

STATE OF MAINE

—  
IN THE YEAR OF OUR LORD  
TWO THOUSAND AND FIFTEEN

—  
H.P. 578 - L.D. 844

**An Act To Improve Transit Services Statewide**

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

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

**82-A.**

|                        |                         |                       |                        |
|------------------------|-------------------------|-----------------------|------------------------|
| <u>Transportation:</u> | <u>Public Transit</u>   | <u>Not Authorized</u> | <u>23 MRSA §4209-A</u> |
| <u>Public Transit</u>  | <u>Advisory Council</u> |                       |                        |

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

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

**Sec. 3.** 23 MRSA §4209, sub-§1-A, as enacted by PL 2009, c. 130, §2, is repealed.

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

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

- A. Maximum feasible coordination of funds among all state agencies that sponsor transportation in the region;
- B. Development and maintenance of a permanent and effective public transportation system, with particular regard to riders who are low-income or elderly or who have disabilities;
- C. Participation of private transit operators in the service, to the greatest extent possible;
- D. Conformity with general operations requirements as may be prescribed by the commissioner; and
- E. Compliance with any appropriate federal regulations, including but not limited to the federally required locally coordinated plan.

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

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

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

- A. Planning and technical assistance, information transfer, capital and operations planning, performance monitoring and evaluation, quality assurance, accounting, assistance with management information systems and service reporting to a locally coordinated plan for regional operations plan transit drafter or transportation provider and securing of provider compliance with the requirements of other state agencies in these areas;
  - A-1. Act as mediator and, if necessary, final arbiter of disputes between state agencies and transportation providers regarding service;
  - A-2. In consultation with the Bureau of Insurance, advise transportation providers regarding the liability of volunteer drivers;

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

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

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

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

**Sec. 6. 23 MRSA §4209, sub-§4**, as amended by PL 2009, c. 130, §4, is further amended to read:

**4. Human services assistance; priorities.** ~~The committee shall act to coordinate purchase of service contracts and~~ The Public Transit Advisory Council under section 4209-A shall serve in an advisory capacity to the department, the Department of Health and Human Services and the Department of Labor in matters concerning public transportation. In the event that transportation funds for human services programs are insufficient for full implementation of the human services portion of an approved ~~biennial~~ quinquennial locally coordinated plan for regional operations plan transit, priorities established by the Department of Health and Human Services determine the priority clients that must be initially served by human services funds. ~~Members of the committee~~ The department, the Department of Health and Human Services and the Department of Labor and their contractors shall actively engage local transportation providers in the planning of new services that are expected to have a transportation component.

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

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

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

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

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

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

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

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

B. The following individuals appointed by the commissioner:

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

(2) One representative of private bus operators;

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

(4) One representative of a medical provider;

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

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

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

(8) One representative of a nonprofit transit provider;

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

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

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

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

**4. Terms, vacancies and council chair.** A member of the council appointed pursuant to subsection 2, paragraph E serves for a term of 3 years. If a member is unable to complete the term, the commissioner shall appoint a member from the same category of members listed in subsection 2, paragraph E as the member who vacated the council to

serve out the unexpired portion of the term. The commissioner shall determine how the council is to choose a chair and for how long the chair is to serve.

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

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

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

C. Recommendations for the optimal coordination of transit services with other senior and veteran services.

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

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

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