



# 127th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2015

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Legislative Document

No. 844

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H.P. 578

House of Representatives, March 10, 2015

### An Act To Improve Transit Services Statewide

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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-plan 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

