

1 SB85
2 189544-1
3 By Senator Smitherman
4 RFD: Transportation and Energy
5 First Read: 09-JAN-18

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8 SYNOPSIS: This bill would create the Alabama Public
9 Transportation Trust Fund to fund activities that
10 increase public transportation options across the
11 state.

12 This bill would require the Alabama
13 Department of Economic and Community Affairs to
14 maintain and administer the trust fund.

15 This bill would create the Alabama Public
16 Transportation Trust Fund Advisory Committee to
17 advise the department on the administration of the
18 trust fund and the making of awards.

19 This bill would require the Alabama
20 Department of Economic and Community Affairs to
21 adopt rules, make annual reports, conduct a public
22 transportation needs assessment, enter into
23 contracts, conduct audits, and award grants.

24
25 A BILL
26 TO BE ENTITLED
27 AN ACT

1
2 Relating to public transportation; to create the
3 Alabama Public Transportation Trust Fund to fund activities
4 that increase public transportation options across the state;
5 to require the Alabama Department of Economic and Community
6 Affairs to maintain and administer the trust fund; to create
7 the Alabama Public Transportation Trust Fund Advisory
8 Committee to advise the department on the administration of
9 the trust fund and the making of awards; and to require the
10 Alabama Department of Economic and Community Affairs to adopt
11 rules, make annual reports, conduct a public transportation
12 needs assessment, enter into contracts, conduct audits, and
13 award grants.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. This act shall be known and may be cited
16 as the Alabama Public Transportation Act.

17 Section 2. As used in this act, the following words
18 have the following meanings:

19 (1) ADVISORY COMMITTEE. The Alabama Public
20 Transportation Trust Fund Advisory Committee.

21 (2) DEPARTMENT. The Alabama Department of Economic
22 and Community Affairs.

23 (3) DIRECTOR. The Director of the Alabama Department
24 of Economic and Community Affairs.

25 (4) TRUST FUND. The Alabama Public Transportation
26 Trust Fund created pursuant to Section 4.

1 Section 3. The Legislature finds and declares the
2 following:

3 (1) Alabama is in need of more safe and affordable
4 public transportation options for residents and visitors.

5 (2) Inadequate and inefficient public transportation
6 in Alabama adversely affects a community's ability to develop
7 and maintain a viable and stable economy.

8 (3) The establishment of the Alabama Public
9 Transportation Trust Fund is intended to do all of the
10 following:

11 a. Provide a flexible source of funding for all
12 Alabama communities to address their public transportation
13 needs.

14 b. Help families attain economic stability.

15 c. Connect people to work opportunities and meet
16 other vital transportation needs.

17 d. Contribute to economic growth through increased
18 employment in operating and maintaining public transportation
19 infrastructure.

20 e. Increase tax revenue by improving the ability of
21 people to access work and purchase goods and services, thereby
22 benefiting all Alabama residents.

23 f. Alleviate deficiencies in the supply of safe and
24 affordable public transportation for citizens of Alabama and
25 visitors, many of whom are physically disabled, elderly,
26 living with developmental disabilities, or otherwise unable to

1 afford the costs of owning, maintaining, and properly insuring
2 a vehicle.

3 g. Decrease the consequences of impaired and
4 distracted driving by providing new opportunities for people
5 to meet transportation needs without operating a motor
6 vehicle.

7 Section 4. (a) The Alabama Public Transportation
8 Trust Fund is created in the State Treasury for the
9 distribution of designated funds appropriated by the
10 Legislature or collected from grants or other sources for the
11 purpose of increasing public transportation options across the
12 state of Alabama. The trust fund shall be maintained and
13 administered by the department.

14 (b) The department shall do all of the following in
15 maintaining and administering the trust fund:

16 (1) Invest and reinvest all money held in the trust
17 fund in investments under the department's investment
18 policies.

19 (2) Keep books and records relating to the
20 investment, interest earnings, and uses of monies deposited
21 into the trust fund.

22 (3) Establish procedures for the withdrawal,
23 allocation, and use of the monies held in the trust fund for
24 the purposes described in Section 6.

