SB85
189544-2
By Senator Smitherman
RFD: Transportation and Energy
First Read: 09-JAN-18
ENROLLED, An Act,

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

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

(2) DEPARTMENT. The Alabama Department of Economic and Community Affairs.
(3) DIRECTOR. The Director of the Alabama Department of Economic and Community Affairs.

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

Section 3. The Legislature finds and declares the following:

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

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

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

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

b. Help families attain economic stability.

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

d. Contribute to economic growth through increased employment in operating and maintaining public transportation infrastructure.
e. Increase tax revenue by improving the ability of people to access work and purchase goods and services, thereby benefiting all Alabama residents.

f. Alleviate deficiencies in the supply of safe and affordable public transportation for citizens of Alabama and visitors, many of whom are physically disabled, elderly, living with developmental disabilities, or otherwise unable to afford the costs of owning, maintaining, and properly insuring a vehicle.

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

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

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

(1) Invest and reinvest all money held in the trust fund in investments under the department's investment policies.
(2) Keep books and records relating to the investment, interest earnings, and uses of monies deposited into the trust fund.

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

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

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

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

(7) Conduct or hire an outside entity to conduct a statewide public transportation needs assessment, once every five years to inform the department, its director, and the advisory committee of the public transportation needs in Alabama. The assessment should include evaluating transportation needs for individuals with disabilities, low-income and rural populations, and the elderly.
(8) Enter into contracts and agreements in connection with the operation of the trust fund, including contracts and agreements with federal agencies, local governmental entities, community developers, and other persons and not-for-profit groups. This provision shall not authorize contracts and agreements with for-profit entities.

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

(c) The department shall seek the input of the advisory committee, but the director shall have final decision-making authority on all matters relating to the trust fund and programs administered pursuant to this act.

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

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

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

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

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

(4) Serve individuals and families living in rural Alabama and connect them to the goods and services that improve their quality of life and bolster their economic well-being.

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

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

(b) The advisory committee shall consist of the following members:
(1) A member of the House of Representatives appointed by the Speaker of the House of Representatives.

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

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

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

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

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

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

(8) A representative of the Disability Rights and Resources in Birmingham, the Montgomery Center for Independent Living, or the Independent Living Center of Mobile, jointly appointed by that organizations.

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

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

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

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

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

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

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

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

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

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

(i) The director may remove a member of the advisory committee only for neglect of duty; an unexcused failure to attend more than one of the regularly scheduled meetings held in a calendar year during the term in office of the member; malfeasance, a violation of this act, or the conviction of a felony.

(j) Members of the advisory committee shall receive reimbursement for expenses incurred in the performance of duties, as approved by the director.
Section 7. The advisory committee shall do all of the following:

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

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

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

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

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

(4) Ensure that the dedicated resources alleviate the public transportation and connectivity needs of Alabamians by targeting hard-to-serve, special needs populations, including, but not limited to, the disabled, the elderly, and rural populations.

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

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

(1) Not-for-profit organizations.

(2) Municipalities.

(3) Counties.

(4) Public Transit Authorities.

Section 9. This act shall become effective on the
first day of the third month following its passage and
approval by the Governor, or its otherwise becoming law.
President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB85
Senate 25-JAN-18
I hereby certify that the within Act originated in and passed
the Senate.

Patrick Harris,
Secretary.

House of Representatives
Passed: 22-FEB-18

By: Senator Smitherman