

#Treasure Coast Regional Transit Organization  
Board Meeting

Location: Martin County Administrative Building,  
Commission Chambers – 1<sup>st</sup> Floor,  
2401 SE Monterey Road, Stuart, Florida.  
August 18, 2011 @ 2:00 pm

Martin County BOCC

St. Lucie County  
BOCC

City of Stuart

City of Port St. Lucie

City of Fort Pierce

Town of Sewell's Point

Economic  
Development Council  
of Martin County, Inc.

Economic  
Development Council  
of St. Lucie County,  
Inc.

**DRAFT AGENDA**

- I. Welcome and Introductions
- II. Chairman and Vice-Chairman Elections  
Attachment includes list of RTO Members: the RTO is required to appoint a chair and vice-chair at the first meeting each year. (*Action required*)
- III. Background & Purpose of RTO  
Attachments include RTA Action Plan (dated January 2010) and RTO Interlocal Agreement. (*No action required*)
- IV. Draft By-Laws  
Sample By-Laws will be provided at the meeting for discussion. (*No action required*)
- V. Draft RTO Program  
Proposed topics for each of the next five RTO Board meetings will be presented. (*Possible action required*)
- VI. Technical Transit Advisory Committee (TTAC) Role & Composition  
The RTO Board is required to establish a TTAC. (*Action required*)
- VII. Master Schedule / RTO Meeting Dates  
A RTO schedule, including potential meeting dates will be presented and discussed. (*Possible action required*)
- VIII. Regional Transit Capital Grant Opportunity  
A unique opportunity is available for the RTO to secure a regional infrastructure improvement grant. The process and potential improvements will be presented. (*No action required*)
- IX. Public Comment
- X. Board Member Comments
- XI. Adjourn

## Treasure Coast Regional Transit Organization Board Membership Roster

Organization	Name	E-mail	Phone
1 Martin County BoCC	Commissioner Doug Smith	<a href="mailto:dsmith@martin.fl.us">dsmith@martin.fl.us</a>	772-221-2359
2 St Lucie County BoCC	Commissioner Paula Lewis	<a href="mailto:lewisp@stlucieco.org">lewisp@stlucieco.org</a>	772-462-1406
3 City of Stuart	Commissioner Michael Mortell	<a href="mailto:Mikemortell@comcast.net">Mikemortell@comcast.net</a>	772-221-9024
4 City Port St Lucie	Councilman Jack Kelly	<a href="mailto:district4@cityofpsl.com">district4@cityofpsl.com</a>	772-871-5159
5 City of Fort Pierce	Commissioner Reginald Sessions	<a href="mailto:sessionslawfirm@aol.com">sessionslawfirm@aol.com</a>	772-971-3958
6 Town of Sewell Point	Commissioner Tom Bausch	<a href="mailto:weege@gate.net">weege@gate.net</a>	772-287-2455
Town of Sewell Point (Alternate)	Jacqui Thurlow-Lippisch	<a href="mailto:jthurlowlippisch@comcast.net">jthurlowlippisch@comcast.net</a>	772-486-3818
7 Economic Development Council of Martin County, Inc.	Joe Capra	<a href="mailto:jcapra@gocaptec.com">jcapra@gocaptec.com</a>	772- 692-4344
8 Economic Development Council of St Lucie County, Inc.	H. M. Ridgeley III	<a href="mailto:hridgely@evansprop.com">hridgely@evansprop.com</a>	772-234-2410 x 235

# TRANSIT AUTHORITY ACTION PLAN

## St. Lucie County & Martin County



# Transit Authority Action Plan Port St. Lucie Urbanized Area

## Final Report

*Prepared for:*



### **St. Lucie Transportation Planning Organization**

2300 Virginia Avenue  
Ft. Pierce, FL 34982



### **Martin Metropolitan Planning Organization**

2401 SE Monterey Road  
Stuart, FL 34996

*Prepared by:*

### **Tindale-Oliver & Associates, Inc.**

1000 Ashley Drive, Suite 100  
Tampa, FL 33602  
ph (813) 224-8862, fax (813) 226-2106

*In association with:*

**Center for Urban Transportation Research  
University of South Florida**

**January 2010**

## TABLE OF CONTENTS

<b>SECTION 1:</b>	<b>INTRODUCTION</b> .....	1-1
	1.1 Overview and Background .....	1-1
	1.2 Previous Work .....	1-2
	1.3 Report Organization .....	1-3
<b>SECTION 2:</b>	<b>WHY REGIONAL TRANSIT GOVERNANCE?</b> .....	2-1
	2.1 Purpose and Need.....	2-1
	2.2 The Florida Experience .....	2-4
<b>SECTION 3:</b>	<b>ACTION PLAN</b> .....	3-1
	3.1 Action Plan Approach.....	3-1
	3.2 Near-Term Action Plan .....	3-2
	3.3 Mid-Term Action Plan .....	3-6
	3.4 Long-Term Action Plan.....	3-8
<b>SECTION 4:</b>	<b>REGIONAL TRANSIT SUMMIT</b> .....	4-1
	4.1 Transit Summit Program.....	4-1
	4.2 Summit Feedback.....	4-3
<b>SECTION 5:</b>	<b>REGIONAL TRANSIT ORGANIZATION</b> .....	5-1
	5.1 RTO Process .....	5-1
	5.2 Policy and Legislative Issues.....	5-4
	5.3 Joint Board Action and Next Steps.....	5-4
<b>APPENDIX A:</b>	<b>REGIONAL TRANSIT SUMMIT PROGRAM</b> .....	<b>A-1</b>
<b>APPENDIX B:</b>	<b>SAMPLE RTO INTERLOCAL AGREEMENT</b> .....	<b>B-1</b>
<b>APPENDIX C:</b>	<b>REGIONAL TRANSIT GOVERNANCE &amp; FUNDING INFORMATION</b> .....	<b>C-1</b>
<b>APPENDIX D:</b>	<b>SAMPLE TRANSIT AUTHORITY LEGISLATION</b> .....	<b>D-1</b>

## **SECTION 1 INTRODUCTION**

The Martin Metropolitan Planning Organization (MPO) and the St. Lucie Transportation Planning Organization (TPO) are working cooperatively to establish a consensus on how best to establish regional transit governance for public transportation services in the two-county region. The action plan for creation of a regional transit authority presented in this document is the product of significant efforts undertaken by the two MPOs operating in the area and the Florida Department of Transportation (FDOT District 4).

### **1.1 OVERVIEW AND BACKGROUND**

Over the last several years, the Martin MPO, the St. Lucie TPO, and FDOT District 4 have worked together to explore ways to improve the administration and delivery of public transportation services in Martin and St. Lucie counties. Prompted by several critical issues, the two MPOs and FDOT District 4 have conducted several studies that explore opportunities for improving transit service efficiency and assess regional funding and governance structures. Critical issues that have impacted transit services in the area include:

- 2000 Census urbanized area boundary changes
- New Apportionment Plans for the Martin MPO and the St. Lucie TPO
- State funding for the Treasure Coast Connector

#### **2000 Census Urbanized Area Boundary Changes**

Federal Transit Administration (FTA) Section 5307 funding is distributed to the Councils on Aging through each county's Board of County Commissioners. The two counties are the designated recipients of FTA Section 5307 funds. Prior to the 2000 Census, urbanized areas within Martin and St. Lucie counties were not considered to be contiguous urbanized areas and, as such, were treated as separate urbanized areas for the purpose of using the allocated federal funding. As a result of the 2000 Census, urbanized areas within the two counties were combined to create one large urbanized area. Combining the two urbanized areas resulted in a newly-created urbanized area with a population size of over 200,000. FTA does not provide transit operating assistance for urbanized areas with a population over 200,000. As with other urbanized areas exceeding the population threshold for operating assistance and that operate less than 100 peak period vehicles, FTA began a phasing out of Section 5307 funds for transit operations in the two counties. In response, the Board of County Commissioners of St. Lucie County approved a Municipal Services Tax Unit (MSTU) for transit in 2003. The MSTU allowed St. Lucie County to continue to meet transit needs in the area and to expand the service through the addition of several new fixed routes. Martin County has not identified a new funding source for transit operations, but continues to receive funding annually from the County's general fund.

## **New Martin MPO and St. Lucie TPO Apportionment Plans**

Another impact of combining the two urbanized areas was a proposed effort outlined in a September 2003 letter from FDOT District 4 to the FDOT Office of Policy Planning to develop a new MPO apportionment plan for both the Martin MPO and the St. Lucie TPO. Goals for the new apportionment plan include conduct of joint transportation planning efforts to address regional and local transportation needs throughout the urbanized area. The first product of this joint effort was the Regional Long Range Transportation Plan completed in 2006. Another regional transportation planning effort identified for the new apportionment plans is a regional Transit Development Plan. That effort was completed in September 2009. The specific goals and timeline included for the apportionment plans regarding regional transit planning efforts are as follows:

- **FY 2005/06** – By March 31, 2006, each MPO shall consider adopting common elements of individual Transit Development Plans, which could include a proposal for establishing and implementing a Regional Transit Authority.
- **FY 2006/07** – Seek legislative approval for implementation of a Regional Transit Authority.
- **FY 2007/08** – Begin administrative processes to formally establish a bi-county Regional Transit Authority.

While the milestone dates have not been achieved, significant progress has been made with the adoption of the Regional TDP and Transit Authority Action Plan effort documented in this report.

## **State Funding for the Treasure Coast Connector**

In addition to receiving federal transit funding, both counties receive State funding through the FDOT discretionary grant program. The FDOT District 4 office has indicated that State funding for the Treasure Coast Connector would be phased out by June 30, 2010. Elected officials and County staff indicated a desire to consider local funding solutions that would address future transit funding shortfalls resulting from the loss of the State grant monies. Martin and St. Lucie counties are coordinating efforts to continue funding the operation of the Treasure Coast Connector.

## **1.2 PREVIOUS WORK**

To set the stage for action plan development, a brief synopsis of the major studies funded by FDOT and conducted by the two MPOs to address the critical issues is presented below.

## **Regional Transit and Specialized Transportation Efficiency Study**

The major emphasis of this study, completed in March 2008, was on developing tools and methods for transitioning door-to-door paratransit trips within a four-county area (Indian River, St. Lucie, Martin, and Palm Beach) to fixed-route bus service. The study also considered existing and potential regional connections and coordination among the counties' demand response and fixed-route transit service. Results of the study include the identification of service improvement and policy strategies that enhance the strengths and address the weaknesses of transit within the four-county region.

## **Martin/St. Lucie Transit Funding & Governance Study**

This study proposed five transit governance alternatives designed to facilitate the implementation of a desired transit service option. Transit service options represented varying transit service levels and were distinguished in terms of the level of investment required to attain the types of services described under each. Types of services ranged from low-cost improvements for demand-response bus service to much larger investments in fixed-route services, such as increasing the number of fixed routes or adding express services. The five governance alternatives were evaluated based on their ability to contribute to service efficiencies, provide for a stable funding source, facilitate regional coordination, and in terms of their implementation complexity.

## **2010-2019 Port St. Lucie Urbanized Area Regional Transit Development Plan (TDP)**

The Port St. Lucie Urbanized Area TDP was completed in August 2009 and represents the vision for transit services in the two-county region. The TDP serves as the strategic guide for development, improvement, and expansion of public transportation services and was developed as a joint effort among the two MPOs, the two counties, and FDOT District 4.

Developing a regional vision for future public transportation services is the first step in transitioning to a regional transit authority. As such, the first major hurdle in facilitating this transition has been successfully accomplished. The action plan presented in this document builds on the completion of the TDP by outlining steps needed to be taken for attainment and realization of the vision established in that plan.

### **1.3 REPORT ORGANIZATION**

Including this introduction, this report is organized into five major sections. The remaining sections are summarized below.

**Section 2** presents the purpose and need for **Regional Transit Governance** in the area. A review of existing regional transit or transportation authorities in Florida is presented, and statistics of transit governance structures throughout the state are provided.

**Section 3** outlines the **Action Plan** for development of regional transit governance in the two-county area. Each phase and task of the Action Plan is discussed, and flow charts are provided that illustrate the relationships among varying Action Plan tasks.

**Section 4** presents a summary of a **Regional Transit Summit** held to help build consensus for the effort to pursue a regional transit governance structure. A description of the summit program and summit sessions and results of feedback received from summit participants is provided.

**Section 5** includes the discussion of critical issues for the proposed **Regional Transit Organization**. A proposed board composition and set of responsibilities for the regional transit organization are presented, and a description of example policy questions and next steps are provided.

Additional information is provided in a series of four appendices to further support the transition to a more regional approach to transit in the region.

## **SECTION 2 WHY REGIONAL TRANSIT GOVERNANCE?**

Regional transportation authorities are not new in Florida. The legislative authority to create them has been around for many years. What has changed in recent years is the cost of providing public transportation services. A “perfect storm” of increasing costs plus an economic downturn forced many local governments and transit service operators to search for more efficient ways to deliver a needed public service. Creation of a regional transportation authority appears to be the ideal course of action. A regional transportation authority serves as a special district, and the special district approach to the delivery of public transportation services is not unlike a special district that manages other public services such as utilities or water. Spurred by shrinking and outstretched budgets, more and more local governments are turning to regional transportation authorities as the solution for funding and administering public transportation services.

### **2.1 PURPOSE AND NEED**

Each city, county, or region experiences unique conditions that serve as a basis for justifying pursuit of a more regional approach to public transportation. For the Port St. Lucie Urbanized Area, several arguments can be made to support the purpose and need for such a governance structure. They include:

- Implement a regional vision for public transportation
- Secure funding
- Establish a regional identity
- Meet regional travel demand
- Improve efficiency

#### **Implement a Regional Vision for Public Transportation**

A regional agency that is given the right tools and dedicated solely to public transportation can certainly improve the chances of achieving the region-wide vision for transit established in the Regional TDP. Such an agency is not hampered by competing interests and can focus efforts on improving public transportation and allocating resources where they are most needed.

The Regional TDP outlines where that need exists and where service improvements should be made. One of the major conclusions that can be drawn from the Regional TDP is the need to expand service. A peer review completed for the Regional TDP identified deficiencies in the amount of public transportation service available in the area. From a group of 10 peer urbanized areas, the Port St. Lucie Urbanized Area ranked last in the following categories:

- Total Revenue Miles
- Total Revenue Hours
- Number of Peak Vehicles

A regional transit governance structure could help facilitate the pursuit of more funding for service improvements and expansions that could meet transit needs in the area.

### **Secure Funding**

One of the major reasons for establishing a regional transit authority is to pursue a dedicated funding source for transit. Funding that is free from competing interests enhances stability and is essential in maintaining adequate service levels and planning for future service improvements. Creation of a regional transit authority enhances the ability to achieve greater and more secure funding for transit. As such, there is a greater probability of achieving the region's vision for public transportation services.

### **Establish a Regional Identity**

Formation of a regional transit governance structure would require that all services fall under one single name and brand logo. A unified identity would improve the visibility and raise awareness of public transportation services throughout the region. Other benefits of creating a single identity and brand include the facilitation of marketing and advertising, the creation of coordinated public route schedules, and the perception of a unified effort for delivering needed services to the region.

### **Meet Regional Travel Demand**

Public transportation demands in the region are not confined to individual counties. Travel patterns in the region reflect a substantial amount of inter-county travel. As indicated in the Regional TDP, a large number of trips occur between Martin and St. Lucie counties, Martin and Palm Beach counties, and St. Lucie and Palm Beach counties. A regional transit governance structure could better respond to these inter-county travel needs because, by their very nature, they can diminish any parochial influences among jurisdictions and can help achieve increased levels of state and federal transit funding for the region.

### **Improve Efficiency**

As service expands over time, the potential for greater service efficiency can be achieved. Efforts to improve service efficiency do not necessarily equate to reductions in transit investment. Reductions in transit funding generally mean a reduction in service levels. Reducing the amount and level of service will adversely impact existing service users and make

the service less attractive to potential users. Conversely, investments in transit that improve service can lead to increases in ridership.

Quantitative evidence exists to support the assertion that larger investment in transit service equates to improved service efficiency over time. A relationship between transit agency size and operating cost per passenger trip can be drawn by looking at the experience of transit agencies in the United States. To understand the relationship between agency size and service efficiency, 2007 national transit data were collected for all transit agencies that operate a fixed-route bus service in the southeastern United States, including the following states:

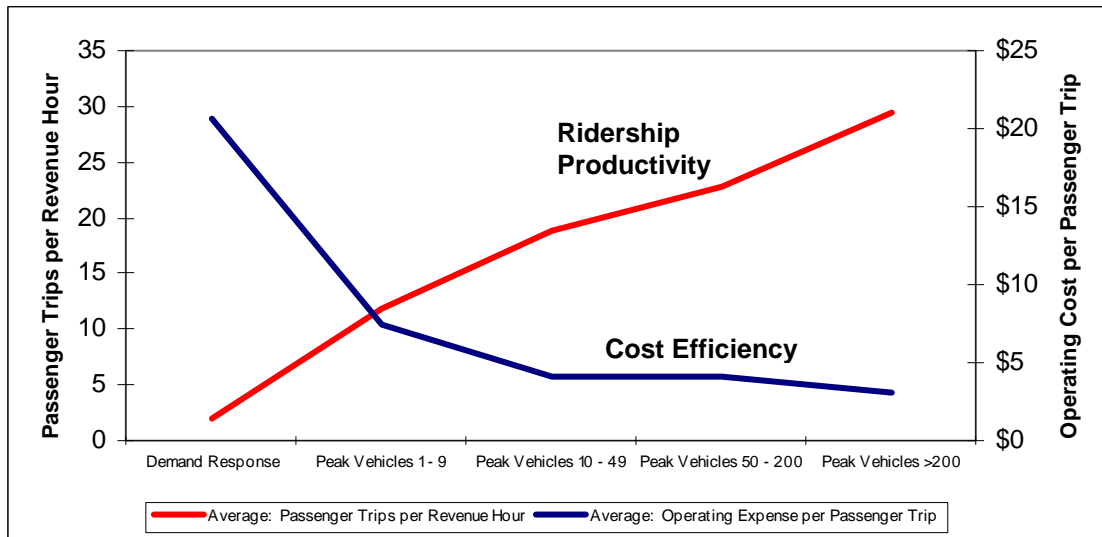
- Alabama
- Arkansas
- Florida
- Georgia
- Kentucky
- Louisiana
- Mississippi
- North Carolina
- South Carolina
- Tennessee
- Texas
- Virginia

Data collected included passenger trips per revenue hour, operating cost per passenger trip, and the number of peak vehicles operated by each agency. Peak vehicle information was used to determine the size of each transit agency. Transit agencies were grouped based on the number of peak vehicles operated. Peak vehicle categories used for this analysis are consistent with discrete categories commonly used by FTA to describe agency size. In addition, door-to-door paratransit service statistics for the agencies reviewed were collected to compare service efficiencies between fixed-route operations and paratransit service.

