



ROADS, BRIDGES & PORTS POLICY COMMITTEE

ACTION PACKET

**Wednesday, February 3, 2010
8:00 A.M.
404 HOB**

**Larry Cretul
Speaker**

**Gary Aubuchon
Chair**

COMMITTEE MEETING REPORT
Roads, Bridges & Ports Policy Committee

2/3/2010 8:00:00AM

Location: 404 HOB

Summary:

Roads, Bridges & Ports Policy Committee

Wednesday February 03, 2010 08:00 am

PCB RBP 10-01 Not Considered

PCB RBP 10-02 Not Considered

PCB RBP 10-03 Temporarily Deferred

PCB RBP 10-04 Not Considered

Committee meeting was reported out: Wednesday, February 03, 2010 12:08:20PM

COMMITTEE MEETING REPORT
Roads, Bridges & Ports Policy Committee

2/3/2010 8:00:00AM

Location: 404 HOB

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Gary Aubuchon (Chair)	X		
Gwyndolen Clarke-Reed	X		
Clay Ford	X		
Audrey Gibson	X		
Mike Horner	X		
Jimmy Patronis	X		
Stephen Precourt	X		
Lake Ray	X		
Julio Robaina	X		
Hazelle Rogers	X		
Richard Steinberg	X		
Dwayne Taylor	X		
Nicholas Thompson	X		
Ritch Workman	X		
Totals:	14	0	0

Committee meeting was reported out: Wednesday, February 03, 2010 12:08:20PM

COMMITTEE MEETING REPORT
Roads, Bridges & Ports Policy Committee

2/3/2010 8:00:00AM

Location: 404 HOB

PCB RBP 10-01 : Driver's Licenses

Not Considered

Committee meeting was reported out: Wednesday, February 03, 2010 12:08:20PM

COMMITTEE MEETING REPORT
Roads, Bridges & Ports Policy Committee

2/3/2010 8:00:00AM

Location: 404 HOB

PCB RBP 10-02 : Outdoor Theaters

Not Considered

Committee meeting was reported out: Wednesday, February 03, 2010 12:08:20PM

COMMITTEE MEETING REPORT
Roads, Bridges & Ports Policy Committee

2/3/2010 8:00:00AM

Location: 404 HOB

PCB RBP 10-03 : Outdoor Advertising

Temporarily Deferred

Committee meeting was reported out: Wednesday, February 03, 2010 12:08:20PM

COMMITTEE MEETING REPORT
Roads, Bridges & Ports Policy Committee

2/3/2010 8:00:00AM

Location: 404 HOB

PCB RBP 10-04 : Transportation Corridors

Not Considered

Committee meeting was reported out: Wednesday, February 03, 2010 12:08:20PM

COMMITTEE MEETING REPORT
Roads, Bridges & Ports Policy Committee

2/3/2010 8:00:00AM

Location: 404 HOB

Other Business Appearance:

Department of Transportation 2010 Legislative Proposals
Stephanie Kopelousos, Secretary (Lobbyist) (State Employee) - Information Only
Florida Department of Transportation
605 Suwannee Street
Tallahassee FL 32399
Phone: 850-414-5206

Public Transportation Competitive Contracting
Wes Watson (Lobbyist) - Information Only
Florida Public Transportation Association
P.O. Box 10168
Tallahassee FL 32302

Public Transportation Competitive Contracting
Clarence "Cal" Marsella (At Request Of Chair) - Information Only
MV Transportation and Veolia Transportation
512 West Linden Street
Louisville Colorado 80027
Phone: (303) 406-1286

Committee meeting was reported out: Wednesday, February 03, 2010 12:08:20PM

**Presentation to the Florida
Legislature
February 3, 2010
Competitive Contracting for
Public Transportation Services**

Clarence Marsella



Why Competitively Contract?

