

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 7075      PCB TPS 15-02      Transportation  
**SPONSOR(S):** Transportation & Ports Subcommittee, Rooney, Jr.  
**TIED BILLS:**                      **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Transportation & Ports Subcommittee	9 Y, 0 N	Johnson	Vickers
1) Transportation & Economic Development Appropriations Subcommittee		Davis	Davis
2) Economic Affairs Committee			

### SUMMARY ANALYSIS

This is a comprehensive bill related to transportation. In summary, the bill:

- Requires agencies to consider certain criteria when procuring transportation services related to cargo, freight, and package delivery.
- Separates the definition of “autonomous technology” from “autonomous vehicle.”
- Authorizes television receivers to be located so the screen is visible from the driver’s seat for autonomous vehicles.
- Extends the allowable length of a trailer transporting multiple sections or single units of a manufactured building under a special permit.
- Requires metropolitan planning organizations to consider advances in vehicle technology, including autonomous vehicles, when developing their long-range transportation plans.
- Requires the Department of Transportation (DOT) to consider advances in vehicle technology, including autonomous vehicles, when developing its Strategic Intermodal System (SIS) plan.
- Revises the appointment of membership of independent special districts regulating vehicles for hire.
- Repeals an obsolete reference to bonds issued through the Broward County Expressway Authority.
- Repeals Florida Statewide Transportation Corridors, which is duplicative of the SIS.
- Provides that certain members of the Central Florida Expressway Authority’s (CFX) board must be elected officials from their respective counties.
- Provides a date for terms to end for members of CFX’s board appointed by the Governor.
- Provides that the Secretary of CFX is not required to be a member of its board.
- Makes technical corrections to the Central Florida Expressway Authority Act.
- Requires the Commission for Transportation Disadvantaged (CTD), in cooperation with the Center for Urban Transportation Research, to develop and implement a pilot program to assess the cost effectiveness of using transportation network companies as transportation operators.
- Requires DOT, in cooperation with the Florida Transportation Commission (FTC), to study the viability of implementing a vehicle miles traveled system as a mechanism for funding transportation infrastructure.

The bill has an indeterminate fiscal impact. Please see the fiscal analysis section for additional details.

The bill has an effective date of July 1, 2015.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

This is a comprehensive bill related to transportation. For ease of understanding, this bill analysis is arranged by topic.

#### **Sustainable Transportation Services Procurement (Section 1)**

##### Current Situation

Florida currently has a Natural Gas Vehicle Rebate Program, which provides eligible applicants a rebate for the cost of conversion or the incremental cost incurred by an applicant associated with converting, purchasing, or leasing a natural gas fleet vehicle placed into service on or after July 1, 2013. The maximum rebate under the program is \$25,000 per vehicle, not to exceed 50 percent of eligible costs. Each applicant may receive up to \$250,000 per fiscal year on a first-come, first serve basis. The Legislature appropriated \$6 million for each state fiscal year from FY 2013-2014 through FY 2017-2018 to support the rebate program.<sup>1</sup>

Part I of Ch. 287, F.S., relates to the procurement of commodities, insurance, and contractual service. However, there currently is no mention of the use of natural gas and fuel efficient vehicles.

##### Proposed Changes

The bill creates s. 287.0836, F.S., relating to sustainable transportation services procurement. The bill provides that an agency<sup>2</sup> must consider the following criteria when evaluating a proposal or reply received pursuant to a request for proposal or invitation to negotiate for services related to cargo, freight, or package delivery:

- Whether the vendor uses alternative fuels, including natural gas fuel.<sup>3</sup>
- The fuel efficiency of the vehicles use by the vendor.

While the bill requires agencies to consider the use of natural gas and fuel efficient vehicles in the procurement of specified transportation services, it does not mandate their use.

#### **Autonomous Vehicles (Sections 2, 3, 7, and 8)**

##### Current Situation

##### **Background**

Autonomous vehicles are any vehicle equipped with advanced sensors and computing abilities to perceive its surroundings and activate steering, braking, and acceleration without operator input. While they are currently not in widespread use, they can potentially provide several distinct advantages when compared to conventional vehicles, including reduced fuel consumption, increased safety, reduced traffic congestion and improved traffic flow, increased speed limits and reduced need for parking spaces.

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<sup>1</sup> <http://www.freshfromflorida.com/Divisions-Offices/Energy/Natural-Gas-Fuel-Fleet-Vehicle-Rebate> (Last visited March 5, 2015).

<sup>2</sup> Section 287.012(1), F.S., defines “agency” as “any of the various state officers, departments, boards, commissions, divisions, bureaus, and councils and any other unit of organization, however designated, of the executive branch of state government. “Agency” does not include the university and college boards of trustees or the state universities and colleges.”