Figure 2-1 illustrates the relationship between ridership productivity (passenger trips per revenue hour), cost efficiency (operating cost per passenger trip), and transit agency size (based on the number of peak vehicles). Two major conclusions can be drawn from the analysis:

- Door-to-door or paratransit service is the least efficient transit service. Based on the information used to prepare Figure 2-1, the average operating expense per passenger trip for paratransit services is \$20.63. The average operating expense per passenger trip for agencies operating over 200 peak fixed-route service vehicles is \$3.10.
- As fixed-route bus service expands (more peak vehicles), ridership productivity (trips per hour) increases while cost per trip gradually declines. Agencies operating more than 200 peak fixed-route vehicles average about 29 passengers per revenue hour, while demand-response services average two passengers per revenue hour.

**Figure 2-1  
Transit Agency Size and Service Efficiency**



## 2.2 THE FLORIDA EXPERIENCE

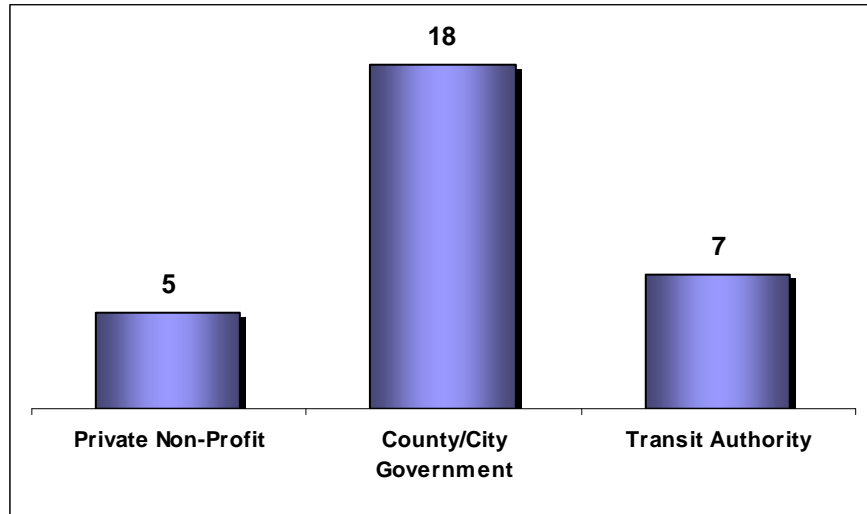
As indicated earlier in this section, transit authorities are not a new development for public transportation systems in Florida. In Florida, transit governance structures can be organized into three major categories, including the operation and administration of transit services by a:

- private non-profit organization
- city or county government
- transit authority

There exists some overlap, and not all transit services can be discretely assigned to each of the categories shown. However, for comparative purposes, this categorization illustrates the predominance of various transit governance structures across the state. Figure 2-2 presents the number of transit agencies in Florida by type of governance. As shown in that figure, 7 of the 30 transit agencies are governed by transit or transportation authorities:

- Hillsborough Transit Authority (HART)
- Jacksonville Transportation Authority (JTA)
- Pinellas Suncoast Transit Authority (PSTA)
- Central Florida Regional Transportation Authority (LYNX, Orlando)
- South Florida Regional Transportation Authority (SFRTA, Tri-Rail)
- Polk Transit Authority (PTA)
- Tampa Bay Area Regional Transportation Authority (TBARTA)

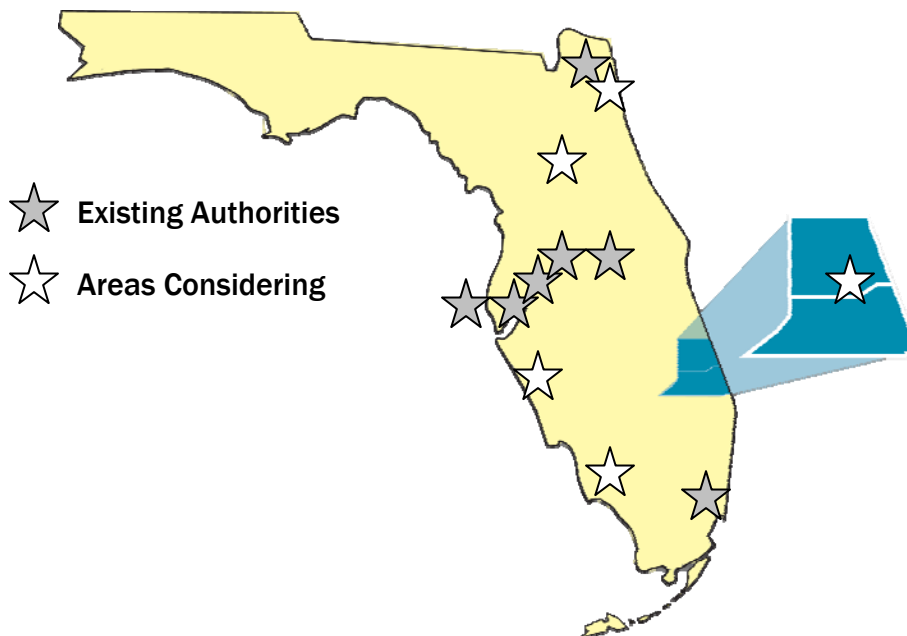
**Figure 2-2  
Transit Governance in Florida**



Source: 2007 Florida Transit Handbook

Of these seven, PTA and TBARTA both were established in 2007. In addition to the transit authorities presented above, other counties and regions are currently considering the establishment of a transit authority in the future. They include Lee County and the Sarasota County/Manatee County region. JTA also is considering an expansion to include other adjacent counties in the northeast Florida region. Figure 2-3 illustrates the location of existing authorities and areas considering implementing a transit authority.

**Figure 2-3  
Florida Transit Authorities**



## SECTION 3 ACTION PLAN

This section includes the Action Plan for establishment of a regional transit authority for St. Lucie and Martin counties. The approach used in developing the Action Plan is briefly described, and each task of the Action Plan is presented along with a proposed schedule for completion of those tasks.

### 3.1 ACTION PLAN APPROACH

The Action Plan presented in this report sets the course of action for establishing regional transit governance in St. Lucie and Martin counties. A proposed timeline and schedule have been prepared that will guide the execution of the recommended Action Plan tasks. To organize the accomplishment of important milestones, the Action Plan is organized into three major phases that are based on time periods and include:

- Near-Term Action Plan (7 months)
- Mid-Term Action Plan (2 years)
- Long-Term Action Plan (3 – 5 years)

Actions and major milestones in the Action Plan are modeled similar to actions performed and the milestones achieved by Polk County in its effort to create the Polk Transit Authority. The PTA was successfully created in 2007, and the agency is currently pursuing a sales tax referendum to fund its administration and services. The Polk model can be organized into four major steps. Figure 3-1 lists those major steps, compares the timeframes taken to complete those steps with a proposed timeline for St. Lucie and Martin counties, and shows how those major steps relate to the Action Plan phases.

**Table 3-1  
Comparison of Polk and St. Lucie/Martin Transit Authority Process**

Major Step	Polk Model Timeline	St. Lucie/Martin Process Timeline	St. Lucie/Martin Action Plan Phase
Adopt Vision & Action Plan	2003	Vision 2009 Action Plan 2010	Near-Term
Regional Transit Organization (RTO) <sup>1</sup>	2004 – 2007	2010 – RTA <sup>2</sup>	Mid-Term
Establish Regional Transit Authority	2007	2012/2013	Long-Term
Secure Dedicated Revenue	2010	2012 or When time is right	Long-Term

<sup>1</sup>A detailed description of the RTO and its responsibilities is provided in Section 4 of this report.

<sup>2</sup>As the interim board, the RTO will lead the transition to the RTA until the RTA is established.

Each Action Plan phase corresponds to a specific time period and is defined by achievement of a proposed set of outcomes and one major goal. Transition to the next Action Plan phase is contingent on completion of tasks in the previous phase. In addition, a proposed timeline and schedule have been prepared for each phase that is consistent with the overall Action Plan timeline. Figure 3-1 illustrates the phases, lists the desired outcomes of each, and shows the proposed timeline for the completion of all tasks.

### **3.2 NEAR-TERM ACTION PLAN**

The major goal of the Near-Term Action Plan is to achieve consensus on the overall Action Plan. Approval of the Action Plan is the first major step in the overall process of achieving regional transit governance for the area. Approval by the Martin MPO and St. Lucie TPO reflects endorsement of the end goal and the process to achieve that end goal. As such, steps within the Near-Term Action Plan consist primarily of tasks oriented toward preparation and approval of the Action Plan itself. Figure 3-2 illustrates in flow chart format the tasks and timeline of the Near-Term Action Plan.

**Action 1: Use Information to support education process.**

*July - August 2009*

Information from the Regional TDP and other study documents were used to develop the purpose and need for regional transit governance. Critical issues were identified to provide the basis for developing regional transit governance in the region. In addition, research of State enabling legislation was conducted to support appropriate Action Plan tasks.

**Action 2: Document key advantages of regional governance.**

*July - August 2009*

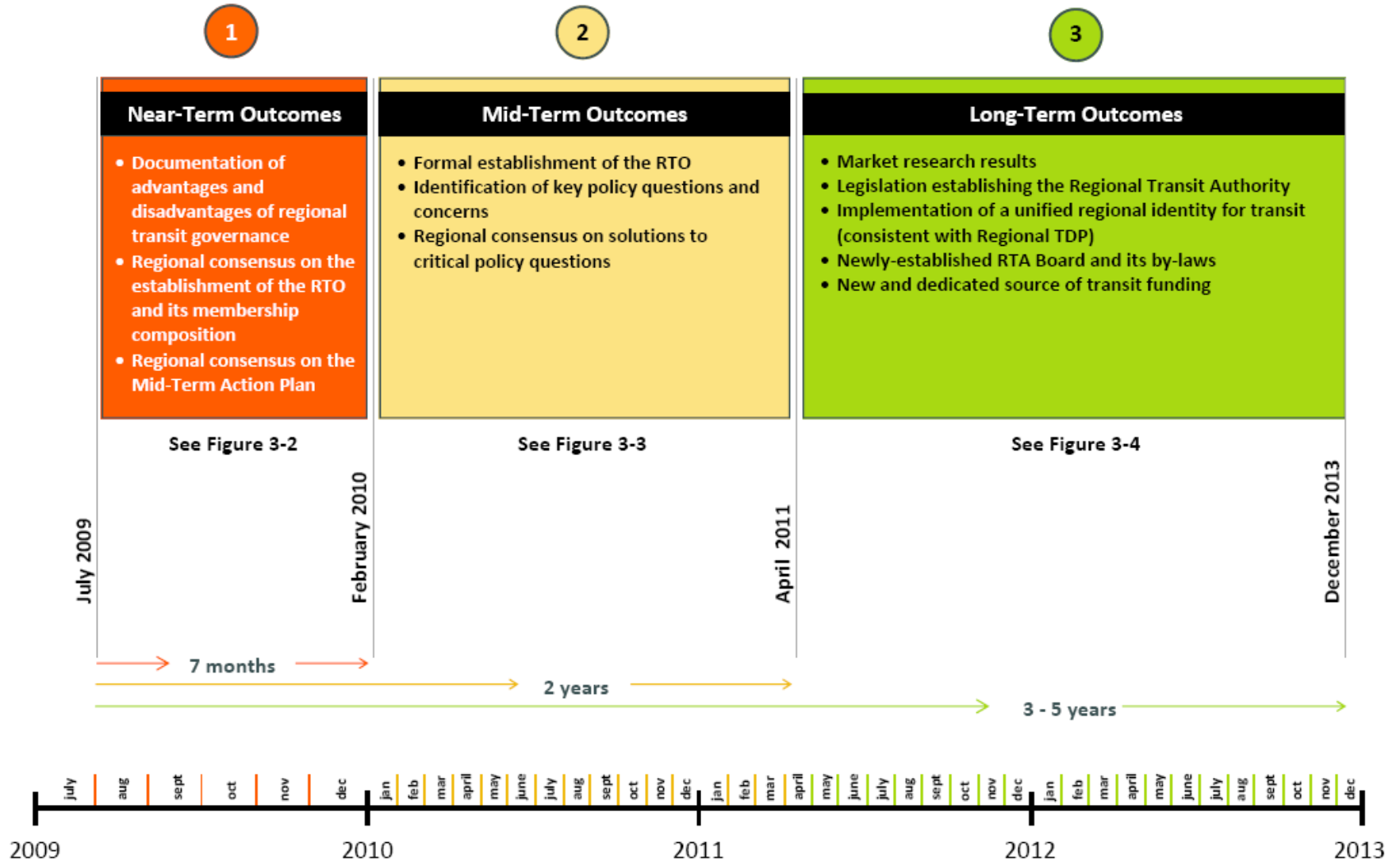
Advantages and disadvantages of regional transit authority structures were researched and documented. The legislative processes, as appropriate, were researched in order to structure Action Plan tasks.

**Action 3: Develop and refine the Draft Action Plan.**

*July - August 2009*

A Draft Action Plan was prepared that identified milestones, tasks, and a proposed timeline for task completion. Specific outcomes were developed for each action plan phase.

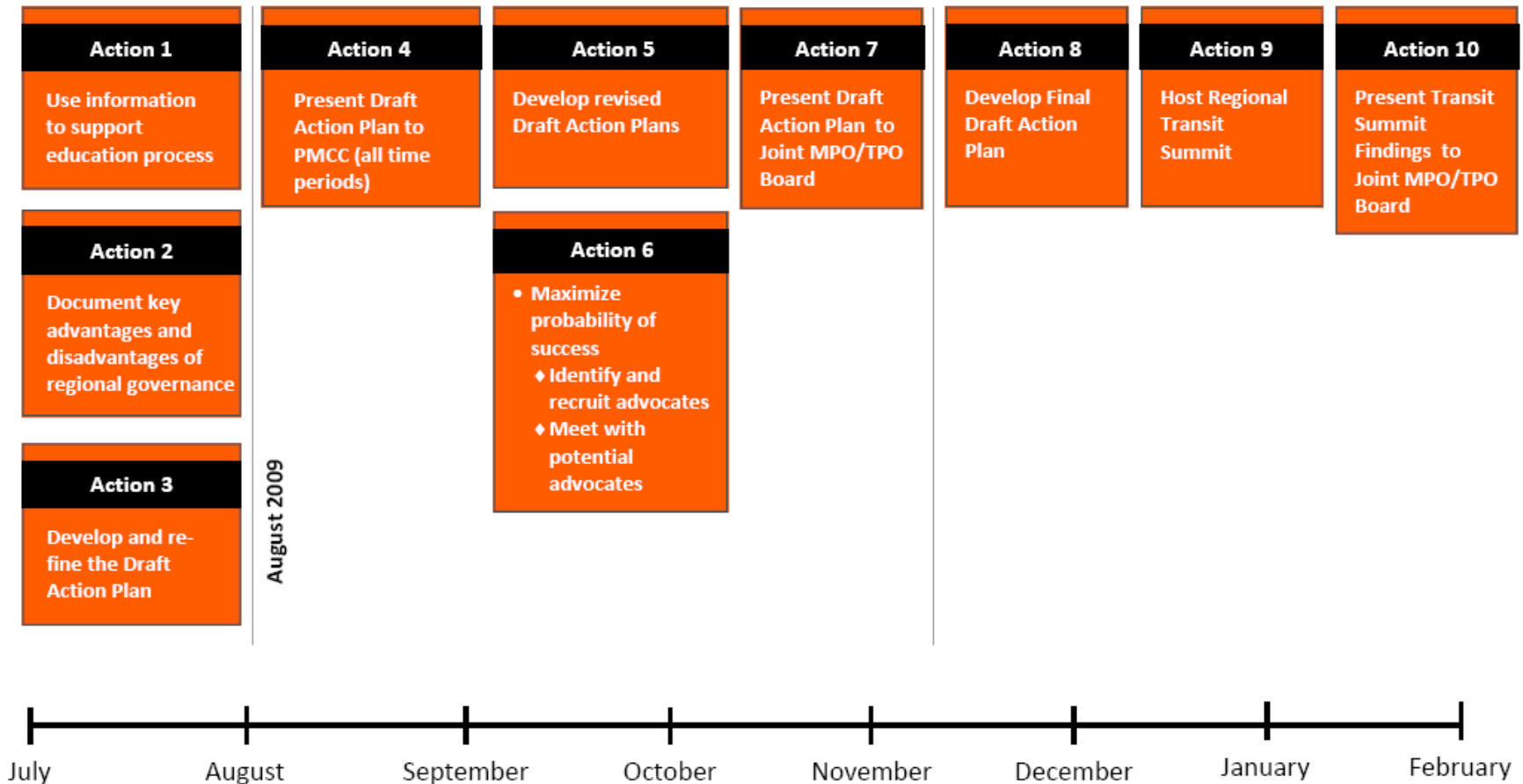
**Figure 3-1**  
**Summary of Anticipated Action Plan Outcomes (Near-Term, Mid-Term, and Long-Term)**



**Figure 3-2  
Near-Term Action Plan (6 months)**

**Outcomes:**

1. Documentation of advantages and disadvantages of regional transit governance
2. Regional consensus on the establishment of a RTO and its membership composition
3. Regional consensus on the Mid-Term Action Plan



**Action 4: Present Draft Action Plan to the Project Management Coordinating Committee (PMCC).**  
*September 2009*

The Draft Action Plan was presented to the PMCC on September 25, 2009. PMCC members were given the opportunity to comment and provide feedback on Draft Action Plan tasks.