- ▶ Reduces costs to the public authority and the taxpayer
- ▶ Savings can be used to increase service or maintain existing service levels
- ▶ Provides a marketplace barometer on costs, service quality and safety
- ▶ Provides opportunity to effectively bargain during labor contract negotiations
- ▶ Diversifies the service delivery system

The Contracting Model

- ▶ Transit agencies would competitively contract a minimum 20% of fixed route/fixed schedule bus services as defined by revenue hours
- ▶ The transit agencies will calculate and report upon the costs of services that are contracted and the same costs for services that are operated internally
- ▶ The implementation of this requirement will be phased in. No layoffs can occur through this bill. As employee attrition occurs those positions are not filled and then move over to the private contractor.

The Operating Contract Service Description

- ▶ The Agency specifies: Routes, Schedules, Fares, Performance Standards, Maintenance Requirements, and Insurance
- ▶ The Agency provides Buses, Radios, Fareboxes and Dispatch Services for the entire operation
- ▶ Fares are kept by the Transit Authority and do not relate to the cost of service
- ▶ Variations in the provision of buses and equipment are possible as well

Retained Costs

- ▶ General and Administrative
- ▶ Financial Reporting and Budgeting
- ▶ Planning and Marketing
- ▶ Public Facilities
- ▶ Dispatch, Street Supervision, Service Monitoring etc.

Non Retained Costs

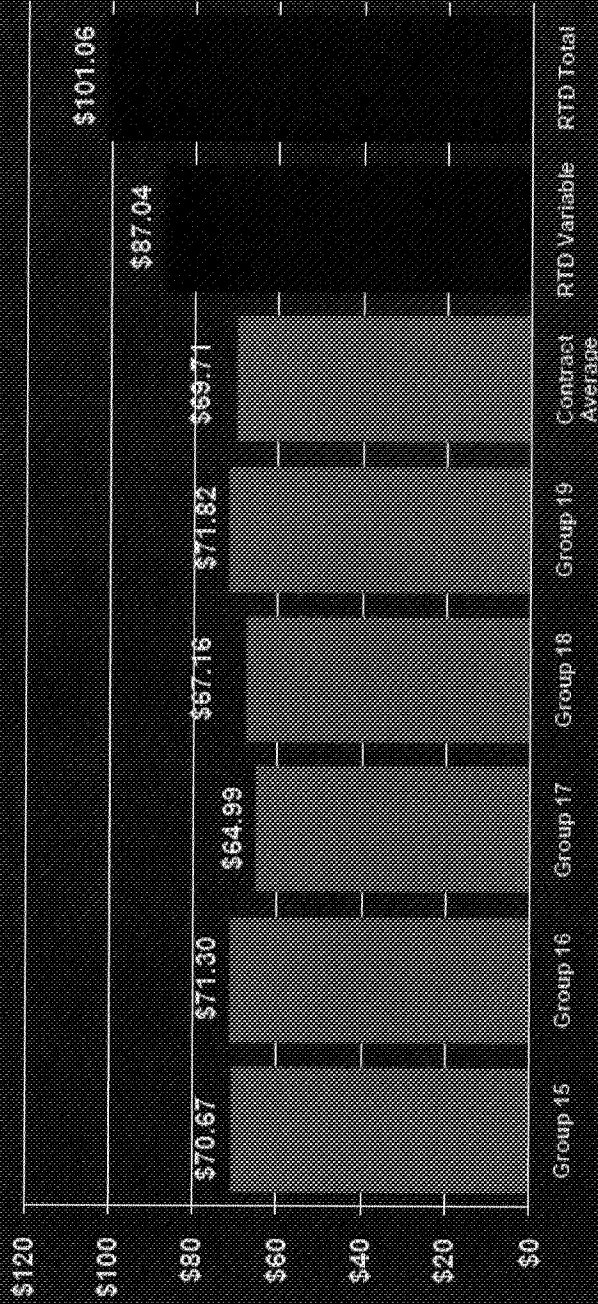
- ▶ Labor (Operator, Mechanic, Service and Cleaning, etc.)
- ▶ Direct Supervision of Personnel
- ▶ Consumables (Fuel, Repair Parts, etc.)
- ▶ Direct Support (Body Shop, Warehouse, Liability, Workmen's comp.)