<sup>3</sup> Section 377.810(2)(f), F.S., defines “natural gas fuel” as “any liquefied petroleum gas product, compressed natural gas product, or combination thereof used in a motor vehicle as defined in s. 206.01(23). This term includes, but is not limited to, all forms of fuel commonly or commercially known or sold as natural gasoline, butane gas, propane gas, or any other form of liquefied petroleum gas, compressed natural gas, or liquefied natural gas. This term does not include natural gas or liquefied petroleum placed in a separate tank of a motor vehicle for cooking, heating, water heating, or electric generation.”

In 2012, the Legislature passed CS/CS/CS/HB 599,<sup>4</sup> which contained provisions relating to autonomous vehicle technology. Florida became one of the few states in the nation to authorize the use of autonomous vehicles. Specifically, the bill:

- Defined “autonomous technology” and “autonomous vehicle.”
- Provided legislative intent regarding vehicles with autonomous technology.
- Authorized the operation of autonomous vehicles under specified conditions.
- Provided requirements for autonomous vehicles.
- Provided guidelines for testing autonomous vehicles.
- Provided a framework for liability for autonomous vehicles.
- Required the Department of Highway Safety and Motor Vehicles (DHSMV) to submit a report by February 12, 2014.

### **DHSMV Report**

On February 12, 2014, the Department of Highway Safety and Motor Vehicles (DHSMV) issued its report on autonomous vehicles.<sup>5</sup> DHSMV’s report noted that autonomous technology has potential to significantly improve highway safety by reducing crashes and saving lives. Similarly, the report found that autonomous technology offers business and economic opportunities for Florida, including technology and policy research, and testing, monitoring, and evaluating the technology. While Florida law allows the testing of autonomous vehicles on public roadways, there is limited regulatory oversight.

The report continued that technology is rapidly advancing and multiple industries are involved with many different approaches to autonomous vehicle technology development. In addition, there are currently no national safety standards and many unknowns relating to the deployment of autonomous vehicles. The report noted that policy-making at this juncture is difficult, at best. When DHSMV issued its report, it proposed no changes to existing Florida law and rules in order to encourage innovation and foster a positive business environment.

### **2014 Legislation**

In 2014, the Legislature passed CS/CS/HB 7005,<sup>6</sup> which expanded the entities authorized to conduct autonomous vehicle testing to include research organizations associated with accredited educational institutions.

Additionally, the bill provided that the Office of Insurance Regulation may approve a premium discount to any rates, rating schedules, or rating manuals for a liability, personal injury protection, and collision coverage of a motor vehicle insurance policy if the insured vehicle is equipped with autonomous driving technology or electronic vehicle collision avoidance technology that is factory installed or a retrofitted system that complies with federal standards.

### **Testing of Autonomous Vehicles**

In January 2014, the Tampa-Hillsborough Expressway Authority designated the Lee Roy Selmon Expressway as a testing site for autonomous vehicles. The Volkswagen Group contacted DHSMV regarding limited testing on an Audi-brand autonomous vehicle on a closed course in Hillsborough County. The one day event took place on the Selmon Expressway on July 28, 2014.<sup>7</sup>

### **Department of Transportation Work on Autonomous Vehicles**

The Department of Transportation (DOT) has also been working on numerous initiatives related to autonomous vehicles.<sup>8</sup> It currently has several autonomous vehicle stakeholder working groups. In

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<sup>4</sup> Ch. 2012-174, L.O.F.

<sup>5</sup> A copy of DHSMV’s report on autonomous vehicles is available at: <http://www.flhsmv.gov/html/safety.html> (Last visited February 18, 2015).

<sup>6</sup> Ch. 2014-216, L.O.F.

<sup>7</sup> E-Mail from the Department of Highway Safety and Motor Vehicles to Transportation & Ports Subcommittee Staff. November 6, 2014. Copy on file with Transportation & Ports Subcommittee Staff.

<sup>8</sup> Information on DOT’s work on autonomous vehicles is available at: <http://www.automatedfl.com/> (Last visited February 11, 2015).

November 2013, DOT held its first ever autonomous vehicle summit. A second summit was held in December 2014.

DOT has collaborated with state universities and engineering consulting firms to gain a better understanding of some of the implications associated with planning for and integrating automated and connected vehicle technologies into the state's infrastructure. The research projects:

- Address the policy implications as it relates to federal, state, and local transportation plans;
- Explore how these technologies could assist the transportation disadvantaged remain mobile even as they age; and
- Assess the viability of various transit applications, particularly Bus Rapid Transit solutions.

### **Use of Television Receivers in Vehicles**

Generally, current law prohibits motor vehicles from being equipped with television-type receivers located where the viewer or screen can be seen from the driver's seat. The statute provides exceptions for safety or law enforcement purposes and does not prohibit electronic displays used in conjunction with a vehicle navigation system. A violation is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in Ch. 318, F.S.<sup>9</sup>

### **Metropolitan Planning Organizations**

Based on census data, the U.S. Bureau of the Census designates urbanized areas throughout the state. Federal law and rule<sup>10</sup> require a metropolitan planning organization (MPO) to be designated for each urbanized area<sup>11</sup> or group of contiguous urbanized areas. In addition, federal law and rules specify the requirements for a MPO transportation planning and programming activities. These requirements are updated after each federal transportation reauthorization bill enacted by Congress. State law also includes provisions governing MPO activities. Section 339.175, F.S., paraphrases or restates some key federal requirements. In addition, state law includes provisions that go beyond the federal requirements. For example, federal requirements regarding MPO membership are very general, while state law is more specific.