**Action 5: Develop revised Draft Action Plan.**  
*September - October 2009*

The Draft Action Plan was revised based on feedback received from the PMCC.

**Action 6: Maximize probability of success by identifying and meeting with potential advocates.**  
*October 2009*

Meetings were held with key community officials considered to be potential advocates of regional transit governance. This action evolved into an increased emphasis on the Regional Transit Summit, described in Action 9, and its participants.

**Action 7: Present Draft Action Plan to Joint MPO/TPO Board.**  
*October 2009*

The Draft Action Plan was presented to the Joint MPO/TPO Board on October 22, 2009. Board members were given the opportunity to comment and provide feedback on Action Plan tasks.

**Action 8: Develop Final Draft Action Plan.**  
*October - January 2010*

The Final Draft Action Plan was developed based on comments received at the Joint MPO/TPO Board meeting.

**Action 9: Host Regional Transit Summit.**  
*January 2010*

A regional transit summit was held on January 8, 2010, and convened elected officials, the public, and transit officials from across the state to participate in a discussion of regional transit vision, issues, and governance. A summary of the event and major points of discussion are provided in Section 4 of this report.

**Action 10: Present transit summit findings to the Joint MPO/TPO Board.**

*February 2010*

A presentation of the Final Draft Action Plan and transit summit findings was made to the Joint MPO/TPO Board on February 18, 2010. Comments on the Action Plan received at that Joint Board meeting are summarized in Section 5.

**3.3 MID-TERM ACTION PLAN**

The Mid-Term Action Plan consists of three critical components in the effort to implement regional transit governance: 1) establishment of a Regional Transit Organization (RTO), 2) resolution of policy questions that will govern various aspects of the governance structure that will be established, and 3) conducting market research. Figure 3-3 illustrates in flow chart format the tasks and timeline of the Mid-Term Action Plan.

The RTO will function as an interim organization that will lead the transition to the regional transit governance structure. More detail on the recommended composition and responsibilities of the RTO are provided in Section 5 of this report.

**Action 1: Establish Regional Transit Organization (RTO).**

*June 2010*

Each county and city general-purpose government in the two-county region will enter into an interlocal agreement that will outline the composition and duties of the RTO. After the interlocal agreement is signed and approved by each agency, the RTO will initiate the policy discussion to be completed in Action 2 of the Mid-Term Action Plan. Although the RTO is proposed to be established in June 2010, it is important to establish the RTO sooner, if possible, in order to capitalize on the momentum and consensus gained through the TDP and Action Plan development efforts and also initiate discussion on key policy and legislative issues.

**Action 2: Discuss and resolve policy questions related to the formation of the regional transit authority.**

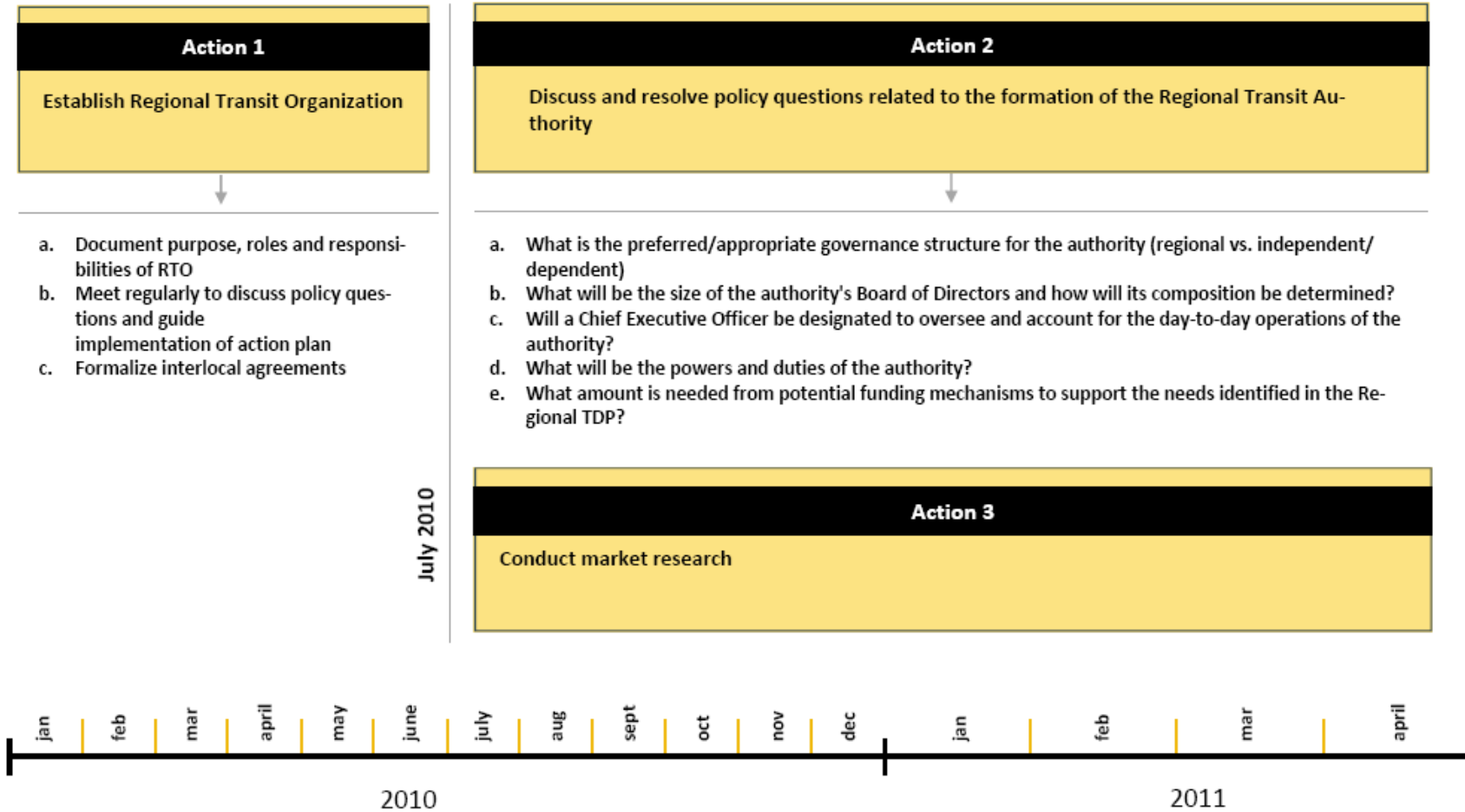
*July 2010 - April 2011*

As indicated in Action 1 of the Mid-Term Action Plan, the RTO is the working group that will lead the transition to the regional transit governance structure to be implemented. As such, there are a number of policy-related issues that participating agencies will need to agree on. An agreement on those policy issues will facilitate transition to regional governance and will assist in the development of the proposal of state legislation if that is the desire and inclination of the region to pursue. Relevant policy questions are described in more detail in Section 5 of this report.

**Figure 3-3  
Preliminary Mid-Term Action Plan (pending results of Near-Term Action Plan)**

**Outcomes:**

1. Formal establishment of a Regional Transit Organization
2. Regional consensus on solutions to critical policy questions
3. Quantification of taxing mechanism options



**Action 3: Conduct market research.**

*July 2010 - October 2011*

The establishment of a dedicated funding source is essential to the success of a regional transit authority. The proposed funding mechanism will likely require a vote by the public through referendum. To support that effort, an extensive market research effort is proposed to be performed as part of the implementation of a transit authority. To perform the market research task, surveys and other information-gathering tools should be designed to identify those transit-related issues that are the most sensitive to the public and public officials. This sensitivity should be measured in terms of both positive and negative reactions to various transit-related topics. Major objectives for the market research task should include:

- Assessment of transit-related perceptions and sentiments
- Strategic segmentation of the community
- Identification of potential community, business, and political champions
- Development of initial marketing campaign tools
- Marketing campaign plan

All of these elements will assist in garnering grassroots support for the referendum once the marketing campaign and voter education effort are launched. Such a task is presented in Action 6 of the Long-Term Action Plan. Initial market research will provide the knowledge necessary to reach out to neighborhood groups, community organizations, and the business community. Although this type of grassroots support is difficult and time-consuming to develop, it is important to note that it is even harder to gather support after an initial ballot attempt fails and dampens the interest of certain segments of the community.

Additional information to support the RTO discussions is provided in Appendix A. That Appendix provides information on special districts, authorities, and potential funding sources, and describes two major local sales tax options that currently are being considered by counties across the state to fund public transportation.

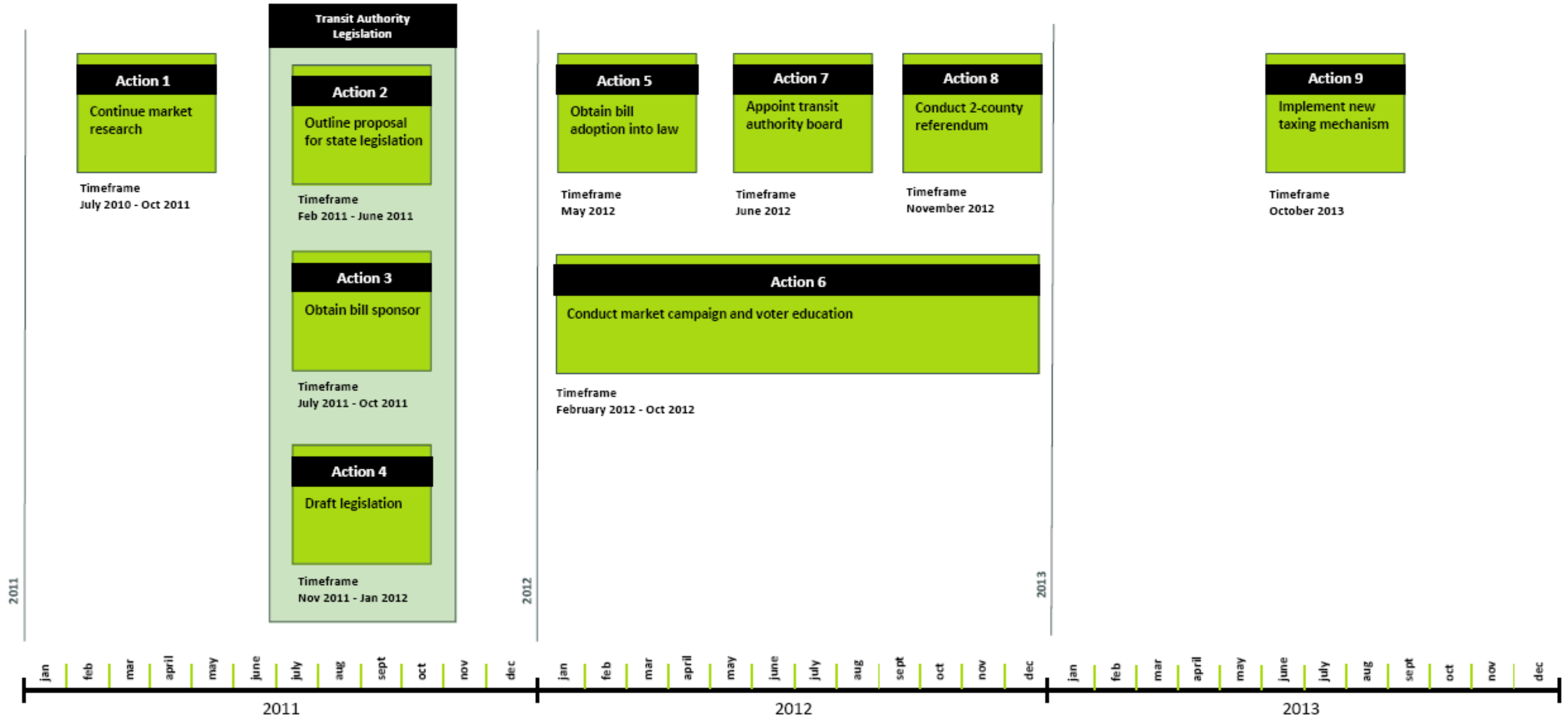
### **3.4 LONG-TERM ACTION PLAN**

The Long-Term Action Plan, shown in Figure 3-4, has been structured to include the actual implementation steps needed to establish a regional transit authority. These include legislative actions and a public education and marketing campaign that would support a potential referendum for a dedicated transit funding source. It is important to note that specific long-term actions are subject to change based on the discussions and desires of the RTO. In addition, several policy issues yet to be resolved by the RTO have been assumed for the purpose of the draft long-term action plan. These assumptions include:

Figure 3-4  
Preliminary Long-Term Action Plan (pending results of Mid-Term Action Plan)

**Outcomes:**

1. Market research results
2. Legislation establishing the Regional Transit Authority (RTA)
3. Newly-established RTA Board and its by-laws
4. New dedicated source of transit revenue



- An independent transit authority as the preferred regional transit governance structure. Such an authority will require special state legislation.
- A sales tax as the preferred funding source.
- To implement the sales tax, a two-county sales tax referendum would need to be pursued.

It is important to note that decisions on the transit governance structure and the preferred funding mechanism for the agency ultimately will be decided in the Mid-Term Action Plan by the RTO; assumptions and recommendations here do not preclude the selection of a different governance structure or funding source. As indicated at the beginning of this section, each Action Plan phase is contingent on the decisions taken in the previous Action Plan phase and is subject to change. The current proposal for the Long-Term Action Plan is a proven model that has been carried out in Polk County.

**Action 1: Continue market research.**

*July 2010 - October 2011*

Market research efforts should continue throughout the transit authority implementation process. As indicated in the Mid-Term Action Plan, market research results will assist in any marketing campaign proposed to support a funding referendum.

**Action 2: Outline proposal for special legislation.**

*February 2011 - June 2011*

The RTO will prepare an outline for the proposed legislation that will legally create the regional transit governance structure. The outline should be consistent with existing state legislation and should address all elements required by State Statutes. This outline will be used in Action 3 to obtain a bill sponsor from the local legislative delegation.

**Action 3: Obtain bill sponsor.**

*July 2011 - October 2011*

To have the proposed initiative considered by the Florida Legislature, the two counties must obtain a bill sponsor. St. Lucie and Martin county officials will meet with their local legislative delegation to present the bill proposal. This may need to be accomplished by meeting individually with each House and Senate member. According to State law, bills may originate in either chamber. Once a bill sponsor agrees to introduce the bill, the process of drafting the legislation can begin.

**Action 4: Draft legislation.**  
*November 2011 - January 2012*

Once a bill sponsor is obtained, it is recommended that a bill drafting service be employed to write the bill before filing with the Senate or House Secretary. A bill drafting service will ensure that the bill has been prepared in the correct style for consideration by the State Legislature and the Governor's Office.

**Action 5: Obtain bill adoption into law.**  
*May 2012*

Support should be provided to the RTO by all participating agencies during the bill adoption process as necessary. Participating agencies include the St. Lucie TPO, the Martin MPO, St. Lucie County, Martin County, municipalities, and FDOT District 4, among others. Close coordination should be maintained with the bill sponsor. Once the bill is approved by the Governor's Office, the bill becomes law and is effective on a specified date or on the 60<sup>th</sup> day after legislative session adjournment.

**Action 6: Conduct marketing campaign and voter education activities.**  
*February 2012 - October 2012*

The marketing campaign plan developed as part of Action 1 should be deployed as early as possible. Marketing efforts begin when the initial market assessment is performed. That assessment identifies the market segments and advocates that will steer the direction of the campaign. Essentially, the marketing campaign is directly or indirectly associated with every task of the Action Plan.

Campaign efforts should be centralized to provide a forum for a collectively-unified voice in support of the preferred funding alternative. A campaign manager and team with specific campaign responsibilities should be identified, and all recommended media outlets should be employed as early as possible. The RTO should provide the necessary guidance concerning marketing campaign activities.

In addition, it may be beneficial to employ a professional political consultant. Political consultants can assist in incorporating the experience and influence of local leadership into a campaign strategy that reflects local values and proven techniques.

**Action 7: Appoint transit authority board.**  
*June 2012*

Appointment of Transit Authority Board members is the responsibility of participating jurisdictions. Coordination of the appointment process should be centralized and led by the

RTO. In support of the appointment process, it is recommended that sample resolutions, invitation letters, and other administrative material be prepared for each participating local government.

**Action 8: Seek two-county referendum authorizing the preferred funding alternative.**  
*November 2012*

Although a sales tax referendum is proposed to be sought in November 2012, it should be understood that such an endeavor should be considered only when the political climate is right. A presidential election year is presented here as an option because it offers the best opportunity to capture a large segment of voters from various demographic, socioeconomic, and political backgrounds that may support a referendum of this kind.

Support should be provided to the County Office of Elections as necessary. Wording of the referendum should be approved by the RTO prior to the Office of Election's submittal deadline. Marketing campaign efforts should be performed up to and on the day of the vote.

**Action 9: Establish effective date for regional transit governance and preferred funding alternative.**  
*October 2013*

This task constitutes the major end product of the Action Plan. The effective dates for the preferred funding alternative and for commencement of service under the Transit Authority should coincide.

## SECTION 4 REGIONAL TRANSIT SUMMIT

A Regional Transit Summit was held on January 8, 2010, at Tradition Town Hall in Port St. Lucie to facilitate the consensus-building process for creation of a regional transit governance structure. The Transit Summit was the first of its kind to be held in the Treasure Coast region and served as a major step forward for unifying the two counties and their vision for public transportation. Over 150 persons were in attendance including Florida Representative Adam Fetterman, elected officials from the two counties, representatives from many public and private agencies and jurisdictions, and members of the general public. Details on the content of the summit and feedback received are included in this section.

### 4.1 TRANSIT SUMMIT PROGRAM

The St. Lucie/Martin Regional Transit Summit program consisted of speakers and panelists from a wide variety of professional backgrounds, including public officials, transit industry experts, and local business leaders. The program can be found in Appendix A. Key discussion points and issues raised and discussed for each program topic are summarized below. Additional information on summit presentations can be accessed at [www.tindaleoliver.com/Transit\\_Summit.html](http://www.tindaleoliver.com/Transit_Summit.html).

#### Welcome

Welcoming remarks were provided by the summit facilitator, Mr. Rob Gregg, Center for Urban Transportation Research at the University of South Florida; Mr. Michael Mortell, Martin MPO Chairman; and Mr. Darrell Drummond, St. Lucie TPO Chairman.