Variable Overhead Costs

- ▶ Facilities related (Rent, available capacity, etc.)
- ▶ Indirect Support (Payroll, benefits administration, recruitment and training etc.)



Comparison of RTD and Private Contract Costs 2008



1. Private contractors pay fuel tax, sales tax, property tax, and vehicle registration fees which RTD does not pay.
2. RTD costs are estimates based on inflated 2007 actual costs.
3. RTD total costs include all variable costs, fixed costs, and depreciation on operating facilities and support equipment.
4. RTD has statutory limitation on insurance liability. Private carriers do not have statutory limitation on insurance liability.

RTD Performance Measures

•Reduce the number of safety incidents

	2005 Actual	2006 Actual	2007 Actual	2008 Goal	2008 1 st Quarter
Vehicle Accident Involvements per 100,000 miles – System-wide	3.5	3.9	3.9	<4.0	4.1
RTD	3.6	4.0	4.1	<4.0	4.5
Laidlaw	4.5	4.5	4.6	<4.0	4.3
Veolia	3.3	4.0	3.7	<4.0	4.4
First Transit	3.0	2.9	3.0	<4.0	2.4
Passenger Accident Ratio per 100,000 miles – System-wide	0.11	0.14	0.14	<0.20	0.11
RTD	0.12	0.13	0.16	<0.20	0.16
Laidlaw	0.05	0.08	0.05	<0.20	0.00
Veolia	0.00	0.19	0.07	<0.20	0.19
First Transit	0.16	0.19	0.17	<0.20	0.00
Operator Passenger Assault Ratio per 100,000 boardings	0.04	0.04	0.04	<0.06	0.04

RTD Performance Measures

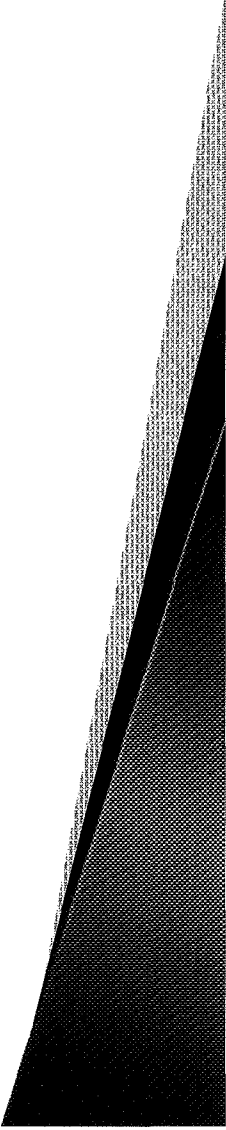
•Maintain system-wide on time performance

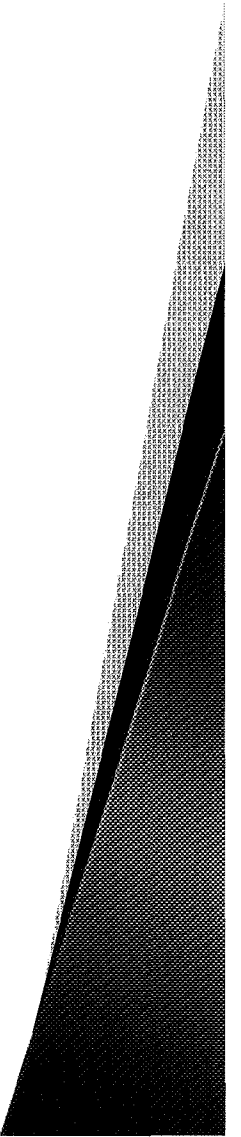
	2005 Actual	2006 Actual	2007 Actual ²	2008 Goal	2008 1 st Quarter
Local On-Time Service – System-wide	88.8%	90.9%	87.7%	88.0%	89.2%
RTD Local	89.4%	88.8%	87.4%	88.0%	88.7%
Laidlaw Local*	88.8%	91.0%	87.1%	88.0%	89.0%
Veolia	88.7%	89.1%	86.7%	88.0%	89.1%
First Transit-Local*	88.6%	90.9%	89.9%	88.0%	91.1%
Regional & Express On-Time Service	93.6%	92.6%	92.2%	94.0%	94.3%
Light Rail On-Time Service	99.9%	99.9%	99.9%	99.0%	99.96%