Current law requires each MPO to develop a long-range plan that addresses at least a 20 year planning horizon. The long-range transportation plan must; at a minimum:

- Identify transportation facilities that will function as an integrated metropolitan transportation system.
- Include a financial plan.
- Assess capital investment and other measures necessary to:
  - Ensure the preservation of the existing metropolitan transportation system.
  - Make the most efficient use of existing transportation facilities.
- Indicate, as appropriate, proposed transportation enhancement activities.
- In certain metropolitan areas,<sup>12</sup> coordinate the development of the long-range transportation plan with the State Implementation Plan developed pursuant to the federal Clean Air Act.<sup>13</sup>

### **Strategic Intermodal System**

Sections 339.61 through 339.65, F.S., create the Florida Strategic Intermodal System (SIS). The SIS consists of specified components, including:

- Highway Corridors.<sup>14</sup>
- The National Highway System.
- Airport, seaport, and spaceport facilities.
- Rail lines and rail facilities.

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<sup>9</sup> S. 316.303, F.S.

<sup>10</sup> 23 U.S.C. 134 and 23 C.F.R 450 Part C

<sup>11</sup> An urbanized area is defined by the U.S. Bureau of the Census and has a population of 50,000 or more.

<sup>12</sup> This only applies to metropolitan areas classified as nonattainment areas for ozone or carbon monoxide.

<sup>13</sup> S. 339.175(7), F.S.

<sup>14</sup> Highway corridors are established under s. 339.65, F.S.

- Selected intermodal facilities that serve as existing or planned connectors between the components listed above.
- Other existing or planned corridors that serve a statewide or interregional purpose.<sup>15</sup>

Current law requires DOT to develop a Strategic Intermodal System Plan, to be consistent with the Florida Transportation Plan,<sup>16</sup> and to update it at least once every five years, subsequent to Florida Transportation Plan updates.<sup>17</sup> DOT is currently in the process of updating its SIS plan and the Florida Transportation Plan.

The SIS plan is required to include the following:

- A needs assessment.
- A project prioritization process.
- A map of facilities designated as SIS facilities; facilities that are emerging in importance and are likely to become part of the system in the future; and planned facilities that will meet the established criteria.
- A finance plan based on reasonable projections of anticipated revenues, including both 10-year and at least 20-year cost feasible components.
- An assessment of impacts of proposed improvements to SIS corridors on military installations that are either located directly on the SIS or located on the Strategic Highway Network or Strategic Rail Corridor Network.<sup>18</sup>

#### Proposed Changes

The bill amends s. 316.003(91), F.S., removing the definition of autonomous technology, which is embedded in the definition for autonomous vehicle. The bill creates a new s. 316.003(92), F.S., providing a definition for autonomous technology. The actual definitions do not change.

The bill amends s. 316.303(1), F.S., providing that television-type receiving equipment may be located so that the viewer or screen is visible from the driver's seat if the vehicle is equipped with autonomous technology and is being operated in autonomous mode.<sup>19</sup> The bill amends s. 316.303(3), F.S., providing that s. 316.303, F.S., does not prohibit the use of electronic display by the operator of a vehicle equipped with autonomous technology while the vehicle is being operated in autonomous mode. This will allow the operator of an autonomous vehicle in autonomous mode to view an electronic display, which may be integrated into the autonomous vehicle.

The bill amends s. 339.175(7)(c)2., F.S., which currently requires the MPOs long-range transportation plan to make the most efficient use of existing transportation facilities to relieve vehicular congestion and maximize the mobility of people and goods. The bill adds improve safety to the list of required considerations and requires such efforts to include, but not be limited to, consideration of infrastructure and technological improvements necessary to accommodate advances in vehicle technology, such as autonomous vehicle technology and other developments.

The bill creates s. 339.64(3)(c), F.S., requiring DOT in preparing its SIS plan to coordinate with federal, regional, and local partners, as well as industry representatives, to consider infrastructure and technological improvements necessary to accommodate advances in vehicle technology, such as autonomous technology and other developments in SIS facilities.

The bill amends s. 339.64(4)(a), F.S., providing that the needs assessment within the SIS plan shall include, but not be limited to, consideration of infrastructure and technological improvements necessary to accommodate advances in vehicle technology, such as autonomous vehicle technology and other developments.

<sup>15</sup> S. 339.62, F.S.

<sup>16</sup> The Florida Transportation Plan is developed pursuant to s. 339.155, F.S.

<sup>17</sup> S. 339.64(1), F.S.