The Summit Program theme utilized sessions to answer the questions of the “What, Why, Who and How “ of developing a Regional Transit Agency.

#### The What: Regional Transit Perspectives

The opening session for the summit included national, state, and regional agency presentations on the importance of regional transit coordination. State Representative Fetterman made a brief presentation on the need for transit and transportation alternatives to the automobile. Mr. Ed Coven, State Transit Manager for the State of Florida, and Mr. Jeff Weidner, Mobility Manager for FDOT District 4, made presentations on the state process for implementing and funding



transit authorities and advances being made in alternative modes of transportation in the Treasure Coast region.

Key issues addressed in this session included the following:

- The need for more transportation alternatives
- Building a better relationship between transportation and land use
- FDOT's supportive role in transit planning, operations, and grant administration
- Legislative mechanisms for establishing a regional transit authority
- Potential funding sources
- Are St. Lucie and Martin Counties a region or just neighbors?
- Review of FDOT District 4 and regional multimodal partnerships
- Challenges and opportunities in the region

### **The Why: Transit Needs and Economic Development**

A brief presentation on the transit vision identified in the Regional TDP was made during this program session, followed by a panel discussion organized to identify the significance of improved transit services from a business perspective. Participating on the panel were representatives from the Economic Development Councils of each county, the President of Indian River State College (IRSC), the Chairman of the St. Lucie County Board of County Commissioners, and President of the Committee for a Sustainable Treasure Coast, Inc. Key discussion points included the following:



- Transit needs identified in the Regional TDP
- The importance of a robust transportation system in attracting potential employers and businesses
- The significance of addressing mobility access to training, education and employment
- Regional travel demand and growth management
- Improved transit connectivity between IRSC campuses

### **The Who: Regional Transit Agency Experience in Florida**

A second panel consisted of persons currently working for or who have been involved with the creation or operation of a transit authority in Florida, including three current directors of a transit or transportation authority. The panel provided valuable information based on members' experiences, describing parallels among their efforts, lessons learned, and successful aspects

of their organization. A key discussion point included obstacles that need to be overcome in pursuing regional collaboration.

Key discussion points from this Summit panel include the following:

- The basis of developing a regional partnership that serves customers regardless of political boundaries
- The importance of trust and equity among the governing board of a RTA
- The collective efficiencies and effectiveness of a regional approach in coordinating and developing mobility services
- The benefits of a “regional voice” in coordinating with State and Federal partnerships
- Issues that need to be addressed in pursuing regional collaboration to include equity in representation and fair cost allocation of services
- Steps toward regional coordination from planning to implementation of services

### The How: Where We Go From Here

In this session, Bill Ball, Chief Operating Officer of TOA, presented the Draft Action Plan. The presentation summarized various topics discussed over the course of the program and offered a four-step process for establishing a regional transit authority. The context of the presentation is addressed throughout this report.

### 4.2 SUMMIT FEEDBACK

Participants at the Transit Summit were asked to engage with speakers and panelists at various times throughout the summit. This was accomplished by opening up the floor for questions from the audience and by written questions. As an additional measure for gauging perceptions on the Transit Summit and proposed Action Plan, a survey card was available for each participant to

**Regional Transit Summit Comment Card**

**THE ISSUE:** What is the best way to coordinate Regional Mobility and provide an efficient and effective public transportation service? How might a Regional Transportation Authority (RTA) established to represent Martin and St. Lucie counties support this coordination?

What are the most important reasons to coordinate and expand public transit? (You may choose more than one reason)

• Social Service Trips	• Congestion / Energy
• Commuter / Job Access Trips	• Senior / Youth Mobility options
• Sustainable Community / Climate Change Values	• Other _____

Indicate your level of support for a more regional approach to transit for St. Lucie and Martin counties.

• Strongly Support	• Do Not Support
• Moderately Support	• Need more study

What is your opinion of the RTA Action Plan as proposed?

- Support the recommended Actions as provided
- Support the Actions with modifications \_\_\_\_\_
- Suggest another approach altogether \_\_\_\_\_

Please let us know the most important information you received from the Summit? (Include additional comments on the back of this card)

\_\_\_\_\_

\_\_\_\_\_

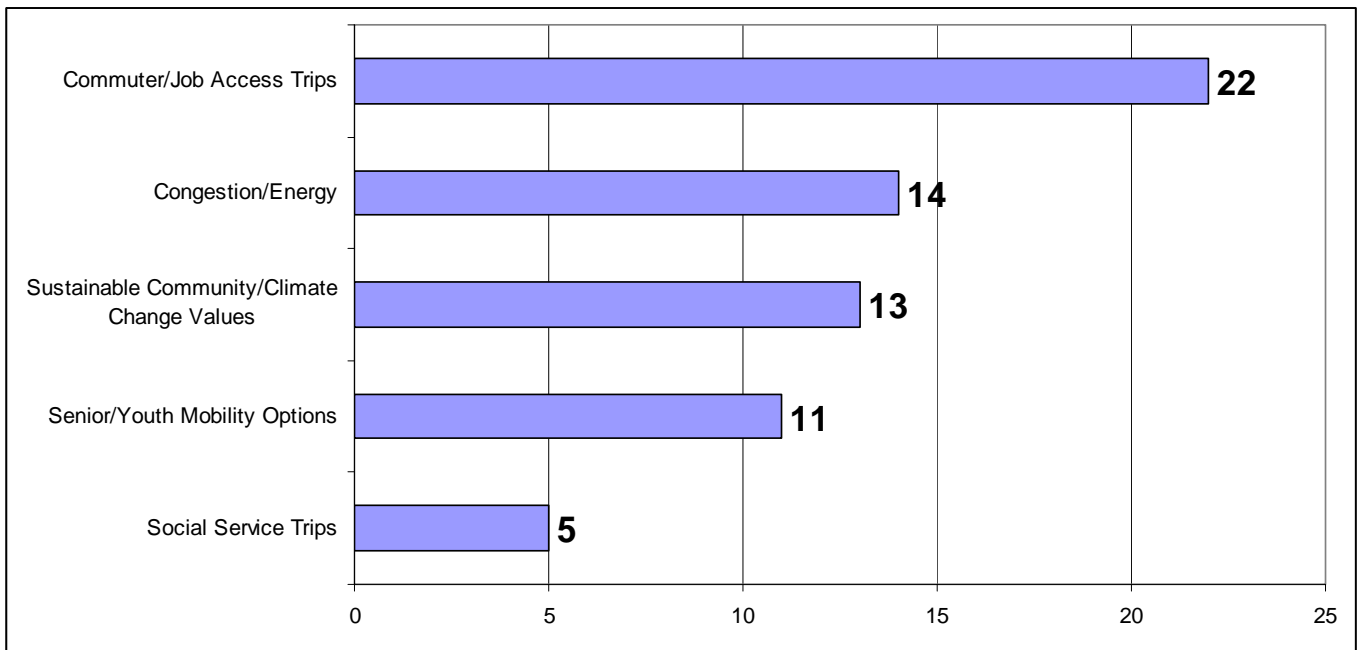
\_\_\_\_\_

complete which asked respondents about summit-related topics. Participants also were given the opportunity to complete an on-line survey on the internet by linking to a website address identified in a “thank you for participating” email sent to all attendees.

A total of 31 responses were received from comment cards received at the summit and the online survey. A summary and analysis of the responses received are shown in Figures 5-1 through 5-3.

The first question on the survey asked respondents to select from among a group of responses, what are the most important reasons to coordinate and expand public transit. The total number of responses received in each response category is shown in Figure 5-1.

**Figure 5-1**  
**What are the most important reasons to coordinate and expand public transit?**

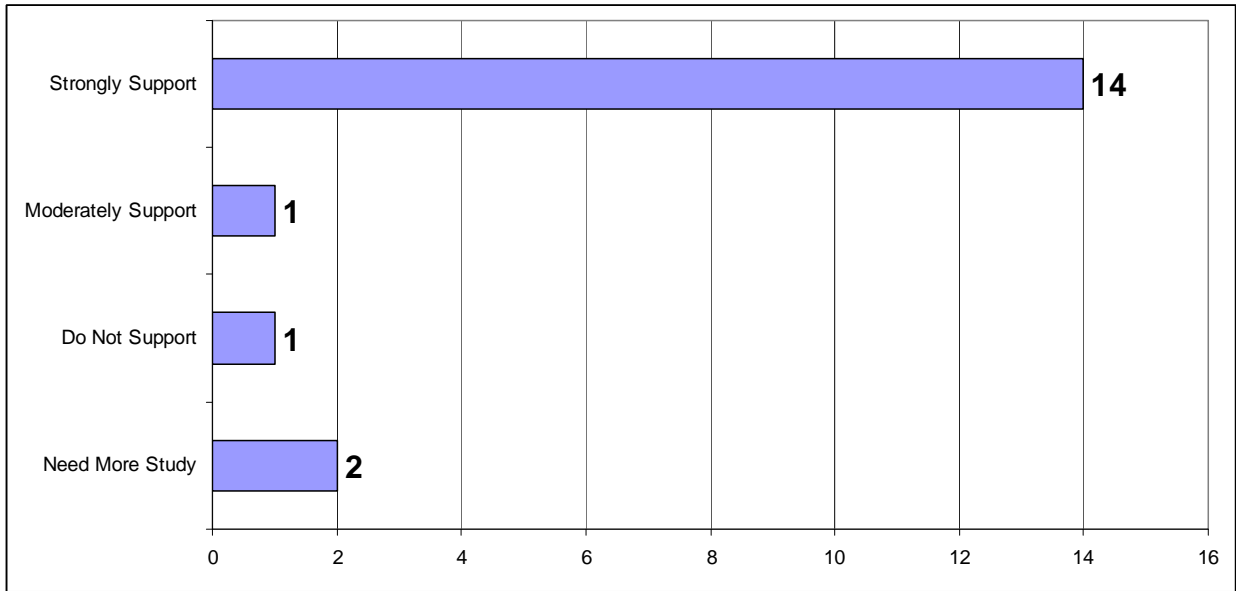


In addition to selecting from among the reasons listed on the survey card, respondents were also given the opportunity to list other reasons that were not listed. Other reasons indicated by respondents in support of expanding transit include:

- Economic development and sustainability
- Increasing transportation choices for everyone
- Quality of life

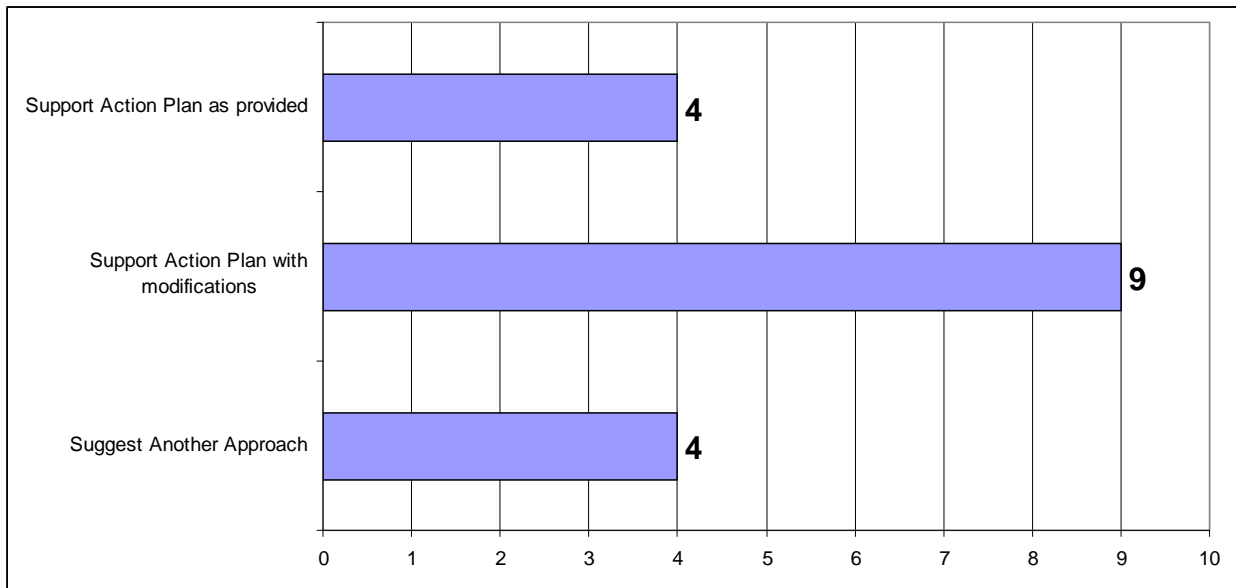
The second question on the survey asked respondents to indicate their level of support for a more regional approach for transit in the region. The total number of responses received in each response category is shown in Figure 5-2. Of the responses received for this question, 83 percent either strongly supported or moderately supported a regional approach for transit in the region.

**Figure 5-2**  
**Indicate your level of support for a more regional approach to transit for St. Lucie and Martin counties.**



The third question on the survey asked respondents whether they supported the RTA Action Plan as proposed. Results for that question are shown in Figure 5-3.

**Figure 5-3**  
**What is your opinion of the RTA Action Plan as proposed?**



Major modifications to the Action Plan suggested by respondents addressed representation on the RTO and extending an offer to Indian River County to participate in the process.

**SECTION 5  
REGIONAL TRANSIT ORGANIZATION**

The first action in the Mid-Term Action Plan is establishing an interim Regional Transit Organization (RTO). The RTO is the regional board that will facilitate and lead the transition to a regional transit governance structure. As indicated in Section 3 of this report, the RTO is proposed to be modeled after similar interim organizations formed in Polk County and Lee County. Table 5-1 shows the major steps followed by Polk County in its effort to establish the Polk Transit Authority. As shown in that table, the second major step in Polk County's effort was the RTO. Consequently, the St. Lucie/Martin process parallels establishment of the RTO as its second major step in achieving a regional transit authority. This section has been prepared to provide guidance to St. Lucie and Martin counties in creating the RTO and execution of the RTO's responsibilities.

**Table 5-1  
Comparison of Polk and St. Lucie/Martin Transit Authority Process**

<b>Major Step</b>	<b>Polk Model Timeline</b>	<b>St. Lucie/Martin Process Timeline</b>	<b>St. Lucie/Martin Action Plan Phase</b>
Adopt Vision & Action Plan	2003	Vision 2009 Action Plan 2010	Near-Term
Regional Transit Organization (RTO)	2004 – 2007	2010 – RTA <sup>2</sup>	Mid-Term
Establish Regional Transit Authority	2007	2012/2013	Long-Term
Secure Dedicated Revenue	2010	2012 or When time is right	Long-Term

\*As the interim board, the RTO will lead the transition to the RTA until the RTA is established.

**5.1 RTO PROCESS**

The RTO will enhance coordination among all the entities involved in the creation of a regional transit governance structure. How the RTO is created and what its composition, duties, and responsibilities should be are described below.

**Interlocal Agreement**

To create the RTO, an interlocal agreement must be prepared that outlines, at a minimum, the following:

- Defines the purpose of the RTO
- Specifies the RTO Board composition
- Specifies the RTO's powers and duties

- Identifies staff support for the RTO

Once complete, the interlocal agreement should be taken to each general-purpose local government board for approval. A sample interlocal agreement from Polk County is included in Appendix B of this report.

### **Duties and Responsibilities**

Development of an interim board, such as the RTO, is a proven process that has been successfully employed by Polk County in their efforts to establish the Polk Transit Authority. Lee County has a similar board, the Transit Authority Oversight Committee (TAOC), which currently shares parallel responsibilities to those that were performed by the Polk RTO. Consequently, the responsibilities for the St. Lucie/Martin RTO are proposed to be similar to those responsibilities charged to the two groups formed for Polk County and Lee County. They include the following:

- Facilitate and guide the transition to a regional transit governance.
- Develop a strategy for the creation of a regional transit governance structure.
- Review operating and capital needs identified in the 2010 Regional TDP.
- Develop recommendations on the coordination of funding for public transportation services.
- Serve as a regional forum for addressing and resolving region-wide public transportation issues.
- Develop the transit authority charter and corresponding state legislation.

As indicated previously, RTO powers and duties should be clearly defined in an interlocal agreement. It is important to note that the strategy for creation of a regional transit governance structure includes the resolution of several significant policy questions. Some of the key policy questions are presented later in this section.

### **RTO Board Composition**

Two RTO Board composition proposals are presented in Tables 5-2 and 5-3. The number of representatives for each jurisdiction/agency in the first proposal, shown in Table 5-2, is modeled after the Polk RTO, where each county is represented by two members and each municipality is represented by one member, except for large municipalities. As shown in that table, there is representation on the RTO Board from FDOT District 4, and one additional representative was added for Port St. Lucie because it is the municipality with the largest population size in the two-county region. In this scenario, there are a total of twelve members on the RTO Board.

The second proposed RTO Board composition is modeled after the Lee County TAOC. In that proposal, each jurisdiction in the area is allowed one representative on the RTO Board. It is

important to distinguish the RTO Board composition from the future RTA Board composition. The RTA Board composition may be quite different based on the decisions made by the RTO.

**Table 5-2  
Proposed St. Lucie/Martin RTO  
Composition (Polk County Model)**

<b>Jurisdiction/Agency</b>	<b>Number of Representatives</b>
Martin County	2
St. Lucie County	2
Martin MPO	1
St. Lucie TPO	1
Port St. Lucie	2
Fort Pierce	1
Stuart	1
Town of Sewall's Point	1
FDOT District 4	1
<b>Total</b>	<b>12</b>

**Table 5-3  
Proposed St. Lucie/Martin RTO  
Composition (Lee County Model)**

<b>Jurisdiction/Agency</b>	<b>Number of Representatives</b>
Martin County	1
St. Lucie County	1
Port St. Lucie	1
Fort Pierce	1
Stuart	1
Town of Sewalls Point	1
FDOT District 4	1
<b>Total</b>	<b>7</b>

In addition to the RTO Board composition proposals presented here, an invitation should be extended to neighboring counties, such as Indian River County to the north and Palm Beach County to the south, to participate in the Transit Authority if they wish to do so.