Likely Outcomes of Competitive Contracting

- ▶ Reduced operating costs directly through contracting and through the ability to better regulate cost increases in the future.
- ▶ Maintains a market barometer.
- ▶ Minimizes requirement to cut services in times of low revenues– Savings can be used to continue impacted services or expand service
- ▶ Competitive Labor Negotiations
- ▶ Reduction in need for new operating facilities
- ▶ Gasoline tax, sales tax, property tax and other fees could be paid which is now exempt under publically operated services

Questions?





FLORIDA DEPARTMENT OF TRANSPORTATION
2010 DRAFT LEGISLATIVE PROPOSALS

Issue	Proposal
<p>(1) Right of Way/Professional Engineer Trainee Program</p>	<p>Amends s. 20.23, F.S., to direct the Department to maintain specified training programs and to provide incremental increases in base salary for employees enrolled in the programs upon successful completion of the training phases. Previously contained in GAA.</p> <p>Current</p> <ul style="list-style-type: none"> • Florida Department of Transportation (FDOT) administers three separate trainee programs: Engineer Training Program, Senior Engineer Training Program, and the Right of Way Training Program. • These programs were developed within FDOT under adopted internal guidelines. These programs have proven extremely effective in the recruitment and retention of highly specialized professional staff. • With the change in s. 216.251(3), F.S., on July 1, 2006, an inadvertent consequence was that FDOT was prohibited from providing the incremental pay increases associated with these training programs. The incremental pay provides recognition of the employees' growth in knowledge and experience in their areas as evaluated by appropriate testing. In order to continue these programs, FDOT sought the counsel of Legislative and Governor's Office staff and, for Fiscal Years 2007-2008, 2008-2009, and 2009-2010, was granted the authority to continue its training programs and to provide the pay incentive package for trainees in these programs in the General Appropriations Act. <p>Proposed</p> <ul style="list-style-type: none"> • This proposal seeks to codify the Engineer Training, Senior Engineer Training, and the Right of Way Training Programs and to authorize the associated incentive pay increases, rather than requesting authority to maintain the programs and allow the pay incentives associated with these programs through the annual General Appropriations Act.

	<ul style="list-style-type: none"> • Many of our current district secretaries have gone through this program and it is a key tool FDOT uses for retention of key employees. • This proposal gives FDOT the ability to offer a competitive incentive package, within its existing budget, which will have a sound and cost efficient recruitment, retention and succession planning strategy.
<p>(2) Pay Additives/Commercial Vehicle Safety Alliance</p>	<p>Amends s. 20.23, F.S., to authorize the Department to continue to grant a pay additive of \$75 per pay period for law enforcement officers assigned to the Office of Motor Carrier Compliance who maintain certification by the Commercial Vehicle Safety Alliance (CVSA). Previously contained in GAA.</p> <p>Current</p> <ul style="list-style-type: none"> • This CVSA pay incentive program has been funded through federal appropriations and authorized through the General Appropriations Act (GAA) beginning in fiscal year (FY) 2007-08 to the current FY 2009-10. • These federal funds are provided to recognize the certification requirements for Commercial Motor Vehicle Enforcement Officers, which is a continual process involving training-in-the-field application. • FDOT sought an alternative pay additive that was appropriate to accommodate the issuance of the CVSA pay incentive. DMS, in consultation with Legislative staff, provided FDOT authority to use the Temporary Special Duty Pay Additive as a mechanism to continue to issue this authorized pay incentive in FY 2007-08 through the current fiscal year. • Approximately 208 current law enforcement employees statewide are receiving this pay additive. • FDOT will seek authorization for funding in the FY 2010-11 Legislative Budget Request contingent on federal appropriation. <p>Proposed</p> <ul style="list-style-type: none"> • This seeks to codify the CVSA pay additive, rather than requesting authority to maintain the pay additive through the annual General Appropriations Act.