<sup>18</sup> S. 339.64(4), F.S.

<sup>19</sup> The operation of a vehicle in autonomous mode is provided for in s. 318.85(2), F.S.

## **Commercial Motor Vehicles/Manufactured Building/Special Permits (Section 4)**

### **Current Situation**

DHSMV's Office of Commercial Vehicle Enforcement administers a Weight Enforcement program. Protection of the public's investment in the highway system is the primary purpose of the program. To prevent heavy trucks from causing unreasonable damage to roads and bridges, maximum weight and size limits are established in Ch. 316, F.S.<sup>20</sup> Section 316.515, F.S., sets out the maximum width, height, and length limitations, and s. 316.545, F.S., addresses unlawful weight.

DOT or a local authority, with respect to roads under their respective jurisdiction, may issue a special permit to operate or move a vehicle or combination of a size or weight exceeding the maximums specified. Issuance of such a permit must not be contrary to the public interest and is not required; i.e., permit issuance is within the discretion of DOT or the local authority.<sup>21</sup> Significant penalties can result from failure to obtain a special permit or failure to comply with the specific terms of the permit.<sup>22</sup>

Generally, as to truck tractor-semitrailer combinations and length, the extreme overall outside dimension of the combination may not exceed 48 feet, measured from the front of the unit to the rear of the unit and the load carried.<sup>23</sup> However, the DOT is authorized, if not contrary to the public interest and within its discretion, to issue a special permit for a combination if the total number of over-width deliveries of manufactured buildings may be reduced by permitting the use of an over-length trailer not exceeding 54 feet.<sup>24</sup> Issuance of this type of over-length special permit does not exempt the combination vehicle from existing weight limitations or special permit requirements if the weight of the combination exceeds the maximums specified in Ch. 316, F.S.

### **Proposed Changes**

The bill amends s. 316.515(4), F.S., to insert "multiple sections or single units" with reference to manufactured buildings transported on permitted, over-length trailers, and to increase the allowable trailer over-length from 54 to 80 feet.

Transporters of manufactured buildings on truck tractor-semitrailer combinations will continue to be required to obtain a permit for such combinations, even with a trailer length of 80 feet. Overweight permits also continue to be required when applicable. Issuance of such permits remains within the discretion of DOT.

## **Independent Special Districts Regulating Vehicles For Hire (Section 5)**

### **Current Situation**

The Hillsborough County Public Transportation Commission (HPTC) is a legislatively-created independent special district regulating vehicles for hire. The HPTC regulates such vehicles in that county pursuant to authority granted to counties in s. 125.01(1)(n), F.S., to license and regulate taxis, jitneys, limousines for hire, rental cars, and other passenger vehicles for hire that operate in the unincorporated areas of the county. The Commission appears to be the only independent special district with such responsibilities.<sup>25</sup>

The HPTC currently has seven members.<sup>26</sup> The Board of County Commissioners appoints three members from the board, the City Council of Tampa appoints two members, and the City Commission of Plant City and the City Council of Temple Terrace appoint one member each. Each member serves a two-year term.

<sup>20</sup> See the DHSMV website: <http://www.flhsmv.gov/fhp/cve/WeightEnforcement.htm> (Last visited March 10, 2015)

<sup>21</sup> S. 316.550, F.S.

<sup>22</sup> S. 316.550(10), F.S.

<sup>23</sup> S. 316.550(3)(b)1., F.S.

<sup>24</sup> S. 316.515(14), F.S.

<sup>25</sup> The HPTC is an independent special district first created in 1983. Ch. 83-423, Laws of Florida.

<sup>26</sup> Ch. 2001-299, L.O.F.

## Proposed Changes

The bill creates s. 335.21, F.S., revising the appointment of membership to the HPTC, notwithstanding any provision of local law. The bill stipulates that the Governor appoints four members, the Tampa City Council appoints one member, and the Hillsborough County Board of Commissioners appoints two members. All seven members must be Hillsborough County residents.

## **Broward County Expressway Authority Bonds (Section 6)**

### Current Situation

Florida expressway authorities are formed either under the Florida Expressway Authority Act<sup>27</sup> or by special act of the Legislature. Most existing expressway authorities were created prior to the Florida Expressway Authority Act being enacted in 1990 and, therefore, are not subject to most of its provisions. The Miami-Dade Expressway Authority is the only authority currently created and governed by the Florida Expressway Authority Act.

The purpose of Florida's expressway authorities is to construct, maintain, and operate tolled transportation facilities complementing the State Highway System and the Florida Turnpike Enterprise. The expressway authorities have boards of directors that typically include a combination of local-government officials and Governor appointees who decide on projects and expenditure of funds.

In 1983, the Broward County Expressway Authority was created.<sup>28</sup> The authority built the Sawgrass Expressway, which opened in 1986. In December 1990, the Sawgrass Expressway was acquired by DOT and became part of Florida's Turnpike System.<sup>29</sup> The Broward County Expressway Authority was repealed in 2011.<sup>30</sup>

While the Broward County Expressway Act was repealed in 2011, s. 338.231(5), F.S., continues to address issue related to series 1984 and series 1986 A bonds originally issued through the authority. Because the bonds have been retired and are no longer outstanding this subsection is now obsolete.