**Transit Technical Advisory Committee (TTAC)**

To support the administrative and technical analysis needs of the RTO, it is proposed that a technical working group be formed. The TTAC should consist of technical staff from each of the participating jurisdictions (i.e., MPO, TPO, FDOT, city, and county staff). One option is for the TPO and MPO staff to coordinate and manage the TTAC. The RTO technical committee will:

- Serve as staff support to the RTO.
- Prepare RTO meeting agendas.
- Conduct additional research as necessary.
- Organize presentations to the RTO board.
- Make recommendations to the RTO Board on relevant topics.

A key element of the TTAC will be legal counsel. It is through the efforts of legal counsel and the communication of the RTO's legal counsel to the local state legislative liaison that development of statutory language and legislation will be performed. It is recommended that at

least two attorneys (one from each county) be assigned to the RTO technical committee to support the process. The proposed TTAC composition is shown in Table 5-4.

**Table 5-4  
Proposed TTAC Composition**

Organization	Number of Representatives
St. Lucie TPO	1
Martin MPO	1
St. Lucie County	1
Martin County	1
Port St. Lucie	1
Stuart	1
Fort Pierce	1
FDOT District 4	1
Transit Service Operators	one from each
Airports	one from each
County/City Attorneys	2

## **5.2 POLICY AND LEGISLATIVE ISSUES**

The major role of the RTO will be resolution of policy and legislative issues associated with the implementation and function of the regional transit governance structure. To that end, a number of important issues are included in this sub-section that will give the RTO initial direction on the content of their proceedings.

### **Preferred Governance Structure**

There are two main types of regional transit authorities, independent transit authorities and regional transit authorities. Appendix C contains information on the distinction between the two types of transit authorities.

In addition to the implementation of a regional transit authority, the RTO may want to consider other transit governance structures. Previous studies, such as the Martin/St. Lucie Funding and Governance Study, explored various transit governance structures and their implications on service. It is important for the RTO to consider long-term impacts of the preferred governance structure. As the area continues to expand and grow and service efficiencies are being sought, it is important to continue to push toward coordinated regional solutions and that momentum developed from adoption of the Regional TDP and the Regional Transit Summit are maintained.

## Board Composition

A number of variations can be developed for the composition of the regional transit authority board. It is important to note that an independent special district offers flexibility in terms of the make-up of the board of directors. The composition and make-up of such an independent board is not prescribed by state statute and can be determined by the local agencies participating on that board. This offers the local agencies the opportunity to use creative methods to allow for fair representation on their regional transit governance board.

Table 5-5 notes the relationship between the Polk RTO Board and the Polk RTA Board. As shown, the RTA Board may vary from the RTO Board based on decisions made by the RTO.

**Table 5-5  
Comparison of Polk RTO and Polk RTA Boards Composition**

<b>Jurisdiction/Agency</b>	<b>Number of Polk RTO Board Members</b>	<b>Number of Polk RTA Board Members</b>
City of Lakeland	2	2
City of Winter Haven	2	1
Polk County	2	3
City of Bartow	1	1*
City of Auburndale	1	
Haines City	1	1*
Lake Wales	0	
Other Municipalities	0	1
FDOT	1	1 (non-voting)
<b>Total</b>	<b>10</b>	<b>10</b>

\*Indicates rotating membership.

## Chief Executive Officer (CEO)

The RTO will want to consider hiring a CEO to manage the day-to-day operations of the regional transit authority. The CEO would manage the regional transit agency and report to, advise, and assist the Board with decisions related to transit authority operations. Many existing transit authorities exercise such a policy. TBARTA, PSTA, and HART all have a Director/CEO who manages day-to-day agency operations.

## **Powers and Duties**

The RTO will work to outline specific powers, duties, and functions for the regional transit authority board. If any state legislation is prepared, such powers and duties will need to be identified to give the organization the appropriate tools to successfully meet its primary functions and goals, meeting public transportation demand in the region and providing efficient public transportation services. Examples of possible agency powers and duties include the following:

- Planning, operation, and maintenance of transit services
- Ownership of land and transit facilities
- Levying, collecting, and enforcing fares and fees for use of services
- Exercising exclusive jurisdiction and control over the agency's services and facilities
- Receiving state and federal funding, including applying for and accepting grants and loans
- Issuing bonds
- Levying and collecting special assessments
- Developing transportation plans and exercising power to coordinate with other planning agencies

## **Funding Levels**

One of the most significant tasks of the RTO will be to identify a preferred funding source for transit services in the region. Ideally, revenue estimates for several funding sources or combinations of funding sources will be presented to the RTO Board. Revenue estimates and funding source comparisons should be tied to the needed funding levels identified in the Regional TDP.

Other considerations for a preferred funding source include stability and whether or not the agency will need to pursue a referendum. It is important for the long-term viability of the regional transit authority to secure a funding source that will provide consistent levels of revenue. The pursuit of a referendum is necessary with some revenue options and should be considered by the RTO in terms of the timing, amount, and whether or not any transit referendum should be packaged with another transportation tax. Additional information on pursuing a referendum and on two discretionary sales tax options is provided in Appendix C of this report.

## **Transition of Existing Transit Capital and Staff**

A transition plan for transferring existing transit capital such as vehicles, facilities, and other transit infrastructure may need to be developed. There are several fixed-route transit service providers operating in the two-county area, and each uses its own vehicles and facilities. If the goal is to have the regional transit authority administer and operate transit services, then a transition plan will be needed. If the regional transit authority will contract out services, then the

transition plan may be limited to only a few capital and/or staff resources. The transition plan should consist of an inventory of capital items to be transferred and a plan for transferring that capital to the regional transit authority.

A role for existing transit agency staff also will need to be outlined. Similar to the transfer of transit capital, staff resources for each of the existing transit agencies will need to be reconciled in a transition, as well. The new regional transit authority will need to make use of existing administration, operations, and maintenance staff from all of the existing service providers, as they will provide the experience needed to transition into the new service effectively.

### **Development of State Legislation**

The development of state legislation will be required if the RTO determines that an independent transit authority is the best course of action for creating a regional transit governance structure. Appendix C of this report provides information on special districts and their creation and summarizes state enabling legislation. As indicated previously, it is important to employ the assistance of local attorneys in this effort. In addition, each county in Florida is served by a legislative delegation, from which a bill sponsor will need to be identified.

To assist in the legislative process, the local liaison to the state legislature should be contacted as soon as a decision is made to pursue a transit authority so that all state statutory language requirements are met and the appropriate steps are taken when seeking new state legislation.

To assist the RTO in drafting appropriate language for any proposed state legislation, the Polk Transit Authority legislation is included in Appendix D.

### **5.3 JOINT BOARD ACTION AND NEXT STEPS**

Consistent with Action 10 of the Near-Term Action Plan, a presentation of the Draft Action Plan was made to the Joint MPO/TPO Board on February 18, 2010. After much discussion about the Action Plan tasks, the RTO concept, and the RTO Board composition, the Joint Board approved two motions:

- 1) Composition of the RTO as shown in Table 5-6, including identification of an alternate from each jurisdiction.
- 2) The Joint MPO/TPO provided direction to staff to prepare a draft interlocal agreement for establishment of the RTO to be presented first to the TPO and MPO for approval and then to be presented to each participating jurisdiction for approval.

Table 5-6  
RTO Composition – Joint Board Action

<b>Jurisdiction/Agency</b>	<b>Number of Representatives</b>
Martin County	1
St. Lucie County	1
Port St. Lucie	1
Fort Pierce	1
Stuart	1
Town of Sewalls Point	1
FDOT District 4	1
Economic Development Council of St. Lucie County	1
Economic Council of Martin County	1
<b>Total</b>	<b>9</b>

As indicated in Action 1 of the Mid-Term Action Plan, it is important to establish the RTO as soon as possible. Approval of an interlocal agreement by the participating jurisdictions should be sought within three or four months of approval of the Action Plan in order to establish the RTO and expedite the discussion of overarching policy questions that will govern the purpose and responsibilities of the regional transit authority.

**APPENDIX A**  
**REGIONAL TRANSIT SUMMIT PROGRAM**

## PARTICIPATING AGENCIES



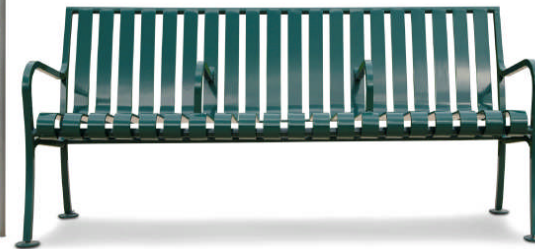
## SPONSORS



# REGIONAL TRANSIT SUMMIT

ST. LUCIE COUNTY & MARTIN COUNTY

## PROGRAM



TRADITION Town Hall  
Friday, January 8, 2010

**8:30 AM CHECK-IN & CONTINENTAL BREAKFAST**

**9:00 AM WELCOME**

Rob Gregg, Summit Facilitator  
Center for Urban Transportation Research (CUTR), University of South Florida

Michael Mortell, Chairman  
Martin Metropolitan Planning Organization

Darrell Drummond, Chairman  
St. Lucie Transportation Planning Organization

**9:10 AM THE WHAT: REGIONAL TRANSIT PERSPECTIVES**

**A National Perspective**

Dr. Yvette Taylor, Regional Administrator  
Federal Transit Administration Region 4

**A State Perspective**

Ed Coven, State Transit Manager  
State Transit Office, Florida Department of Transportation

**A Regional Perspective**

Jeff Weidner, Mobility Manager  
District 4, Florida Department of Transportation

**9:40 AM THE WHY: TRANSIT NEEDS AND ECONOMIC DEVELOPMENT**

**Regional Transit Plans**

Bill Morris, Senior Research Associate  
Center for Urban Transportation Research (CUTR), University of South Florida

**Public Transportation and the Region's Vision for Mobility - Panel Discussion**

Larry Pelton, President  
Economic Development Council of St. Lucie County

Tammy Simoneau, Executive Director  
Economic Council of Martin County

Bobby Rodriguez, CEO and Founder  
Latin Chamber of Commerce of the Treasure Coast

Dr. Edwin Massey, President  
Indian River State College

Stefan Matthes, President/Senior Vice President  
Sustainable Treasure Coast, Inc./Culpepper and Terpening, Inc.

Charles Grande, Chairman  
St. Lucie County Board of County Commissioners

**Question & Answer Forum**

**10:20 AM BREAK**

**10:30 AM THE WHO: REGIONAL TRANSIT AGENCY EXPERIENCE IN FLORIDA**

**Regional Agency Experience in Florida - Panel Discussion**

Scott Clem, Director of Strategic Planning  
Jacksonville Transportation Authority

Joe Giulietti, Executive Director  
South Florida Regional Transportation Authority

Bob Clifford, Executive Director  
Tampa Bay Area Regional Transportation Authority

Rob Gregg, Director, Transit Management & Innovation  
Center for Urban Transportation Research (CUTR)

**Question and Answer Forum**

**11:10 AM THE HOW: WHERE WE GO FROM HERE**

**St. Lucie/Martin Action Plan**

Bill Ball, Chief Operating Officer  
Tindale-Oliver & Associates

**Public Comments, Question & Answer Forum, Summit Summary & Wrap Up**  
Rob Gregg, CUTR

**APPENDIX B**  
**SAMPLE RTO INTERLOCAL AGREEMENT**

**INTERLOCAL AGREEMENT FOR  
POLK REGIONAL TRANSPORTATION ORGANIZATION**

This Interlocal Agreement, entered into by and among, the Florida Department of Transportation, Lakeland Area Mass Transit District, Polk County Board of County Commissioners, Polk Transportation Planning Organization, City of Auburndale, City of Bartow, City of Lakeland, and City of Winter Haven.

WITNESSETH

WHEREAS, the parties to this agreement operate, fund or plan public transportation in Polk County; and

WHEREAS, the Polk Transportation Planning Organization (TPO) completed the Polk County Public Transportation System Analysis in June 2003; and

WHEREAS, this study, otherwise known as the "Countywide Transit Study" includes a recommendation for the formation of a regional transportation authority by the year 2008 with the creation of a countywide transit policy board in the interim to enhance cooperation between existing transit service providers; and

WHEREAS, the countywide transit policy board, as recommended, will provide a forum to address operational, financial, planning and organizational issues related to the provision of public transportation in Polk County; and

WHEREAS, as recommended, this transit policy board will seek to promote the cost-efficient and effective delivery of existing and improved transit services with existing resources; and

WHEREAS, this transit policy board has been charged with the development of a strategy for the creation of, and transition to, a regional transportation authority.

NOW, THEREFORE, the parties, in consideration of the mutual promises and covenants hereinafter set forth, agree as follows:

Section 1. Purpose

The Florida Department of Transportation (FDOT), Lakeland Area Mass Transit District (LAMTD), Polk County Board of County Commissioners (BoCC), Polk Transportation Planning Organization (TPO) and the cities of Auburndale, Bartow, Lakeland and Winter Haven currently operate, fund or plan public transportation in Polk County. These parties recognize the need to create a countywide or regional forum to promote shared goals for improved public transportation. The Polk Regional Transportation Organization will serve as a countywide transit policy board to provide such a forum. The reasons for the creation of a Polk Regional Transportation Organization include the following:

develop a recommended strategy for the transition to, and creation of, a Regional Transportation Authority; provide for efficiencies in the delivery of existing regional service; provide improved services with existing resources; provide regional surface transportation information to the public; provide a regional forum for deliberation on surface transportation issues of mutual interest; provide a regional voice for agreed upon surface transportation policies, plans and programs; review funding constraints and opportunities and provide recommendations on funding; provide a forum to respond to commuter concerns and travel needs in a timely manner; and to promote and work toward a seamless regional surface transportation system.

## Section 2. Definitions

- (a) "Board" shall mean the board of the Polk Regional Transportation Organization.
- (b) "Public transportation" shall mean surface transportation of people and goods by means, without limitation, of a street railway, elevated railway or guideway, subway, motor vehicle, motor bus, or any bus or other means of conveyance operating as a common carrier within the regional transportation area, including charter service therein operated by or under contract with public surface transportation agencies.
- (c) "Public transportation system" shall mean, without limitation, a combination of real and personal property, structures, improvements, buildings, equipment, plants, vehicle parking or other facilities, and rights-of-way, or any combination thereof, used or useful for the purposes of public surface transportation connections.
- (d) "RTO" shall mean the Polk Regional Transportation Organization.
- (e) "Regional transportation area" shall mean that area identical to the boundary of Polk County.
- (f) "Regional bus routes" include inter-city or inter-county bus routes that are operated through a funding partnership of more than one local government or public transportation provider. Regional bus routes shall be designated as such by the RTO Board.
- (g) "Intermodal connections" mean the system-wide connection of the public transportation modes, plus the connection of the public transportation system to ports, airports, and other public and private transportation systems.

## Section 3. Creation of Polk Regional Transportation Organization

There is hereby created and established pursuant to Section 163.01, Florida Statutes, a separate entity to be known as the Polk Regional Transportation Organization (RTO).

#### Section 4. RTO Board

- (a) The Board of the RTO shall be comprised of ten (10) members to include two (2) elected officials from the BoCC; two (2) elected officials from the City of Winter Haven; two (2) elected officials from the City of Lakeland on the LAMTD Board; one (1) elected official from the City of Auburndale; one (1) elected official from the City of Bartow; one (1) elected official from the TPO; and one (1) representative from the FDOT. The TPO representative shall be from a jurisdiction not listed in this section.

Member appointments shall be made at an official meeting of the governmental entity or transit district. The FDOT District One Secretary shall appoint the FDOT representative. Each member entity may appoint alternate members to serve in the absence of the regular voting member(s).

Additional members may be added to the RTO through amendments to this Interlocal Agreement. At the first scheduled meeting of each calendar year, the RTO will review its membership to determine if it adequately represents current public transportation stakeholders in Polk County.

- (b) A chairman and vice chairman shall be elected from the membership at the first scheduled meeting of each calendar year and shall hold office no more than two consecutive years. Any member may nominate or be nominated as an officer. All officers shall be elected by a majority vote at a meeting where a quorum is present. The chairman and vice chairman shall be from different local governments.
- (c) A majority of the membership shall constitute a quorum. A quorum must be present at all meetings.
- (d) The RTO Board shall meet at least quarterly at a date, time and place acceptable to a majority of the members. At the last scheduled meeting of a calendar year, the Board shall adopt a regular meeting schedule for the next calendar year.
- (e) Special meetings of the RTO may be called by the chairman, or in the absence of the chairman, by the vice chairman upon at least 24 hours notice. Special meetings may also be called on the initiative of six (6) or more voting members petitioning the chairman.

## Section 5. Advisory Committees

- (a) The TPO Technical Advisory Committee (TAC) and Citizens Advisory Committee (CAC) shall provide technical and policy recommendations to the RTO Board on surface transportation issues related to the planning and implementation of public transportation.
- (b) The RTO may establish and maintain subcommittees, as necessary, to address specific subject areas such as marketing and service planning. These subcommittees will report to either the TAC or RTO Board, as directed by the Board.

## Section 6. Powers and Duties of the RTO

The RTO shall be a planning and oversight organization with those powers specifically granted to it by the parties as set forth herein. The RTO is granted the authority to exercise all powers necessary, appurtenant, convenient, or incidental to the carrying out of the purposes for which it was created, including, but not limited to, the rights and powers set forth herein.

The RTO:

- (a) Shall develop a strategy for the creation of, and transition to, a regional transportation authority to provide countywide public transportation and coordinate with other regional public transportation providers in central Florida. This strategy will address the allocation and transition of staff, equipment, and facility resources from existing public transportation providers to the new regional transportation authority.
- (b) Shall review the operational and capital expenditures for public transportation systems in Polk County and make recommendations to the respective service providers regarding the coordinated funding of such public transportation systems.
- (c) Shall prioritize congressional earmark and appropriations requests for public transportation capital and operating projects and coordinate Federal Transit Administration (FTA) formula funds request.
- (d) Shall develop recommendations on the coordinated funding of regional bus routes.
- (e) Shall develop a Common Service Plan for seamless public transportation to include elements related to marketing, fare policy, route modifications, service development, and a bus stop improvement program.
- (f) Shall create a plan for a coordinated public information system for public transportation within Polk County with an emphasis on “one stop shopping” for public transportation information. This effort will include the publication of a countywide “Ride Guide.”