<p>(3) Road System Definitions/ Technical Revision</p>	<p>Amends or repeals ss. 334.03, 334.044, and 334.047, F.S., to conform those sections to changes made in 1995 from a system of assigning road jurisdiction based on road functional classification to a system depending on mutual agreement between governmental entities.</p> <p>Current</p> <ul style="list-style-type: none"> • In 1995, the system by which FDOT assigned road jurisdiction based on road functional classification was revised to a system whereby road jurisdiction changes depend on mutual agreement between governmental entities. • Some items in chapter 334 (Transportation Administration) related to the functional classification/road jurisdiction process formerly contained in Chapter 335 should have been revised consistent with the 1995 changes, but were inadvertently missed. • This proposal contains recommendations for changes to chapter 334 to make it consistent with the current chapter 335. <p>Proposed</p> <ul style="list-style-type: none"> • The definitions, duties, and prohibition will no longer be inconsistent with current statutes and usage and, therefore, less potential for confusion or misapplication of the law will exist.
<p>(4) Contractor Prequalification</p>	<p>Amends 337.14, F.S., to revise provisions relating to audited financial statements submitted with applications for contractor prequalification in an attempt to facilitate the process for FDOT and its contractors.</p> <p>Current</p> <ul style="list-style-type: none"> • FDOT has discovered that new contractors do not recognize the requirement that they must submit the currently required audited financial statements and the application for qualification within the currently specified four month period. • Contractors often submit one or the other, missing the deadline, and causing them to submit audited interim financial statements. Contractors also inquire when the

	<p>audited interim financial statements are due.</p> <p>Proposed</p> <ul style="list-style-type: none"> • The purpose of this proposed revision is to clarify when interim financial statements are needed for contractor qualification applications. • Removal of any potential conflicting language will facilitate contractors becoming qualified with FDOT for bidding on construction projects in excess of \$250,000. • This will have the positive benefit of increasing the number of prequalified contractors within the State of Florida. • The increased competition will result in more favorable bids and the opportunity for more timely project completion.
<p>(5) Toll Violations/Removal of Points Against License/ Restoration of Administrative Payment</p>	<p>Amend s. 318.18 and 322.27, F.S., addressing license suspensions for toll violators. The proposal would:</p> <p>Current</p> <ul style="list-style-type: none"> • Subject to a few limited exemptions, a person may not use any toll facility without payment of tolls, and the failure to pay a prescribed toll is a noncriminal traffic infraction, punishable as a moving violation. • If a person is issued a citation by a toll agency for the failure to pay a toll, the person may elect to pay the citation directly to the issuing toll agency within 30 days of the issuance of the citation, in which case the citation is never filed with the court. • The amount to be paid to the issuing toll agency is \$25, or such other amount as imposed by the governmental entity owning the applicable toll facility, plus the amount of the unpaid toll that is shown on the traffic citation. • If payment is not made to the toll agency within that 30-day period, the citation is no longer treated administratively with the toll agency, and the toll agency then files the citation with the court. The person then has an additional 45 days in which to pay the citation to the clerk of the court, but the higher civil penalty and delinquent fee plus court costs, apply.