### Proposed Changes

The bill repeals s. 338.231(5), F.S., relating to retired bonds issued through the abolished Broward County Expressway Authority.

## **Statewide Transportation Corridors (Section 9)**

### Current Situation

In 2003, the Legislature created s. 341.0532, F.S., relating to statewide transportation corridors.<sup>31</sup> Section 341.0532, F.S., designates a number of "statewide transportation corridors" that include railways, highways connecting to transportation terminals, and intermodal service centers. The specified corridors are:

1. The Atlantic Coast Corridor, including I-95, and linking Jacksonville to Miami.
2. The Gulf Coast Corridor, from Pensacola to St. Petersburg and Tampa, including U.S. 98, U.S. 19 and S.R. 27.
3. The Central Florida North-South Corridor, from the Florida-Georgia border to Naples, and Fort Lauderdale/Miami, including I-75.
4. The Central Florida East-West Corridor, from St. Petersburg to Tampa and Titusville, including I-4 and the BeeLine Expressway.
5. The North Florida Corridor, from Pensacola to Jacksonville, including I-10 and U.S. 231, S.R. 77, and S.R. 79.

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<sup>27</sup> Part I of Ch. 348, F.S.

<sup>28</sup> Ch. 83-289, L.O.F.

<sup>29</sup> [http://www.floridasturnpike.com/about\\_system.cfm](http://www.floridasturnpike.com/about_system.cfm) (Last visited February 5, 2015).

<sup>30</sup> Ch. 2011-64, L.O.F.

<sup>31</sup> Ch. 2003-286, L.O.F.



6. The Jacksonville to Tampa Corridor, including U.S. 301.
7. The Jacksonville to Orlando Corridor, including U.S. 17.
8. The Southeastern Everglades Corridor, linking Wildwood, Winter Garden, Orlando, West Palm Beach via the Florida Turnpike.

With very limited exceptions these corridors are also in the Strategic Intermodal System (SIS) which is a statewide network of high-priority transportation facilities, including the state's largest and most significant commercial service airports, spaceports, deepwater seaports, freight rail terminals, passenger rail and intercity bus terminals, rail corridors, waterways and highways. The facilities on SIS are designated by the DOT based on criteria provided in ss. 339.61 through 339.64, F.S.

Section 341.0532, F.S., is not linked to any other section of statute nor is it linked to any transportation funding and is not being used for any purpose. DOT also now has a Future Corridors Program<sup>32</sup> and there may be confusion between the Statewide Transportation Corridors and Future Corridors.

### Proposed Changes

The bill repeals s. 341.0532, F.S. which created the statewide transportation corridors. As mentioned above, most of the corridors are on DOT's SIS.

## **Use of Transportation Network Companies (Sections 10 and 14)**

### Current Situation

#### **Transportation Network Companies**

The provision of for-hire vehicle services, such as taxis, is changing. Technological advances are resulting in new methods for consumers to arrange and pay for transportation, including software applications that make use of mobile smartphone applications, Internet web pages, and email and text messages. Some states and local governments have taken steps to recognize and regulate companies using these new methods, which describe themselves as "transportation network companies" (TNCs) and not vehicles for hire.

California was the first state to recognize TNCs,<sup>33</sup> such as Uber, Lyft, and SideCar, which use these new technologies to match drivers of vehicles with passengers requesting vehicles for transportation. Presently, Florida law does not recognize TNCs, but some local governments have adopted local regulations authorizing TNCs to operate within the given local jurisdiction, some have rejected new regulations in favor of existing for-hire vehicle regulations, and some local governments are currently considering new regulations.

#### **Public Transit/Commission for Transportation Disadvantaged**

Under current law, a public transit provider is a public agency that provides public transit service.<sup>34</sup> Florida law defines "public transit" to mean the transporting of people by conveyances, or systems of conveyances, traveling on land or water, local or regional in nature, and available for use by the public. The definition expressly includes "paratransit" services.<sup>35</sup> Paratransit services are "on-demand" services. The individual user selects the specific origin and destination at a time agreed upon by the user and the service provider. Currently, public transit providers contract with taxis, limousines, "dial-a-ride," buses, and other demand-responsive operations to provide paratransit services to their customers.<sup>36</sup>

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<sup>32</sup> Information on DOT's Future Corridors Program is available at: <http://www.dot.state.fl.us/planning/policy/corridors/about.shtml> (Last visited March 5, 2015).

<sup>33</sup> See Forbes, *California Becomes First State to Regulate Ridesharing Services Lyft, Sidecar, UberX*: <http://www.forbes.com/sites/tomiogeron/2013/09/19/california-becomes-first-state-to-regulate-ridesharing-services-lyft-sidecar-uberx/>. (Last visited March 4, 2015).