25 (4) Publish, on an annual basis, criteria for
26 determining the distribution of monies from the trust fund.

1 (5) Conduct an annual independent audit of the trust
2 fund.

3 (6) Prepare, in collaboration with the advisory
4 committee, an annual performance report, which shall be
5 provided to the Governor, Speaker of the House of
6 Representatives, and the President Pro Tempore of the Senate,
7 outlining the use of the trust fund monies, including, but not
8 limited to, the trust fund's success in meeting its intended
9 purposes.

10 (7) Conduct or hire an outside entity to conduct a
11 statewide public transportation needs assessment, once every
12 five years to inform the department, its director, and the
13 advisory committee of the public transportation needs in
14 Alabama. The assessment should include evaluating
15 transportation needs for individuals with disabilities,
16 low-income and rural populations, and the elderly.

17 (8) Enter into contracts and agreements in
18 connection with the operation of the trust fund, including
19 contracts and agreements with federal agencies, local
20 governmental entities, community developers, and other persons
21 and not-for-profit groups. This provision shall not authorize
22 contracts and agreements with for-profit entities.

23 (9) Engage in ongoing efforts to increase funding
24 sources for the trust fund, including any additional ongoing
25 state-dedicated funding source.

26 (c) The department shall seek the input of the
27 advisory committee, but the director shall have final

1 decision-making authority on all matters relating to the trust
2 fund and programs administered pursuant to this act.

3 (d) The department shall be paid periodically a
4 reasonable fee from amounts deposited to the trust fund to
5 reimburse it for its services in administering the fund. On an
6 annual basis, the department may not be paid in excess of 10
7 percent of the total annual deposits to the trust fund.

8 Section 5. (a) Activities funded by the trust fund
9 shall be selected through a competitive process pursuant to
10 rules adopted by the department with input from the advisory
11 committee. In establishing criteria for the awarding of funds,
12 the department shall address the transportation needs of the
13 disabled, the elderly, and rural populations, consistent with
14 the input of the advisory committee and the statewide public
15 transportation needs assessment, and work toward the following
16 goals:

17 (1) Increase safe and affordable public
18 transportation options across the State of Alabama.

19 (2) Maintain and repair the existing fleet of public
20 transportation options across Alabama, while acquiring new
21 vehicles, as needed.

22 (3) Serve individuals and families living near urban
23 fixed route public transportation systems, expand such routes,
24 and improve service along the routes.

25 (4) Serve individuals and families living in rural
26 Alabama and connect them to the goods and services that

1 improve their quality of life and bolster their economic well-being.

2 (b) All transportation systems funded under this act
3 must comply with the design standards of the Americans with
4 Disabilities Act.

5 Section 6. (a) There is created the Alabama Public
6 Transportation Fund Advisory Committee for the purpose of
7 advising the director and staff of the department with respect
8 to the administration of the trust fund; provided, however,
9 all decision making authority remains with the department.

10 (b) The advisory committee shall consist of the
11 following members:

12 (1) A member of the House of Representatives
13 appointed by the Speaker of the House of Representatives.

14 (2) A member of the Senate appointed by the
15 President Pro Tempore of the Senate.

16 (3) The Lieutenant Governor or his or her designee.

17 (4) A representative of the American Association of
18 Retired Persons (AARP) appointed by AARP Alabama.

19 (5) A representative of the Department of Senior
20 Services appointed by that department.

21 (6) A representative of the Alabama Association of
22 Regional Councils appointed by that organization.

23 (7) A representative of the Community Action
24 Association of Alabama appointed by that organization.

25 (8) A representative of the Disability Rights and
26 Resources in Birmingham, the Montgomery Center for Independent

1 Living, or the Independent Living Center of Mobile, jointly
2 appointed by that organizations.

3 (9) A representative of the Transit Citizens
4 Advisory Board of Birmingham appointed by that organization.

5 (10) An individual who regularly uses public
6 transportation to be appointed by the Governor from a list
7 jointly provided by Greater Birmingham Ministries and Alabama
8 Arise.