- (g) Shall be the regional forum for addressing and resolving countywide or regional public transportation issues as requested by one or more signatory agencies to the Interlocal Agreement.
- (h) Shall endorse a plan for coordinated public transportation and intermodal connections within the regional transportation area (Consolidated Transit Development Plan).

The RTO may be given additional powers by amendment to this agreement as approved by the parties to this agreement.

#### Section 7. Staff Support

The TPO staff shall provide administrative support to the RTO to include the preparation and distribution of meeting packets and announcements and the documentation of RTO activities. The TPO staff will coordinate with the Director of the Lakeland Area Mass Transit District and Director of Polk County Transit Services Division in the preparation and presentation of meeting agenda items for consideration by the RTO Board. The TPO staff shall provide public transportation service planning in the development of the Consolidated Transit Development Plan.

#### Section 8. Duration of Agreement and Withdrawal Procedure

This Agreement shall remain in effect until terminated by the parties to this Agreement. Any party may withdraw from said Agreement after presenting in written form a notice of intent to withdraw to the other parties, at least 90 days prior to the intended date of withdrawal.

#### Section 9. Amendment of Agreement

Amendments to or modifications of this Agreement may only be made by written agreement signed by all parties hereto and shall not be effective until it is filed with the Clerk of the Circuit Court of each county where a party hereto is located pursuant to Section 163.01(11).

#### Section 10. Effective Date

This Agreement shall become effective upon execution by all parties hereto and filing with the Clerk of the Circuit Court of each county where a party to this Agreement is located.

IN WITNESS WHEREOF, the undersigned parties have caused this Interlocal Agreement to be duly executed in their behalf and hereby establish the above referenced RTO this \_\_\_\_\_ day of \_\_\_\_\_.

BOARD OF COUNTY COMMISSIONERS  
OF POLK COUNTY, FLORIDA

BY: \_\_\_\_\_  
CHAIRMAN

ATTEST: \_\_\_\_\_  
CLERK

CITY OF AUBURNDALE

BY: \_\_\_\_\_  
MAYOR

ATTEST: \_\_\_\_\_  
CITY CLERK

CITY OF WINTER HAVEN

BY: \_\_\_\_\_  
MAYOR

ATTEST: \_\_\_\_\_  
CITY CLERK

POLK TRANSPORTATION PLANNING  
ORGANIZATION

BY: \_\_\_\_\_  
CHAIRMAN

ATTEST: \_\_\_\_\_  
TPO COORDINATOR

LAKELAND AREA MASS  
TRANSIT DISTRICT

BY: \_\_\_\_\_  
CHAIRMAN

ATTEST: \_\_\_\_\_  
DIRECTOR

CITY OF BARTOW

BY: \_\_\_\_\_  
MAYOR

ATTEST: \_\_\_\_\_  
CITY CLERK

CITY OF LAKELAND

BY: \_\_\_\_\_  
MAYOR

ATTEST: \_\_\_\_\_  
CITY CLERK

FLORIDA DEPARTMENT  
OF TRANSPORTATION

BY: \_\_\_\_\_  
DISTRICT SECRETARY

ATTEST: \_\_\_\_\_  
EXECUTIVE SECRETARY

**APPENDIX C**  
**REGIONAL TRANSIT GOVERNANCE & FUNDING INFORMATION**

## APPENDIX C REGIONAL TRANSIT GOVERNANCE & FUNDING INFORMATION

Regional transit governance can take several different forms. Consequently, it is important to understand the general distinctions between varying transit authority structures and available funding options. The decision as to which governance structure and what funding options are appropriate for the study region will need to be made cooperatively by local leadership and the public. The following section summarizes existing state enabling legislation, describes two transit authority options, and defines three types of funding options.

### SPECIAL DISTRICTS

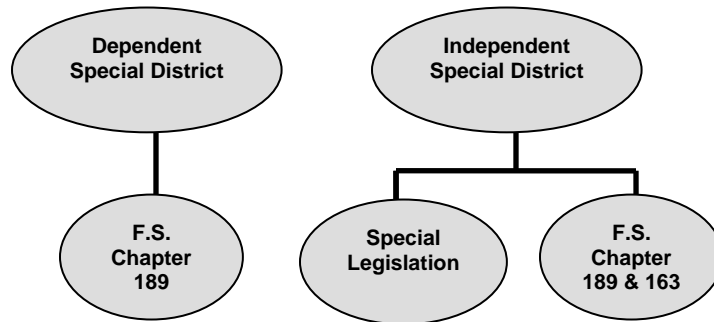
A governance structure created to oversee transit operations in a specific area is, in essence, a special district. Special districts are units of special-purpose government with limited boundaries. The state enabling legislation that governs the creation of special districts in Florida can be found in Chapter 189, Florida Statutes. That legislation identifies two major types of special districts, dependent and independent.

A dependent special district has at least one of the following characteristics:

- Governing body members are identical to the governing body of a single county or a single municipality.
- Governing body members are appointed by the governing body of a single county or a single municipality.
- During unexpired terms, governing body members are subject to removal at will by the governing body of a single county or a single municipality.
- Budget requires approval through an affirmative vote by the governing body of a single county or a single municipality.
- Budget can be vetoed by the governing body of a single county or a single municipality.

Independent special districts do not have any dependent characteristics (*Florida Special District Handbook, 2009*). Generally, only the state legislature can create independent special districts. There is an exception to this rule as it relates to regional transportation authorities. Chapter 163, Florida Statutes, indicates that any combination of two or more counties or municipalities may create a regional transportation authority. **For all general purposes, any special district created to operate and administer public transportation services in St. Lucie and Martin counties would be treated as an independent special district.** In addition to Chapters 189 and 163, Florida Statutes, independent special districts also can be created with a special act, such as the legislation used to create the Jacksonville Transportation Authority. Figure C-1 illustrates the relationship between special district types and their enabling legislation. Table C-1 presents a sample of existing transit authorities in Florida with the corresponding enabling legislation used to create each.

**Figure C-1  
Special Districts and Enabling Legislation**



**Table C-1  
Existing Transit Legislation**

Authority Name	Legislation Name	Legislation Number
Hillsborough Transit Authority (HART)	Regional Transportation Authorities	F.S. 163, Part V
Polk Transit Authority (PTA)	Independent Special District	F.S. 189
South Florida Regional Transportation Authority (SFRTA)	Regional Transportation and Transit Authorities	F.S. 343, Part I
Central Florida Regional Transportation Authority (LYNX)		F.S. 343, Part II
Tampa Bay Area Regional Transportation Authority (TBARTA)		F.S. 343, Part IV
Jacksonville Transportation Authority (JTA)		F.S. 349

The extent of general transportation planning authority for the authorities in Table C-1 is implied by the title of each. Where some agencies, such as HART and the PTA, have been charged only with the administration and delivery of public transportation, other authorities, such as JTA, conduct transportation planning and programming for roadway, bicycle/pedestrian, and public transportation improvements.

**REGIONAL TRANSIT GOVERNANCE OPTIONS**

Two types of transit authorities are examined in this section. For each type of transit authority, a definition is provided and advantages and disadvantages are noted.

## **Independent Transit Authority**

In Florida, an independent transit authority can be created with a special act or as a special district without separate legislation. A separate act designates powers and duties for each authority in corresponding chapters. The authority operates as its own public entity, typically having taxing authority. The authority also establishes its own governing Board of Directors. Depending on the legislation establishing them, independent authorities can perform a number of functions related to the management and operation of public transportation systems, including planning, developing, and maintaining services and facilities. In addition, independent authorities also can be authorized to borrow money, issue bonds, and enter into joint development agreements.

The following independent transit authorities have been created under special acts of the Florida Statutes:

- Jacksonville Transportation Authority (F.S. Chapter 349)
- South Florida Regional Transportation Authority (F.S. Chapter 343, Part I)
- Central Florida Regional Transportation Authority (F.S. Chapter 343, Part II)
- Tampa Bay Area Regional Transportation Authority (F.S. Chapter 343, Part IV)

## **Regional Transportation Authority**

Regional transportation authorities in Florida can be created pursuant to Chapter 163 of the Florida Statutes. A Regional Transportation Authority (RTA) is a charter of two or more contiguous counties, municipalities, other political subdivisions, or combinations thereof. As mandated, each participating jurisdiction can appoint at least one representative (elected) for the first 100,000 population, then another for the next 50,000, and one additional representative for each additional 100,000 population to the charter committee. All member jurisdictions must be represented by at least one elected official, regardless of population. In addition, two officials are appointed to the board by the Governor. The charter committee must have a minimum of five elected representatives. Under these guidelines, jurisdictions may have any number of elected officials.

Regional transportation authorities in Florida have powers similar to those of an independent transit authority in regard to the management and operation of public transportation systems. Regional transportation authorities are created as special districts and, consequently, have the taxing authority to levy ad valorem taxes that are based on the full valuation of real property. This tax can be levied only after its approval by a majority of the electors of each county, municipality, or other political subdivision that are part of the special district. In terms of geographic expansion for a regional authority, any neighboring county, municipality, or other political subdivision may join the authority upon a resolution adopted by that governing body contiguous to the authority.

The Hillsborough Transit Authority (HART) is a Regional Transportation Authority created under F.S. Chapter 163.

### Advantages and Disadvantages

Tables C-2 and C-3 include a comprehensive list of advantages and disadvantages for the two types of transportation authorities described in the preceding section. The two authority types offer many of the same advantages and disadvantages, with the major distinction being that **an independent authority offers flexibility in terms of the Board composition and funding source.**

**Table C-2  
Advantages & Disadvantages of an Independent Transit Authority**

Transit Governing Structure	Advantages	Disadvantages
<b>Independent Transit Authority</b>	A separate entity focused solely on transportation	May require special legislation
	Special region taxation authority with authorization to levy ad valorem tax	Requires referendum approval to impose taxes
	Supports regional transportation goals	Municipalities may choose not to participate in authority
	Authority and responsibility to plan, decide, fund, and implement transit services and projects	Adds another public entity to the intergovernmental relationships in the area
	Statutory authority to issue bonds	More accountability to general public as the sole source administering public transportation
	Independent nature provides room for change with innovation	Can be subject to public resistance if too many taxes or fees are imposed
	In-depth understanding of local transportation priorities	May focus on transportation modes other than transit
	More flexibility in using funds	
	A separate entity created to provide more efficient transportation than a department of an entity (county/city) that has the prime concern of growth and development	
	Manage transit services across multiple jurisdictions	
	Authority to alter charges, establish rates, fares, and other charges that are equitable and reasonable	
	Encourages multi-jurisdictional support with adjacent counties	

**Table C-3  
Advantages & Disadvantages of a Regional Transit Authority**

<b>Transit Governing Structure</b>	<b>Advantages</b>	<b>Disadvantages</b>
<b>Regional Transit Authority</b>	Multi-jurisdiction nature assures additional funding access and stability	May focus on transportation modes other than transit
	Formula representation and voting of the members based on population	Limited flexibility as process defined in a special act in the Florida Statutes
	Statutory authority to issue bonds	Municipalities may choose not to participate in authority
	Independent nature provides room for change with separate government focused solely on transportation	Adds another public entity to the intergovernmental relationships in the area
	Has more flexibility in using funds	
	A separate entity created to provide more efficient transportation than a department of an entity (county/city) that has the prime concern of growth and development	
	Manage transit services across multiple jurisdictions	
	Authority to levy taxes and alter charges, and establish rates, fares, and other charges that are equitable and reasonable	
	Supports regional transportation goals	
	Encourages multi-jurisdictional support with adjacent counties	

**FUNDING MECHANISMS**

There are three major sources of funding for transit agencies across the state:

- Ad Valorem Tax
- Fuel Tax
- Local Option Sales Tax

**Ad Valorem Tax**

An ad valorem tax is a tax paid by the owner of real estate or other property on the value of the property being taxed. There are three classifications of property: Land, Improvements to Land (immovable manmade things), and Personal (movable manmade things). Real estate, real property, or realty are terms for the combination of land and improvements. The taxing authority requires and/or performs an appraisal of the monetary value of the property, and a tax is

assessed in proportion to that value. This is one of the most common forms of taxation. Examples of transit authorities assessing an ad valorem tax include PSTA and HART.

## **Fuel Tax**

Taxes imposed on motor and diesel fuel vary among counties in Florida. There are three separate fuel taxes that counties have the option to levy. These taxes total up to 12 cents on every net gallon of motor and diesel fuel sold within a county.

### ***1-6 Cents Local Option Fuel Tax***

Originally called the Local Option Gas Tax until 1996, the 1-6 Cents Local Option Fuel Tax, or First Local Option, is a tax of 1 to 6 cents on every net gallon of motor and diesel fuel sold within a county. The tax is adopted through a majority vote of the county's governing body or voter approval in a countywide referendum. This tax is automatically imposed on diesel fuel in all counties. The County distributes proceeds to municipalities according to an interlocal agreement. Counties and Cities are authorized to use the proceeds to fund numerous projects, including public transportation capital and/or operating costs.

### ***1-5 Cents Local Option Fuel Tax***

The 1-5 Cents Local Option Fuel Tax, or Second Local Option, is in addition to the previous 1-6 Cents Local Option, in which the state legislature authorized an additional tax of 1 to 5 cents on every net gallon of motor fuel sold within a county. Diesel fuel is not subject to this tax. The tax is adopted through a majority vote of the county's governing body or voter approval in a countywide referendum. The County distributes proceeds to municipalities according to an interlocal agreement. Counties and Cities are authorized to use the proceeds for transportation expenditures needed to meet the requirements of the capital improvements element or an adopted comprehensive plan or for expenditures needed to meet the immediate local transportation problems and for other transportation-related expenditures critical for building comprehensive roadway networks by local governments. Only capital improvements on public transportation are eligible for funding using the 1-5 Cents Local Option Fuel Tax.

### ***Ninth-Cent Fuel Tax***

The Ninth-Cent Fuel Tax is a tax of 1 cent on every net gallon of motor and diesel fuel sold within a county. The tax was first authorized in 1972 by Section 336.021, FS. Diesel fuel was not added to the tax until 1990. The most recent change to the tax came in 1993, when the state legislature removed a previous referendum requirement and stated that any County can impose the tax by extraordinary vote of its Board of Commissioners. The County may distribute tax proceeds to incorporated municipalities, but it is not required to do so. Among other

authorized uses, the proceeds can go towards public transportation operations and maintenance.

### **Local Option Sales Tax**

There are two major local option sales taxes available to some or all counties across the state to fund public transportation. They include the Charter County Transit System Surtax and the Local Government Infrastructure Surtax. The Transit Surtax can be used for both capital and operations; the Infrastructure Surtax can be used for capital only.

#### ***Charter County Transit System Surtax Section 212.055(1), Florida Statutes***

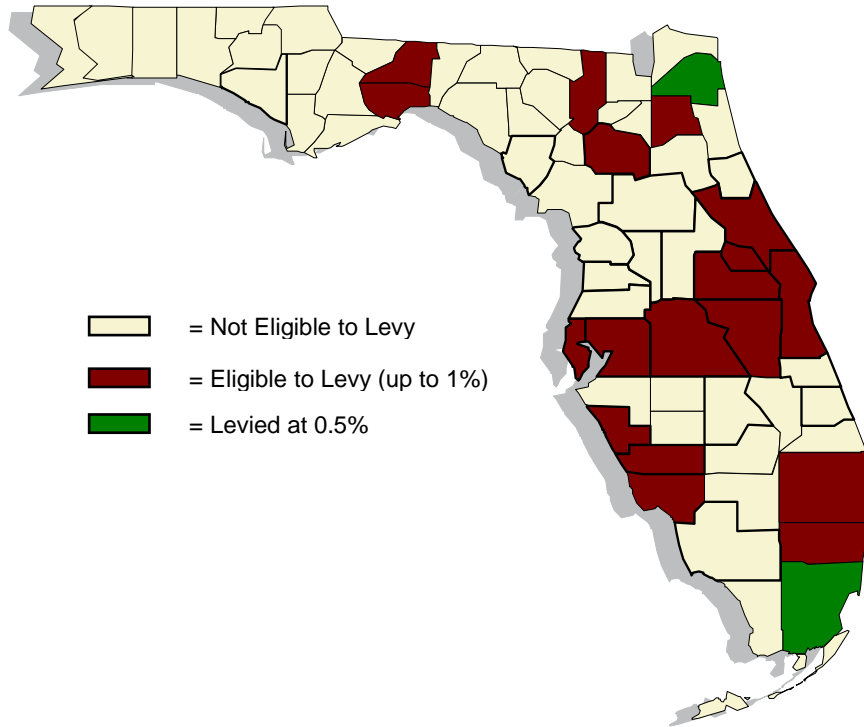
The Charter County Transportation System Surtax may be levied at a rate of up to 1 percent by Florida's charter counties as well as by those county governments that have consolidated with one or more municipalities. In the case of charter counties, the levy is subject to a charter amendment approved by a majority vote of the county's electorate. In the case of a consolidated government, the levy is subject to voter approval in a countywide referendum. Generally, the use of funds is for the development, construction, operation, and maintenance of fixed guideway rapid transit systems, bus systems, and roads and bridges. The legislation allows the surtax proceeds to be remitted to transit authorities.