<sup>34</sup> S. 341.031(1), F.S.

<sup>35</sup> S. 341.031(6), F.S.

<sup>36</sup> S. 341.031(5) and (6) and s. 427.011(9), F.S.



Paratransit services for the transportation disadvantaged<sup>37</sup> are provided through the Commission for the Transportation Disadvantaged. A local coordinating board oversees the community transportation coordinator,<sup>38</sup> who contracts with operators<sup>39</sup> that provide transportation. Some trips for individuals who are transportation disadvantaged are “sponsored”; i.e., funding for the trips is provided or subsidized, for example, by Medicaid. “Non-sponsored” transportation disadvantaged services are those not sponsored or subsidized by any funding source other than the Transportation Disadvantaged Trust Fund.<sup>40</sup>

### **Center for Urban Transportation Research**

The Center for Urban Transportation Research (CUTR) is established at the University of South Florida and administered by the Board of Governors of the State University System. It serves as a continuing resource in the area of urban transportation and related research.<sup>41</sup>

### **Proposed Changes**

The bill creates s. 341.1025, F.S., providing that a public transit provider may enter into agreements with a TNC under which the TNC provides paratransit service or public transit service on behalf of the provider. The bill defines “transportation network company” as an entity that uses a digital or software application to connect passengers to services provided by TNC drivers.

The bill additionally requires CTD, in cooperation with CUTR, to develop and implement a pilot program with at least one community transportation coordinator<sup>42</sup> to assess the cost effectiveness made possible through the use of a TNC as a transportation operator.<sup>43</sup>

The bill provides that the pilot program must allow for one or more TNCs to provide all or some nonsponsored paratransit services to eligible transportation disadvantaged persons for no less than six months. A participating TNC is required to comply with all relevant standards for transportation operators.<sup>44</sup>

Contingent on legislative appropriation, CTD may expend up to \$750,000 on the pilot program.

CTD is required to present the findings of the pilot program in a report to the appropriate Senate and House of Representatives committees by October 1, 2016.

### **Central Florida Expressway Authority (Sections 11 through 13)**

#### **Current Situation**

The Orlando Orange County Expressway Authority (OOCEA), was created in part III of Ch. 348, F.S.,<sup>45</sup> and served Orange County. It was authorized to construct, operate, and maintain roads, bridges,

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<sup>37</sup> Those persons who because of physical or mental disability, income status, or age are unable to transport themselves or to purchase transportation and are dependent on others to obtain access to health care, employment, education, shopping, social activities, or other life-sustaining activities, or certain children. See s. 427.011(1), F.S.

<sup>38</sup> A transportation entity recommended by an MPO, or by the appropriate official planning agency in an area outside the purview of an MPO, to ensure coordinated transportation services are provided to transportation disadvantaged persons in a designated service area. See s. 427.011(5), F.S.

<sup>39</sup> One or more public, private for-profit, or private nonprofit entities engaged by the community transportation coordinator to provide service to transportation disadvantaged persons. See s. 427.011(6), F.S.

<sup>40</sup> S. 427.011(12), F.S.

<sup>41</sup> S. 334.065, F.S.

<sup>42</sup> Section 427.011(5), F.S., defines “community transportation coordinator” as “a transportation entity recommended by a metropolitan planning organization, or by the appropriate designated official planning agency as provided for in ss. 427.011-427.017 in an area outside the purview of a metropolitan planning organization, to ensure that coordinated transportation services are provided to the transportation disadvantaged population in a designated service area.”

<sup>43</sup> Section 427.011(6), F.S., defines “transportation operator” as “one or more public, private for-profit, or private nonprofit entities engaged by the community transportation coordinator to provide service to transportation disadvantaged persons pursuant to a coordinated system service plan.”

<sup>44</sup> These are required under s. 427.013(9), F.S.

<sup>45</sup> Part III of Ch. 348, F.S., consists of ss. 348.751 through 348.765, F.S.

avenues of access, thoroughfares, and boulevards in the county, as well as outside the jurisdictional boundaries of Orange County with the consent of the county within whose jurisdiction the activities occur.<sup>46</sup>

In 2014, CS/CS/SB 230 changed OOCEA to the Central Florida Expressway Authority (CFX).<sup>47</sup> In summary, the bill:

- Created CFX and provides for the transfer of governance and control, legal rights and powers, responsibilities, terms and obligations of OOCEA to CFX.
- Provided for the composition of the governing body of CFX and the appointment of its officers.
- Provided ethics and accountability requirements of CFX board members and employees.
- Provided that the area served by CFX is within the geographical boundaries of Orange, Seminole, Lake, and Osceola Counties.
- Removed the existing OOCEA requirement that the route of a project be approved by a municipality before the right-of-way can be acquired.
- Required that CFX encourage the inclusion of local-, small-, minority-, and women-owned businesses in its procurement and contracting opportunities.
- Removed the existing OOCEA authority to waive payment and performance bonds for certain public works projects awarded pursuant to an economic development program.
- Provided that upon termination of the lease-purchase agreement of the Central Florida Expressway System, title will be retained by the state, and extends the terms of lease-purchase agreements from 40 to 99 years.
- Provided for the transfer of the Osceola County Expressway System to CFX and provides for the repeal of the Osceola County Expressway Authority Act<sup>48</sup> when the Osceola County Expressway System is transferred to CFX.

