Public Transit Advisory Council**

28 **1. Council established.** The Public Transit Advisory Council, referred to in this
29 section as "the council," is established in accordance with Title 5, section 12004-I,
30 subsection 82-A to advise the Legislature and the department regarding public transit
31 services in the State. The council shall advise the department on the review and approval
32 of locally coordinated plans for regional transit under section 4209 and shall advise on
33 any statewide strategic transit planning undertaken by the department, including short-
34 term and long-term fiscal, operating and capital investments, and the integration of transit
35 planning with the Sensible Transportation Policy Act.

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

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

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

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

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

3 E. The following individuals appointed by the commissioner:

4 (1) One representative each from the federally designated planning organizations
5 for the Bangor, Kittery, Lewiston and Auburn and Portland regions;

6 (2) One representative of private bus operators;

7 (3) One representative of a statewide nonprofit organization advocating on
8 behalf of the elderly;

9 (4) One representative of a medical provider;

10 (5) One representative of a business that relies on public transportation;

11 (6) One representative of a statewide association of planning and development
12 agencies;

13 (7) One representative of an organization representing persons with disabilities;

14 (8) One representative of a nonprofit transit provider;

15 (9) One representative of an economic development organization; and

16 (10) One representative of an organization representing low-income persons.

17 In making appointments, the commissioner shall ensure that rural and urban areas are
18 represented.

19 **3. Council invitees.** In addition to the requirements in subsection 2, the
20 commissioner shall invite at least 2 members of the joint standing committee of the
21 Legislature having jurisdiction over transportation matters representing different political
22 parties and at least one representative of the Northern New England Passenger Rail
23 Authority, established in Title 5, section 12004-F, subsection 16, to participate in council
24 meetings.

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

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

35 A. An assessment of the level of public transportation services provided to the
36 public;

37 B. Recommendations for the level of service that should be provided and an estimate
38 of the cost of providing those services; and

1 C. Recommendations for the optimal coordination of transit services with other
2 senior and veteran services provided by the department and the Department of Health
3 and Human Services.

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

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

11 **Sec. 10. Staggered terms.** Notwithstanding the Maine Revised Statutes, Title 23,
12 section 4209-A, subsection 4, the Commissioner of Transportation shall designate the
13 initial appointments of public members of the Public Transit Advisory Council under
14 Title 23, section 4209-A, subsection 2, paragraph E, subparagraphs (1) to (3) for a one-
15 year term, the appointments under Title 23, section 4209-A, subsection 2, paragraph E,
16 subparagraphs (4) to (6) for a 2-year term and any other appointments for a 3-year term.

17 **SUMMARY**

18 This bill replaces the requirement in current law for biennial plans for regional transit
19 with a requirement for quinquennial plans, which is consistent with federal requirements.
20 The bill eliminates the Interagency Transportation Coordinating Committee and replaces
21 it with a new Public Transit Advisory Council. The council is required to assist state
22 agencies and the Legislature on issues related to public transit services.

23 The bill provides that the council must include, at a minimum, the Commissioner of
24 Transportation, the Commissioner of Health and Human Services, the Commissioner of
25 Labor and the Commissioner of Economic and Community Development or their
26 designees. The other members are appointed by the Commissioner of Transportation.
27 The commissioner is required to invite members from the joint standing committee of the
28 Legislature having jurisdiction over transportation matters representing different political
29 parties and at least one representative of the Northern New England Passenger Rail
30 Authority to participate in council meetings.

31 The council is required to report to the Governor and the joint standing committees of
32 the Legislature having jurisdiction over transportation matters and health and human
33 services matters by March 1st of each odd-numbered year.