Figure C-2 illustrates counties in Florida that are currently eligible to levy the surtax and how much each of the surtax is being levied by each. As shown in the Figure, St. Lucie and Martin counties are not eligible to assess this tax, but proposed legislation is anticipated to give this ability to counties within a Regional Transit or Transportation Authority

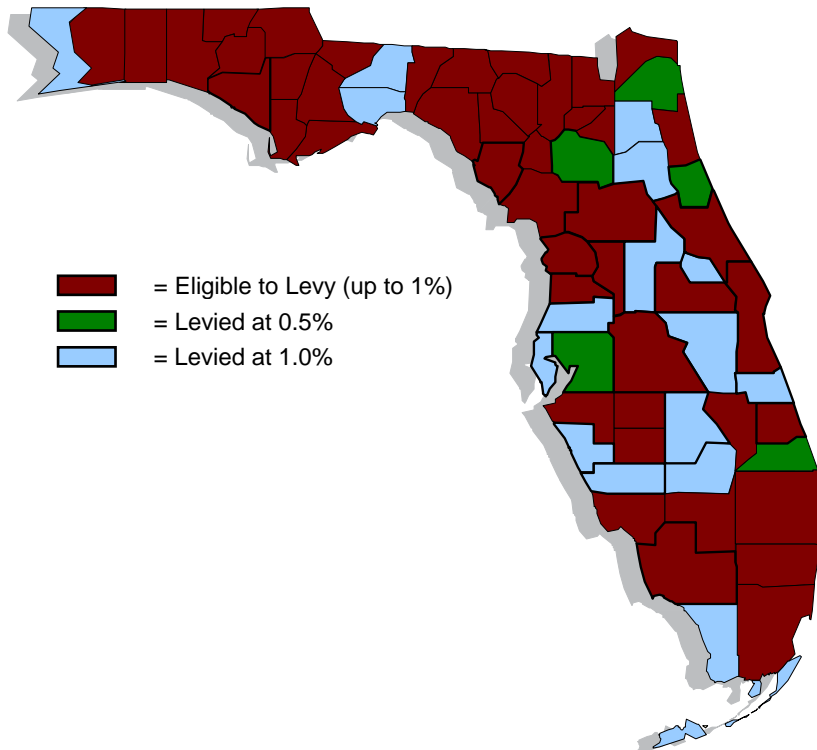
#### ***Local Government Infrastructure Surtax Section 212.055(2), Florida Statutes***

All counties in Florida are eligible to levy this surtax. The legislation indicates that the tax is to be levied at the rate of 0.5 or 1 percent pursuant to an ordinance enacted by a majority vote of the county's governing body and approved by voters in a countywide referendum. Generally, the proceeds must be expended to finance, plan, and construct infrastructure; to acquire land for public recreation, conservation, or protection of natural resources; or to finance the closure of local government-owned solid waste landfills that have been closed or are required to be closed by order of the Florida Department of Environmental Protection. Additional spending authority exists for select counties. Figure C-3 illustrates those counties that are currently collecting the surtax and at what rate, 0.5 percent or 1 percent. Martin County has implemented this surtax at 0.5%.

**Figure C-2**  
**Charter County Transit System Surtax by Florida County**



**Figure C-3**  
**Local Government Infrastructure Surtax by Florida County**



**APPENDIX D**  
**SAMPLE TRANSIT AUTHORITY LEGISLATION**

ENROLLED  
CS/HB 777

2007 Legislature

1                                   A bill to be entitled  
2           An act relating to Polk County; providing definitions;  
3           providing for creation of the Polk Transit Authority;  
4           providing purpose; providing for charter amendments;  
5           providing boundaries; providing for a board of directors;  
6           providing membership, powers, functions, and duties of the  
7           board; providing powers, functions, and duties of the  
8           authority; providing authority to levy ad valorem taxes  
9           and non-ad valorem assessments; providing for the  
10          authority's fiscal year; providing for the deposit of  
11          authority funds; authorizing the authority to borrow  
12          money; providing for bonds; providing for use of authority  
13          funds; authorizing the board to adopt policies and  
14          regulations; providing for powers, duties, rights,  
15          obligations, immunities, and addition of lands to the  
16          Lakeland Area Mass Transit District; providing for liberal  
17          construction; providing severability; requiring a  
18          referendum; providing an effective date.

19  
20 Be It Enacted by the Legislature of the State of Florida:

21  
22           Section 1. Definitions.--As used in this act, unless  
23 otherwise specified:

24           (1) "Authority" means the Polk Transit Authority.

25           (2) "Board" and "board of directors" mean the Polk County  
26 Transit Authority Board of Directors.

27           (3) "County" means Polk County.

28           (4) "Director" means a member of the board of directors of

ENROLLED  
CS/HB 777

2007 Legislature

29 and for the authority.

30 (5) "Lakeland Area Mass Transit District" and "LAMTD" mean  
31 the special district created by Polk County Ordinance 80-13  
32 pursuant to section 125.01(5), Florida Statutes.

33 (6) "Mass transit" means a system used for the  
34 transportation of people and goods by means of a street railway,  
35 an elevated railway, a commuter railroad, a subway, motor  
36 vehicles, motor buses, and other transportation facilities  
37 whether now or hereafter invented, and including a complete  
38 system of tracks, stations, rolling stock, and other facilities  
39 necessary to effectuate passenger and goods conveyance.

40 (7) "Polk Regional Transportation Organization" means the  
41 entity created in 2004 by the interlocal agreement pursuant to  
42 section 163.01, Florida Statutes, to serve as a countywide  
43 transit policy board.

44 Section 2. Authority; creation; boundaries; charter  
45 amendments.--

46 (1) There is hereby created an independent special  
47 district for purposes of providing mass transit services to the  
48 citizens of Polk County, incorporating lands in Polk County  
49 described in subsection (2), which shall be a public corporation  
50 having the powers, duties, rights, obligations, and immunities  
51 herein set forth, under the name of the Polk Transit Authority.  
52 The authority is organized and exists for the purposes and shall  
53 hold all powers set forth in this act and chapter 189, Florida  
54 Statutes.

55 (2) The lands to be included within the authority are all  
56 lands in Polk County, whether incorporated or unincorporated.

ENROLLED  
CS/HB 777

2007 Legislature

57           (3) The authority's charter may be amended only by special  
58 act of the Legislature.

59           Section 3. Purpose.--

60           (1) The purpose of the authority shall be to plan,  
61 finance, acquire, construct, operate, and maintain mass transit  
62 facilities and systems, together with such supplementary  
63 transportation assistance as may be necessary or advisable to  
64 service the mass transit needs within the territorial boundaries  
65 of the authority and of such areas with which the authority may  
66 contract for service, subject to the provisions in section 11.

67           (2) The purpose of the authority shall also be to provide  
68 for the consolidation of transit services in Polk County and to  
69 provide for the transition to a countywide transit system,  
70 subject to the provisions in section 11.

71           Section 4. Governing board; quorum; creation; employment  
72 of personnel; compensation; organization; commissioners' bond.--

73           (1) The business and affairs of the authority shall be  
74 conducted and administered by a board of nine voting directors  
75 and one nonvoting director, and the presence of five members  
76 shall constitute a quorum for official business. The board  
77 memberships shall consist of the following:

78           (a) Six members of the board of directors shall be  
79 appointed as follows: the Polk County Commission shall appoint  
80 three of its commissioners as members of the board; the Lakeland  
81 City Commission shall appoint two of its commissioners as  
82 members of the board; and the Winter Haven City Commission shall  
83 appoint one of its commissioners as a member of the board. Of  
84 the initial directors appointed by the Polk County Commission,

ENROLLED  
CS/HB 777

2007 Legislature

85 one shall serve for a 1-year term, one shall serve for a 2-year  
 86 term, and one shall serve for a 3-year term. Of the initial  
 87 directors appointed by the Lakeland City Commission, one shall  
 88 serve for a 1-year term, and one shall serve for a 2-year term.  
 89 All other directors shall be initially appointed by their  
 90 respective city commissions for 2-year terms. At the end of any  
 91 initial term and any subsequent term, the successor shall serve  
 92 for a 2-year term.

93 (b) The Bartow City Commission and the Auburndale City  
 94 Commission shall, on a rotating basis for 2-year terms, appoint  
 95 one of its commissioners as a member of the board. The city  
 96 commission of the city that has the greater population as of the  
 97 effective date of this act shall appoint the member for the  
 98 initial 2-year term.

99 (c) The Haines City Commission and the Lake Wales City  
 100 Commission shall, on a rotating basis for 2-year terms, appoint  
 101 one of its commissioners as a member of the board. The city  
 102 commission of the city that has the greater population as of the  
 103 effective date of this act shall appoint the member for the  
 104 initial 2-year term.

105 (d) One member of the board of directors shall be  
 106 appointed on a rotating basis for 2-year terms by the governing  
 107 body of one of the following cities in Polk County: Fort Meade,  
 108 Lake Alfred, Mulberry, Frostproof, Dundee, Eagle Lake,  
 109 Davenport, Polk City, and Lake Hamilton. The order of rotation  
 110 shall be determined by population size in descending order,  
 111 based on the University of Florida Bureau of Economic and  
 112 Business Research population estimates at the time this act

ENROLLED  
CS/HB 777

2007 Legislature

113 becomes law.

114 (e) The Secretary of the Department of Transportation  
115 shall appoint the district one secretary, or his or her  
116 designee, as a nonvoting member of the board.

117 (f) In order to facilitate the consolidation of transit  
118 services in Polk County, the initial appointments to the board  
119 of the authority shall be as follows: two of the Polk County  
120 Commissioners appointed shall be the same county commissioners  
121 who serve on the governing body of the Lakeland Area Mass  
122 Transit District, an existing independent special district in  
123 Polk County (LAMTD), the two Lakeland City Commissioners  
124 appointed to the board of the authority shall be the same as two  
125 of the Lakeland City Commissioners who serve on the governing  
126 body of the LAMTD, and the Winter Haven City Commissioner  
127 appointed to the board of the authority shall be one of the  
128 Winter Haven City Commissioners who serve on the Winter Haven  
129 Area Transit Policy Board.

130 (g) In order to facilitate the transition to a countywide  
131 transit system, the Polk Regional Transportation Organization  
132 shall oversee the formation of the authority's board of  
133 directors in accordance with this act.

134 (h) In order to facilitate the consolidation of the  
135 transit services in Polk County, and the transition to a  
136 countywide transit system, the board of the authority shall rely  
137 on the staff and the Executive Director of the Lakeland Area  
138 Mass Transit District and the staff and the Transit Director of  
139 the Polk County Transit Services to provide support, policy  
140 recommendations, and strategic planning to obtain dedicated

ENROLLED  
CS/HB 777

2007 Legislature

141 funding for the authority.

142 (2) The board may employ an executive director and  
143 authorize such other personnel as it deems necessary for the  
144 proper function and operation of the authority. The salaries of  
145 authority personnel, and any other wages, shall be determined by  
146 the board.

147 (3) Each appointed member of the board shall assume office  
148 10 days following the member's appointment. Annually, within 60  
149 days after the appointment of new members of said board, the  
150 members shall organize by electing from their number a chair, a  
151 vice chair, a secretary, and a treasurer. However, the same  
152 member may be both secretary and treasurer.

153 (4) The directors shall receive payment for actual  
154 expenses incurred while performing the duties of their office in  
155 accordance with general law governing per diem for public  
156 officials. The authority is empowered to adopt a resolution to  
157 exceed the state rates for per diem expenses. Directors may not  
158 receive compensation for their services.

159 (5) Each director, upon taking office and in accordance  
160 with chapter 189, Florida Statutes, shall execute to the  
161 Governor for the benefit of the authority a bond conditioned  
162 upon the faithful performance of the duties of the director's  
163 office. The premium for such bonds shall be paid from the funds  
164 of the authority.

165 Section 5. Powers; functions; and duties.--

166 (1) The authority shall have all powers to carry out the  
167 purposes of this act and the functions and duties provided for  
168 herein, including the following powers, which shall be in

ENROLLED  
CS/HB 777

2007 Legislature

169 addition to and supplement any other privileges, benefits, and  
170 powers granted by this act or general law:

171 (a) To study, plan, design, establish, acquire, construct,  
172 own, lease, operate, manage, maintain, dispose of, improve, and  
173 expand the mass transit facilities and services within the  
174 boundaries of the authority.

175 (b) To execute all contracts and other documents, adopt  
176 all proceedings, and perform all acts determined by the board as  
177 necessary or advisable to carry out the purposes of this act.  
178 The chair, vice chair, or executive director shall execute  
179 contracts and other documentation on behalf of the authority.

180 (c) To fix, alter, levy, collect, and enforce rates,  
181 fares, fees, charges, penalties, and fines from persons or  
182 property, or both, for the provision and use of services,  
183 facilities, and products of the authority or to pay the  
184 operating or financing costs of the authority's facilities and  
185 services that are available to potential users.

186 (d) To contract for the service of engineers, accountants,  
187 attorneys, and other experts or consultants and such other  
188 agents as the board may require or deem appropriate from time to  
189 time.

190 (e) To acquire such lands and rights and interests  
191 therein; to acquire such personal property as the authority may  
192 deem necessary and appropriate in connection with the  
193 acquisition, ownership, expansion, improvement, operation, and  
194 maintenance of the authority's facilities; and to hold and  
195 dispose of all real and personal property under its control.

196 (f) To lease or rent any of its easements, real property

ENROLLED  
CS/HB 777

2007 Legislature

197 interests, or facilities to other mass transit providers that  
 198 are owned by a municipality, county, or special district, or  
 199 that hold a franchise from a municipality or county, when such  
 200 lease or rental is for joint use by the authority and the other  
 201 provider.

202 (g) To exercise exclusive jurisdiction, control, and  
 203 supervision over the authority's services and facilities and to  
 204 make and enforce such rules and regulations for the maintenance,  
 205 management, and operation of the authority and its facilities  
 206 and services as may be, in the judgment of the board, necessary  
 207 or desirable for the efficient operation of the authority in  
 208 accomplishing the purposes of this act.

209 (h) To enter into interlocal agreements or join with any  
 210 other general or special purpose local governments, public  
 211 agencies, or authorities in the exercise of common powers.

212 (i) To accomplish construction directly or by letting  
 213 contracts to other entities, whether public or private, for all  
 214 or any part of the construction of improvements to the  
 215 authority's facilities as determined by the board in accordance  
 216 with applicable law.

217 (j) To receive and accept from any federal or state agency  
 218 grants or loans for or in the aid of the planning, construction,  
 219 reconstruction, operation, promotion, or financing of the  
 220 authority's facilities or services and to receive and accept  
 221 aid, contributions, or loans from any other source of money,  
 222 labor, or other things of value, to be held, used, and applied  
 223 only for the purpose for which the grants, contributions, or  
 224 loans may be made.

ENROLLED  
CS/HB 777

2007 Legislature

225       (k) To purchase or to assume ownership, lease, operation,  
 226 management, or control of any publicly or privately owned mass  
 227 transit facilities, including the assumption, defeasance, or  
 228 payment of the financial liabilities associated with such  
 229 facilities.

230       (l) To divide the authority facilities into separate  
 231 units, benefit areas, or subsystems for the purpose of imposing  
 232 special assessments; setting rates, fees, or charges; for  
 233 accounting or financing improvements or additions; or for any  
 234 other purpose.

235       (m) To appoint advisory boards and committees to assist  
 236 the board in the exercise and performance of the powers and  
 237 duties provided in this act.

238       (n) To sue and be sued in the name of the authority and to  
 239 participate as a party in any civil, administrative, or other  
 240 action.

241       (o) To adopt and use a seal and authorize the use of a  
 242 facsimile thereof.

243       (p) To employ or contract with any public entity or person  
 244 to manage and operate the authority and its facilities, or any  
 245 portion thereof, upon such terms as the board deems appropriate.

246       (q) Subject to such provisions and restrictions as may be  
 247 set forth in any financing documents, to sell or otherwise  
 248 dispose of the authority's facilities, or any portion thereof,  
 249 upon such terms as the board deems appropriate, and to enter  
 250 into acquisition or other agreements to effect such  
 251 dispositions.

252       (r) To acquire by purchase, gift, devise, or otherwise,

ENROLLED  
CS/HB 777

2007 Legislature

253 and to dispose of, real or personal property or any estate  
254 therein.

255 (s) To provide such deferred compensation, retirement  
256 benefits, or other benefits and programs as the board deems  
257 appropriate.

258 (t) To maintain an office or offices at such place or  
259 places as the board may designate from time to time.

260 (u) To hold, control, and acquire by donation or purchase,  
261 or to dispose of any public easements, dedications to public  
262 use, platted reservations for public purposes, or any  
263 reservations for those purposes authorized by this act and to  
264 make use of such easements, dedications, and reservations for  
265 the purposes authorized in this act.

266 (v) To lease, as lessor or lessee, to or from any person,  
267 firm, corporation, association, or body, public or private,  
268 facilities or property of any nature to carry out the purposes  
269 authorized in this act.

270 (w) To borrow money and issue bonds, certificates,  
271 warrants, notes, obligations, or other evidence of indebtedness.

272 (x) To assess, levy, impose, collect, and enforce special  
273 assessments upon all or any portion of the lands located within  
274 the authority. Such special assessments may be apportioned among  
275 benefited property in a manner proportionate with the benefits  
276 received or commensurate with the burdens alleviated by the use  
277 of the property based upon such factors or combination or  
278 factors as determined by resolution of the board. Such special  
279 assessments may, in the discretion of the board, be imposed,  
280 collected, and enforced using any methods and procedures

ENROLLED  
CS/HB 777

2007 Legislature

281 authorized by law, including section 197.3632, Florida Statutes;  
 282 or the board may adopt by resolution its own method or  
 283 procedures or use any other method or means for levy,  
 284 imposition, collection, and enforcement not inconsistent with  
 285 law.

286 (y) To apply for and accept grants, loans, and subsidies  
 287 from any governmental entity for the acquisition, construction,  
 288 operation, and maintenance of the authority's facilities and  
 289 services and to comply with all requirements and conditions  
 290 imposed in connection therewith.

291 (z) To invest its moneys in such investments as directed  
 292 by the board in accordance with state law. Such investments  
 293 shall be consistent in all instances with the applicable  
 294 provisions of the financing documents.

295 (aa) To purchase such insurance as the authority deems  
 296 appropriate.

297 (bb) To develop transportation plans and to coordinate the  
 298 authority's planning and programs with those of appropriate  
 299 municipal, county, state, special district, and federal agencies  
 300 and other political subdivisions of the state.

301 (cc) To prescribe and promulgate necessary rules and  
 302 regulations consistent with the provisions of this act.

303 (dd) To market and promote the authority and its  
 304 facilities and services.

305 (ee) To adopt a budget in accordance with applicable law  
 306 and to appropriate and expend revenue in accordance with that  
 307 budget.

308 (ff) To do all acts and to exercise all powers necessary,

ENROLLED  
CS/HB 777

2007 Legislature

309 convenient, incidental, implied, or proper, both within and  
 310 outside the boundaries of the authority, in connection with any  
 311 of the powers, duties, obligations, or purposes authorized by  
 312 this act, general law, or any interlocal agreement entered into  
 313 by the authority.