CFX currently owns and operates 105 centerline miles of roadway in Orange County, which includes:

- 22 miles of the Spessard L. Holland East-West Expressway (SR 408);
- 23 miles of the Martin Andersen Beachline Expressway (SR 528);
- 33 miles of the Central Florida GreeneWay (SR 417);
- 22 miles of the Daniel Webster Western Beltway (SR 429); and
- 5 miles of the John Land Apopka Expressway (SR 414).

### Proposed Changes

The bill changes the title of Part III of Ch. 348, F.S., from Orlando-Orange County Expressway Authority to Central Florida Expressway Authority to reflect the new name of the authority.

The bill also addresses several issues relating to the make-up of the CFX governing body. The bill amends s. 348.753(3), F.S., providing that the chairs of the boards of county commission from Seminole, Lake, and Osceola Counties appoint one member of the board from their respective counties, who must be a county commission member, chair, or county mayor. The bill also provides that members appointed by the Governor have their terms end on December 31 of his or her last year of service. The bill also removes an obsolete provisions regarding the terms of standing board members from when the make-up of the board changed in the 2014 law.

The bill amends s. 348.753(4)(a), F.S., removing the requirement that one of the members of the board serve as the authority's secretary.

The bill amends s. 348.754(2)(e), F.S., clarifying that CFX is a party to a December 23, 1989, lease purchase agreement between OOCEA and DOT.

### **Vehicle Miles Traveled Study (Section 15)**

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<sup>46</sup> S. 348.754(2)(n), F.S.

<sup>47</sup> Ch. 2014-171-L.O.F.

<sup>48</sup> Part V of Ch. 348, F.S.

### Current Situation

Concern regarding the sustainability of transportation funding sources remains a focus of attention in the transportation arena. A number of factors have together caused a reduction in transportation revenues:

- The bulk of federal surface transportation funding comes from the federal taxes on gasoline and diesel fuel assessed on a per-gallon basis, and the tax rates are not adjusted for inflation.
- The total number of vehicle miles traveled (VMT) has declined in recent years, resulting in fewer gallons of gas and diesel sold upon which to assess federal, state, and local taxes. This number is not expected to return to previously realized growth levels.
- Vehicle fuel efficiency continues to increase, also lowering the demand for gallons of gas and diesel.<sup>49</sup>

Various alternatives to the existing gas and diesel taxes have been considered. One alternative is to replace those taxes with a “vehicle-miles-traveled tax” or a “mileage-based user fee”:

Mileage-based user fees (MBUF) are an alternative way to finance the construction and maintenance of roads. Rather than the current gas tax method, which is based on the amount of fuel purchased at the pump, a VMT tax is based on how many miles are driven.<sup>50</sup>

According to the Mileage-based User Fee Alliance, use of a distance-traveled mechanism is already being successfully implemented in several European nations and in New Zealand. Domestically, “...states are taking a lead in helping to resolve many of the implementation questions by working with academia, industry partners and each other to devise mileage-based user fee pilot projects around the country.”<sup>51</sup>

The State of Oregon appears to have made the most progress towards implementation of a MBUF in the United States, having already completed two pilots and planning implementation of a voluntary program, beginning July 1, 2015, using 5,000 vehicles.<sup>52</sup> Interest has been expressed in developing a Florida-specific, implementable pilot project to determine the efficacy of a VMT fee as a viable alternative to per-gallon gas and diesel taxes.

### Proposed Changes

The bill provides legislative recognition that the existing fuel tax structure used by the state to derive revenues for transportation projects is increasingly becoming inadequate to meet the state’s long-term transportation infrastructure needs. The Legislature directs DOT, in cooperation with the Florida Transportation Commission (FTC), to study the impact of implementing a system that charges drivers based on VMT as an alternative, sustainable source for transportation funding. DOT, in cooperation with FTC, is required to issue a request for proposals to conduct a study of the viability of implementing a system that charges drivers based on VMT as an alternative to the present fuel tax structure to fund transportation projects. The study is required to synthesize previous research and findings from other states. The study shall, at a minimum, address the following specific issues:

- Various methods of recording and reporting highway use, including availability, adaptability, reliability, ease of use, cost, and security.
- Protection of personally identifiable information and relieving other privacy concerns.
- Ease and cost of administering charges for VMT compared to imposing fuel taxes.

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<sup>49</sup> See the Center for Urban Transportation Research, *Florida MPOAC Transportation Revenue Study*, July 2012. On file in the House Transportation & Ports Subcommittee.

