

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



1 SB85

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4 ENROLLED, An Act,

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

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

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

24 (2) DEPARTMENT. The Alabama Department of Economic
25 and Community Affairs.

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

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

5 Section 3. The Legislature finds and declares the
6 following:

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

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

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

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

18 b. Help families attain economic stability.

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

21 d. Contribute to economic growth through increased
22 employment in operating and maintaining public transportation
23 infrastructure.

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

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

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

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

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

23 (1) Invest and reinvest all money held in the trust
24 fund in investments under the department's investment
25 policies.

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

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

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

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

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

18 (7) Conduct or hire an outside entity to conduct a
19 statewide public transportation needs assessment, once every
20 five years to inform the department, its director, and the
21 advisory committee of the public transportation needs in
22 Alabama. The assessment should include evaluating
23 transportation needs for individuals with disabilities,
24 low-income and rural populations, and the elderly.

1 (8) Enter into contracts and agreements in
2 connection with the operation of the trust fund, including
3 contracts and agreements with federal agencies, local
4 governmental entities, community developers, and other persons
5 and not-for-profit groups. This provision shall not authorize
6 contracts and agreements with for-profit entities.

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

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

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

19 Section 5. (a) Activities funded by the trust fund
20 shall be selected through a competitive process pursuant to
21 rules adopted by the department with input from the advisory
22 committee. In establishing criteria for the awarding of funds,
23 the department shall address the transportation needs of the
24 disabled, the elderly, and rural populations, consistent with
25 the input of the advisory committee and the statewide public

1 transportation needs assessment, and work toward the following
2 goals:

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

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

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

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

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

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

23 (b) The advisory committee shall consist of the
24 following members:

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

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

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

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

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

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

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

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

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

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

24 (11) A representative of the Alabama League of
25 Municipalities appointed by that organization.

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

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

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

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

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

24 (f) Membership of the advisory committee shall be
25 inclusive and reflect the racial, gender, geographic,

1 urban/rural and economic diversity of the state. The advisory
2 committee shall annually report to the Legislature by the
3 second legislative day of each regular session the extent to
4 which the membership of the advisory committee complies with
5 the diversity provisions of this section.

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

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

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

22 (j) Members of the advisory committee shall receive
23 reimbursement for expenses incurred in the performance of
24 duties, as approved by the director.

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

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

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

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

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

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

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

24 (5) Prepare, in collaboration with department staff,
25 an annual review of the rules, compliance responsibilities,

1 set-asides, funding priorities, policies, funding
2 recommendations, and funding decisions, including any
3 recommended changes to the operation of the trust fund. This
4 review shall be presented to the director for final approval.

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

8 (1) Not-for-profit organizations.

9 (2) Municipalities.

10 (3) Counties.

11 (4) Public Transit Authorities.

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

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Del Mar

President and Presiding Officer of the Senate

Mac McClatchey

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

APPROVED 3/6/18

TIME 9:23 am

Kay Ivey
GOVERNOR

Alabama Secretary Of State

Act Num....: 2018-161
Bill Num....: S-85

Recv'd 03/06/18 02:45pmSLF

attached to the Bill, SB 85
YEAS 10 NAYS 0

SPONSOR

Patrick Harris
SPONSORS

SENATE ACTION

DATE: 1-9 2018
RD 1 RFD TJE

I hereby certify that the notice & proof is attached to the Bill, SB _____ as required in the General Acts of Alabama, 1975 Act No. 919.
PATRICK HARRIS,
Secretary

This Bill was referred to the Standing Committee of the Senate on _____

and was acted upon by such Committee in session and is by order of the Committee returned therefrom with a favorable report
w/amd(s) _____ w/sub _____ w/eng sub _____
years 8 nays 0 abstain _____
this 18th day of January 2018
Fernald Cullen Chairperson

DATE: 1-18 2018
RF FAV RD 2 CAL

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, SB 85.
years 26 nays 0 abstain 0
PATRICK HARRIS,
Secretary

DATE: 1-25 18 RD 3 at length
PASSED PASSED AS AMENDED

HOUSE ACTION

DATE: 1-25 2018
RD 1 RFD TO+I

REPORT OF STANDING COMMITTEE
This bill having been referred by the House to its standing committee on Transportation, Utilities & Aviation
was acted upon by such Committee in session, and returned therefrom to the House with the recommendation that it be Passed
w/amd(s) _____ w/sub _____
this 15 day of February 2018.
Alvin Mc... Chairperson

DATE: 2-1 2018
RF _____ RD 2 CAL

DATE: _____
RE-REFERRED RE-COMMITTED
COMMITTEE _____

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is