	<ul style="list-style-type: none"> • If the person pays the clerk of the court as indicated above, the person is deemed to have admitted the infraction and to have waived his or her right to a hearing on the issue of commission of the toll violation and as a moving violation, 3 points are assessed against the person's driver's license. • During this entire 75-day period, the person may instead choose to request a court hearing. If the person requests a court hearing, or is required to appear in court after failing to respond to the citation, the person is deemed to have waived his or her right to the civil penalty provision for toll violations and if the judge or hearing officer then determines that the toll violation was committed, that official may impose a civil penalty up to \$500. The person is also subject to applicable court costs, and 3 points are assessed against the person's driver's license for an adjudicated violation. <p>Proposed</p> <ul style="list-style-type: none"> • Maintain \$100 fine (where no administrative election is made) as mandatory once in court but restore the option to pay \$30, plus the unpaid toll amount, to the court clerk, with \$25 coming to the toll agency and \$5 retained by the court (plus court costs); • Provide that paying the citation in this manner does not constitute an adjudication and assessment of points against a driver's license but allow adjudication and assessment of points only if imposed by the court after a hearing; • Delete the mandatory suspension of DL for 60 days for persons convicted of 10 toll violations w/in 36 mos.; and • Distinguish between citations issued by toll enforcement officers and those issued by law enforcement officers, in terms of direction to the clerk as to where to direct the proceeds.
(6) Tolls/Video Tolling/Rulemaking Authority	Amends s. 338.155, F.S., to provide express authority with regard to the FDOT's rulemaking related to video billing and the associated post-payment of tolls by toll road users and eliminate obsolete language.

	<p>Current</p> <ul style="list-style-type: none"> • Last year the Legislature directed the Florida Turnpike Enterprise to “pursue and implement new technologies and processes in its operations and collection of tolls and the collection of other amounts associated with road and infrastructure usage. Such technologies and processes must include without limitation, video billing and variable pricing.” <p>Proposed</p> <ul style="list-style-type: none"> • This proposal will provide express rulemaking authority for FDOT with regard to FDOT’s rulemaking related to video billing and the associated post-payment of tolls by toll road users. • FDOT is pursuing such new technologies and seeks further assurances concerning the Department’s rulemaking authority, in particular that related to video billing and the associated post-payment of tolls by toll road users. • The proposed statutory language deletes an obsolete term, “guaranteed toll accounts,” and adds additional language to further describe and clarify rulemaking authority for the Department with regard to tolls.
<p>(7) Transportation Governmental Bond Trust Fund</p>	<p>Creates the Transportation Governmental Bond Trust Fund within the Department of Transportation (FDOT) to segregate future governmental type bond proceeds according to bond covenants and facilitate accounting for and reporting on governmental type bond proceeds separately from other transportation funds.</p> <p>Current</p> <ul style="list-style-type: none"> • FDOT has authorization to issue Grant Anticipation Revenue Vehicles (GARVEE) Bonds and has authorization to issue Fixed Guideway Bonds. • Bond covenants routinely require that bond proceeds be segregated from other funds and FDOT currently does not have a trust fund established for the proceeds from these bond issues. • FDOT currently has trust funds set up for the proper segregation of bond proceeds from Right-of-Way Acquisition and Bridge Construction Bonds, 2586, Transportation Revenue Bonds, 2734, and Turnpike Bonds, 2340.

	<ul style="list-style-type: none"> • FDOT currently cannot place the proceeds from future governmental type bond issues into the above established trust funds. <p>Proposed</p> <ul style="list-style-type: none"> • The creation of the “Transportation Governmental Bond Trust Fund” will provide for the proper placement and segregation of applicable bond proceeds and satisfy the requirement of bond covenants. • Sub-funds of this trust fund will be set up for each individual bond issuance for GARVEE, Fixed Guideway and any other governmental type bonds that may qualify in the future. • This governmental fund structure will facilitate bond proceeds segregation and proper accounting for, and reporting on, the specific bond proceeds separately from other transportation funds.
<p>(8) High Occupancy Vehicle Lanes/Authorized Use/Federal Re-authorization</p>	<p>Recall s. 337.0741, F.S., recent changes. Federal re-authorization may require statutory changes to avoid non-compliance and potential federal funding penalties.</p> <p>This bill is a placeholder pending new federal transportation laws.</p>