9 (11) A representative of the Alabama League of
10 Municipalities appointed by that organization.

11 (12) A representative of the Alabama Association of
12 County Commissions appointed by that organization.

13 (13) A representative of the Alabama Transportation
14 Association appointed by that organization.

15 (c) To avoid a conflict of interest or the
16 appearance of a conflict of interest, no sitting advisory
17 committee organization may apply for trust fund dollars during
18 its time on the advisory committee. If an affiliate
19 organization applies for funding, the related advisory
20 committee organization shall recuse itself from any discussion
21 or voting on the application.

22 (d) Each member of the advisory committee shall
23 serve a three-year term with the exception of the initial
24 members. The initial members shall draw lots to determine the
25 three members who shall serve for three years, the three
26 members who shall serve for two years, and the three members
27 who shall serve for one year.

1 (e) Each term on the advisory committee shall expire
2 on September 30 of the year in which the term expires. When
3 this occurs, the applicable appointing authority shall appoint
4 a new member or reappoint the current member. If a vacancy
5 occurs, an appointment shall be made within 90 days to fill
6 the vacancy for the remainder of the unexpired term.

7 (f) Membership of the advisory committee shall be
8 inclusive and reflect the racial, gender, geographic,
9 urban/rural and economic diversity of the state. The advisory
10 committee shall annually report to the Legislature by the
11 second legislative day of each regular session the extent to
12 which the membership of the advisory committee complies with
13 the diversity provisions of this section.

14 (g) The advisory committee shall elect from its
15 membership a chair, vice chair, and secretary. The advisory
16 committee shall adopt rules to govern its proceedings. A
17 majority of the membership of the committee shall constitute a
18 quorum for all meetings.

19 (h) The advisory committee shall meet within 30 days
20 after the members are appointed and thereafter shall hold
21 regular meetings. Minutes of each meeting of the advisory
22 committee shall be signed and kept by the secretary or an
23 assistant secretary appointed by the advisory committee.

24 (i) The director may remove a member of the advisory
25 committee only for neglect of duty; an unexcused failure to
26 attend more than one of the regularly scheduled meetings held
27 in a calendar year during the term in office of the member;

1 malfeasance, a violation of this act, or the conviction of a
2 felony.

3 (j) Members of the advisory committee shall receive
4 reimbursement for expenses incurred in the performance of
5 duties, as approved by the director.

6 Section 7. The advisory committee shall do all of
7 the following:

8 (1) Review and advise department staff on all
9 policies and procedures for administration of the trust fund
10 including, but not limited to:

11 a. Development of a process for making awards from
12 the trust fund.

13 b. Development of policies and rules for operating
14 the trust fund including priorities for making awards and
15 criteria for evaluating applications, and delineation of all
16 compliance and reporting responsibility of fund recipients.

17 (2) Review and advise department staff on the
18 collection and presentation of data on the use and impact of
19 the trust fund and the preparation of an annual performance
20 report to be submitted to the Legislature, the Governor, and
21 the public.

22 (3) Pursue additional sources of revenue beyond
23 appropriations from the state.

24 (4) Ensure that the dedicated resources alleviate
25 the public transportation and connectivity needs of Alabamians
26 by targeting hard-to-serve, special needs populations,

1 including, but not limited to, the disabled, the elderly, and
2 rural populations.

3 (5) Prepare, in collaboration with department staff,
4 an annual review of the rules, compliance responsibilities,
5 set-asides, funding priorities, policies, funding
6 recommendations, and funding decisions, including any
7 recommended changes to the operation of the trust fund. This
8 review shall be presented to the director for final approval.

9 Section 8. Any of the following entities are
10 eligible to apply to the department for funding from the trust
11 fund:

12 (1) Not-for-profit organizations.

13 (2) Municipalities.

14 (3) Counties.

15 (4) Public Transit Authorities.

16 Section 9. This act shall become effective on the
17 first day of the third month following its passage and
18 approval by the Governor, or its otherwise becoming law.