<sup>50</sup> See Mileage-Based User Fee Alliance website: <http://mbufa.org/about.html>. (Last visited March 4, 2015).

<sup>51</sup> See MBUFA website: <http://mbufa.org/where.html>. (Last visited March 4, 2015). Colorado, Minnesota, Nevada, New York City, Texas, Washington, the University of Iowa, and the I-95 Corridor Coalition have all undertaken efforts with respect to a

<sup>52</sup> See *Oregon’s VMT Pilot to Begin its Third Phase – Road usage Charge Program Update*: <http://www.nlc.org/media-center/news-search/oregon%E2%80%99s-vmt-pilot-to-begin-its-third-phase-road-usage-charge-program-update>. (Last visited March 4, 2015).

- Effectiveness of methods of maintaining compliance.
- Interoperability with tolling.
- Interoperability with other states and visiting vehicles from out of state.
- Assessment of public acceptability of a charge for VMT compared to the fuel tax.
- The means of establishing rates for various vehicles based on type, weight, and roadways used.

In addition, the study is required to address the advantages and disadvantages of a VMT system, and other options for financing the state's transportation system, and the estimated fiscal impact for implementing a VMT system.

By December 31, 2016, DOT and FTC are required to submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives detailing the study's findings and making recommendations regarding the feasibility and means of implementing a VMT pilot project.

#### **Effective Date (Section 16)**

The bill has an effective date of July 1, 2015.

#### **B. SECTION DIRECTORY:**

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| Section 1  | Creates s. 287.0836, F.S., relating to sustainable transportation services procurement.  |
| Section 2  | Amends s. 316.003, F.S., relating to definitions.  |
| Section 3  | Amends s. 316.303, F.S., relating to television receivers.   |
| Section 4  | Amends s. 315.515, F.S., relating to maximum width, height, and length requirements for commercial motor vehicles.   |
| Section 5  | Creates s. 335.21, F.S., relating to governing bodies of independent special districts.  |
| Section 6  | Amends s. 338.231, F.S., relating to turnpike tolls, fixing, pledge of tolls and other revenues.   |
| Section 7  | Amends s. 339.175, F.S., relating to metropolitan planning organizations.  |
| Section 8  | Amends s. 339.64, F.S., relating to the strategic intermodal system plan.  |
| Section 9  | Repeals s. 341.0532, F.S., relating to Florida statewide transportation corridors.   |
| Section 10 | Creates s. 341.1025, F.S., relating to public transit providers; transportation network company agreements for the provision of public transit service.                                    |
| Section 11 | Retitles Part III of Ch. 348, F.S.   |
| Section 12 | Amends s. 348.753, F.S., relating to the Central Florida Expressway Authority.   |
| Section 13 | Amends s. 348.754, F.S., relating to the purposes and powers of the Central Florida Expressway Authority.  |
| Section 14 | Requires the Commission for Transportation Disadvantaged, in cooperation with the Center for Urban Transportation Research to implement a pilot program.                                   |
| Section 15 | Requires the Department of Transportation in cooperation with the Florida Transportation Commission to study a vehicle miles traveled funding mechanism for transportation infrastructure. |
| Section 16 | Provides an effective date.  |

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

#### **1. Revenues:**

Indeterminate. DOT could collect additional revenues if there is an increase in the issuance of special permits from the provision which increases the allowable trailer length used to transport manufactured buildings.

#### **2. Expenditures:**

Indeterminate. See fiscal comments.

### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

#### **1. Revenues:**

None.

#### **2. Expenditures:**

Indeterminate. See fiscal comments.

### **C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None.

### **D. FISCAL COMMENTS:**

Costs or savings associated with authorizing transportation network companies the ability to provide certain public transit and transportation disadvantaged services is unknown at this time.

The bill requires the Commission for Transportation Disadvantaged (CTD), in cooperation with the Center for Urban Transportation Research, to develop and implement a pilot program to assess the cost effectiveness of using transportation network companies as transportation operators. While this pilot program is required, the bill authorizes the Commission to expend up to \$750,000 on the program, contingent on legislative appropriation. No funding has been provided so the CTD would be required to absorb this cost within existing resources.

Similarly, there will be indeterminate costs associated with DOT and the FTC conducting a study on vehicle miles traveled. There is no funding provided for this study thus it will have to be absorbed within existing agency resources.

MPOs may experience minimal costs associated with considering autonomous vehicles in their long-range transportation plans.

## **III. COMMENTS**

### **A. CONSTITUTIONAL ISSUES:**

#### **1. Applicability of Municipality/County Mandates Provision:**

Not Applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

#### **2. Other:**

None.

**B. RULE-MAKING AUTHORITY:**

None.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

On March 10, 2015, the Transportation & Ports Subcommittee adopted the PCB with one amendment. The amendment extended the allowable length of a trailer transporting multiple sections or single units of manufactured buildings under a special permit from 54 to 80 feet.

This analysis is written to the PCB as amended.