314 (2) In exercising the powers conferred by this act, the  
 315 board shall act by resolution or motion made and adopted at a  
 316 duly noticed and publicly held meetings in conformance with  
 317 applicable law.

318 (3) The provisions of chapter 120, Florida Statutes, shall  
 319 not apply to the authority.

320 (4) Nothing herein is intended to or shall be construed to  
 321 limit the power of local self-government of a charter county or  
 322 conflict with the Constitution of the State of Florida or the  
 323 Polk County Home Rule Charter, which became effective on January  
 324 1, 1999.

325 (5) The authority's planning requirements shall be as set  
 326 forth in this act and chapter 189, Florida Statutes.

327 (6) Requirements for financial disclosure, meeting  
 328 notices, reporting, public records maintenance, and per diem  
 329 expenses for directors, officers, and employees shall be as set  
 330 forth in this act and chapters 112, 119, 189, and 286, Florida  
 331 Statutes.

332 Section 6. Ad valorem taxing authority; non-ad valorem  
 333 assessments.--

334 (1) (a) In order to provide funding for the purposes of the  
 335 authority, the authority shall have the right, power, and  
 336 authority to levy and assess an ad valorem tax on all taxable

ENROLLED  
CS/HB 777

2007 Legislature

337 real property and tangible personal property within the  
 338 boundaries of the authority, subject to approval by referendum  
 339 of the qualified electors in the authority. The total amount of  
 340 ad valorem taxes levied in any single year shall not exceed 3  
 341 mills.

342 (b) The authority shall levy and collect ad valorem taxes  
 343 in accordance with chapter 200, Florida Statutes.

344 (2) The authority is authorized to levy and enforce the  
 345 collection of non-ad valorem assessments in accordance with  
 346 chapters 189 and 197, Florida Statutes.

347 Section 7. Fiscal year.--The authority's fiscal year shall  
 348 begin on October 1 and end on September 30.

349 Section 8. Authority funds.--All funds of the authority  
 350 shall be deposited in qualified public depositories in  
 351 accordance with chapter 280, Florida Statutes.

352 Section 9. Authority to borrow money; procedures and  
 353 requirements for the issuance of bonds.--

354 (1) The board shall have the power and authority to borrow  
 355 money or issue other evidences of indebtedness for the purposes  
 356 of the authority in accordance with chapter 189, Florida  
 357 Statutes. The board shall by resolution authorize the issuance  
 358 of general obligation bonds payable from any lawful sources for  
 359 construction of capital improvements or expansion purposes of  
 360 the transit services that the authority exists to provide,  
 361 subject to a referendum of the qualified electors of the  
 362 authority in accordance with the requirements of general law.

363 (2) The authority is prohibited from lending its credit to  
 364 corporations, associations, partnerships, or persons.

ENROLLED  
CS/HB 777

2007 Legislature

365       (3) The authority may finance or refinance the  
366 acquisition, construction, expansion, and improvement of such  
367 facilities relating to a governmental function or purpose  
368 through the issuance of its bonds, notes, or other obligations  
369 under this section or as otherwise authorized by law. The  
370 authority has all the powers that are necessary to finance, own,  
371 operate, or manage the public facility, including, without  
372 limitation, the power to establish rates, charges, and fees for  
373 products or services provided by it, the power to levy special  
374 assessments, the power to sell or finance all or a portion of  
375 such facility, and the power to contract with a public or  
376 private entity to manage and operate such facilities or to  
377 provide or receive facilities, services, or products.

378       (4) The authority may also issue bond anticipation notes  
379 in connection with the authorization, issuance, and sale of  
380 bonds. The bonds may be issued as serial bonds or as term bonds  
381 or both. The authority may issue capital appreciation bonds or  
382 variable rate bonds. Any bonds, notes, or other obligations must  
383 be authorized by resolution of the authority and bear the date;  
384 mature at the time, not exceeding 40 years from their respective  
385 dates; bear interest at the rate; be payable at the time; be in  
386 the denomination; be in the form; carry the registration  
387 privileges; be executed in the manner; be payable from the  
388 sources and in the medium or payment and at the place; and be  
389 subject to the terms of redemption, including redemption prior  
390 to maturity, as the resolution may provide. If any officer whose  
391 signature, or a facsimile of whose signature, appears on any  
392 bonds, notes, or other obligations ceases to be an officer

## ENROLLED

CS/HB 777

2007 Legislature

393 before the delivery of the bonds, notes, or other obligations,  
394 the signature or facsimile is valid and sufficient for all  
395 purposes as if he or she had remained in office until the  
396 delivery. The bonds, notes, or other obligations may be sold at  
397 public or private sale for such price as the authority shall  
398 determine in accordance with chapter 189, Florida Statutes.  
399 Pending preparation of the definitive bonds, the authority may  
400 issue interim certificates, which shall be exchanged for the  
401 definitive bonds. The bonds may be secured by a form of credit  
402 enhancement, if any, as the authority deems appropriate. The  
403 bonds may be secured by an indenture of trust or trust  
404 agreement. In addition, the authority may delegate to an  
405 officer, official, or agent of the authority as the governing  
406 body of the authority may select, the power to determine the  
407 time; manner of sale, public or private; maturities; rate of  
408 interest, which may be fixed or may vary at the time and in  
409 accordance with a specified formula or method of determination;  
410 and other terms and conditions as may be deemed appropriate by  
411 the officer, official, or agent so designated by the governing  
412 body of the authority. However, the amount and maturity of the  
413 bonds, notes, or other obligations and the interest rate of the  
414 bonds, notes, or other obligations must be within the limits  
415 prescribed by the governing body of the authority and its  
416 resolution delegating to an officer, official, or agent the  
417 power to authorize the issuance and sale of the bonds, notes, or  
418 other obligations.

419 (5) Bonds, notes, or other obligations issued under this  
420 section may be validated as provided in chapter 75, Florida

ENROLLED  
CS/HB 777

2007 Legislature

421 Statutes.

422 (6) The accomplishment of the authorized purposes of the  
 423 authority is in all respects for the benefit of the people of  
 424 the state, for the increase of their commerce and prosperity,  
 425 and for the improvement of their health and living conditions.  
 426 Since the authority will perform essential governmental  
 427 functions in accomplishing its purposes, the authority is not  
 428 required to pay any taxes or assessments of any kind whatsoever  
 429 upon any property acquired or used by it for such purposes or  
 430 upon any revenues at any time received by it. The bonds, notes,  
 431 and other obligations of the authority, their transfer, and the  
 432 income therefrom, including any profits made on the sale  
 433 thereof, are at all times free from taxation of any kind by the  
 434 state or by any political subdivision or other agency or  
 435 instrumentality thereof. The exemption granted in this paragraph  
 436 is not applicable to any tax imposed by chapter 220, Florida  
 437 Statutes, on interest, income, or profits on debt obligations  
 438 owned by corporations.

439 Section 10. Board action; compliance with open government  
 440 laws and public records laws; authority to adopt policies and  
 441 regulations.--

442 (1) A record shall be kept of all meetings of the board  
 443 and in such meetings a majority vote of the directors, providing  
 444 that a quorum is present, shall be necessary for any affirmative  
 445 action by the board.

446 (2) The board shall comply with chapter 286, Florida  
 447 Statutes, to preserve the right of the people to attend public  
 448 meetings.

ENROLLED  
CS/HB 777

2007 Legislature

449           (3) The board shall comply with the public records laws  
450 set forth in chapter 119, Florida Statutes, to preserve the  
451 right of the people to access public records.

452           (4) The board may adopt policies and regulations not  
453 inconsistent with any portion of this act or chapter 189,  
454 Florida Statutes, as it may deem necessary for the transaction  
455 of its business and in implementing and carrying out the  
456 provisions of this act. The board shall have authority to  
457 provide all things necessary for the operation of transit  
458 services in the authority.

459           Section 11. Lakeland Area Mass Transit District; powers,  
460 duties, rights, obligations, and immunities; addition of  
461 lands.--

462           (1) Notwithstanding any provision in this act to the  
463 contrary, neither this act nor the creation of the authority  
464 shall have any effect on the powers, duties, rights,  
465 obligations, and immunities of the Lakeland Area Mass Transit  
466 District, which is an independent special taxing district in  
467 Polk County. This act is intended to comply with the provisions  
468 of Art. VIII, Section 4, of the Florida Constitution regarding  
469 transfer of powers after referendum approval or as otherwise  
470 provided by law.

471           (2) Notwithstanding any provision in this act to the  
472 contrary, neither this act nor the creation of the authority  
473 have any effect on the right, power, and authority of the  
474 Lakeland Area Mass Transit District to revise its boundaries to  
475 include additional lands.

476           Section 12. This act shall be liberally construed to

ENROLLED  
CS/HB 777

2007 Legislature

477 promote the purpose for which it is intended.

478       Section 13. In the event that any part of this act should  
479 be held void for any reason, such holding shall not affect any  
480 other part thereof.

481       Section 14. This act shall take effect upon becoming a  
482 law, except that the provisions of subsection (1) of section 6  
483 authorizing the levy of ad valorem taxation shall take effect  
484 only upon express approval by a majority vote of those qualified  
485 electors of the area described in subsection (2) of section 2  
486 voting in a referendum to be called by the Polk Transit  
487 Authority and held in accordance with the provisions of law  
488 currently in force.

**INTERLOCAL AGREEMENT FOR THE  
TREASURE COAST REGIONAL TRANSIT ORGANIZATION**

This Interlocal Agreement, is entered into by the Martin Metropolitan Planning Organization (MPO) and the St. Lucie Transportation Planning Organization (TPO).

**WITNESSETH**

**WHEREAS**, the Joint Martin Metropolitan Planning Organization (MPO)-St. Lucie Transportation Planning Organization (TPO) Board completed a Regional Transit Development Plan (TDP) Major Update 2010-2019 in September, 2009; and

**WHEREAS**, this study, otherwise known as the "Regional TDP", includes a Transit Authority Action Plan that recommends the formation of a regional transit organization (RTO) by the year 2010; and

**WHEREAS**, a Regional Transit Summit was held on January 8, 2010, at the Tradition Town Hall in Port St. Lucie to facilitate the consensus-building process for creation of an RTO; and

**WHEREAS**, the RTO, as recommended, will provide a forum to address operational, financial, planning and organizational issues related to the provision of public transportation in Martin County, Florida, and St. Lucie County, Florida; and

**WHEREAS**, as recommended, this RTO will seek to promote the cost efficient and effective delivery of existing and improved transit services with existing resources; and

**WHEREAS**, this RTO may be charged with the development of a strategy for the feasibility and creation of, and transition to, a regional transit authority (RTA).

**NOW, THEREFORE**, the parties, in consideration of the mutual promises and covenants hereinafter set forth, agree as follows:

**Section 1. Purpose**

The Martin MPO and the St. Lucie TPO recognize the need to create a regional forum to promote shared goals for improved public transportation. The reasons for a Treasure Coast RTO include the following:

- May develop a recommended strategy for the transition to, and creation of, an RTA;
- Provide for efficiencies in the delivery of existing regional transit service;
- Provide improved services with existing resources;
- Provide public transit information to the public;
- Provide a regional forum for deliberation on public transportation issues of mutual interest;
- Provide a regional voice for agreed upon public transportation policies, plans, and programs;

- Review funding constraints and opportunities and provide recommendations on funding;
- Provide a forum to respond to commuter concerns and travel needs in a timely manner; and
- Promote and work toward a seamless regional public transportation system.

## **Section 2. Definitions**

- a. "Board" shall mean the board of the Treasure Coast RTO.
- b. "Public transportation" shall mean surface transportation of people by means, without limitation, of motor bus, passenger rail, or any bus or other means of conveyance operating as a common carrier within Martin and St. Lucie Counties.
- c. "Public transportation system" shall mean, without limitation, a combination of vehicles, equipment, or facilities used or useful for the purposes of public transportation connections.
- d. "RTO" shall mean the Treasure Coast Regional Transit Organization.
- e. "Regional bus routes" shall mean inter-county bus routes designated by the RTO Board.
- f. "Intermodal connections" shall mean the system-wide connection of public transportation modes, including the connection of bus service to ports, airports, and other public and private transportation systems.

## **Section 3. Creation of the Treasure Coast Regional Transit Organization (RTO)**

There is hereby created and established pursuant to Section 163.01, Florida Interlocal Cooperation Act of 1969, Florida Statutes, a separate entity to be known as the Treasure Coast Regional Transit Organization (RTO).

## **Section 4. RTO Board**

- a. The Board of the RTO shall be comprised of eight (8) members to include one (1) elected official from the Martin BOCC; one (1) elected official from the St. Lucie BOCC; one (1) elected official from the City of Stuart; one (1) elected official from the City of Port St. Lucie; one (1) elected official from the City of Fort Pierce; one (1) elected official from the Town of Sewell's Point; one (1) representative from the Economic Council of Martin County, Inc.; and one (1) representative from the Economic Development Council of St. Lucie County, Inc...

Member appointments shall be made at official meetings of the Martin MPO and the St. Lucie TPO. Each member entity shall appoint one (1) alternate member to serve in the absence of the regular voting member. If the regular voting member is an elected official, his/her alternate must also be an elected official.

Additional members may be added to the RTO through amendments to this Interlocal Agreement.

- b. A chairman and vice chairman shall be elected from the membership at the first scheduled meeting of each calendar year and shall hold office no more than two consecutive years. Any member may nominate or be nominated as an officer. All officers shall be elected by a majority vote at a meeting where a quorum is present.
- c. A majority of the membership shall constitute a quorum. A quorum must be present at all meetings.

- d. The RTO Board shall meet at least quarterly at a date, time, and place acceptable to a majority of the members. At the last scheduled meeting of a calendar year, the Board shall adopt a regular meeting schedule for the next calendar year.
- e. Special meetings of the RTO may be called by the chairman, or in the absence of the chairman, by the vice chairman upon at least 24 hours notice. Special meetings may also be called on the initiative of six (6) or more voting members petitioning the chairman.
- f. The RTO Board shall adopt by-laws, rules, and procedures for the operation of the RTO and the conduct of meetings. General parliamentary procedures shall apply in the absence of adopted by-laws, rules, and procedures.

#### **Section 5. Advisory Committees**

- a. At their first meeting, the RTO shall appoint a Transit Technical Advisory Committee (TTAC), consisting of technical staff from each of the participating jurisdictions. The TTAC shall provide technical recommendations to the RTO Board on public transportation issues related to the planning and implementation of a regional transit system.
- b. The RTO may establish and maintain subcommittees, as necessary, to address specific subject areas such as marketing and service planning. These subcommittees will report to either the TTAC or RTO Board, as directed by the Board.

#### **Section 6. Staff Support**

The Martin MPO and St. Lucie TPO staff shall provide administrative support to the RTO Board and TTAC to include the preparation and distribution of meeting packets and announcements and the documentation of RTO activities. The administrative support provided by the Martin MPO and St. Lucie TPO staff shall be limited by the amount of the expenses for such support that is budgeted in the Unified Planning Work Programs (UPWPs) of the MPO and the TPO. The expenses for such support shall be based on the historical split, 38 percent for Martin County, 62 percent for St. Lucie County, and when the 2010 Census results are available the split is updated automatically. The expenses may be supplemented, as needed, by the other parties to this Interlocal Agreement. The use of consultant services for the fulfillment of any of the duties specified in Section 7 of this Interlocal Agreement shall be at the discretion of the RTO Board. FDOT District IV shall provide technical support through participation on technical advisory and project management committees and assist with resources as deemed mutually appropriate and necessary to carry out the vision and duties of the RTO.

#### **Section 7. Powers and Duties of the RTO**

The RTO shall be a planning organization with those powers specifically granted to it by the parties as set forth herein. The RTO is to exercise all powers necessary, appurtenant, convenient, or incidental to the carrying out of the purposes for which it was created, including, but not limited to, the rights and powers set forth herein. The RTO:

- a. May develop a strategy for the creation of, and transition to, a regional transit authority to provide regional public transportation and coordinate with transit providers along the Treasure Coast and in areas of southeast Florida.
- b. Shall review the operational and capital expenditures for public transportation systems in Martin and St. Lucie counties and make recommendations to the respective service providers regarding the coordinated funding of such public transportation systems.

- c. Shall develop recommendations on the coordinated service and funding of regional bus routes, including those routes crossing county lines into Palm Beach, Okeechobee, and Indian River counties.
- d. Shall create a plan for a coordinated public information system for public transportation with an emphasis on "one stop shopping" for public transportation along the Treasure Coast and in areas of southeast Florida. This effort will include the publication of a regional "Ride Guide." FDOT District IV shall provide the support needed to prepare/update the Ride Guide as a partner and in very close coordination with the transit providers.
- e. Shall be directed by activities and products identified in the Regional Long Range Transportation Plan and the Regional Transit Development Plan and as mutually directed by the MPO and TPO Boards.
- f. Shall be the regional forum for addressing and resolving regional public transportation issues as requested by one or more Interlocal signatory agencies or RTO member agencies.
- g. May develop the regional transit authority charter and corresponding State legislation.

The RTO may be given additional powers by amendment to this agreement as approved by the parties to this agreement.

#### **Section 8. Duration of Agreement and Withdrawal Procedure**

This Agreement shall remain in effect until terminated by withdrawal of either party to this Agreement. Either party may withdraw from said Agreement after presenting in written form a notice of intent to withdraw to the other party, at least 90 days prior to the intended date of withdrawal.

#### **Section 9. Amendment of Agreement**

Amendments to or modifications of this Agreement may only be made by written agreement signed by both parties hereto and shall not be effective until it is filed with the Clerk of the Circuit Court of each county where a party hereto is located pursuant to Section 163.01(11).

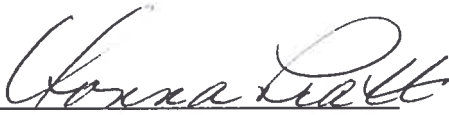
#### **Section 10. Effective Date**

This Agreement shall become effective upon execution by both parties hereto and filing with the Clerk of the Circuit Court of each county where a party to this Agreement is located.

IN WITNESS WHEREOF, the undersigned parties have caused this Interlocal Agreement to be duly executed in their behalf and hereby establish the above referenced RTO this 13<sup>th</sup> day of January 2011.

ATTEST:

**ST. LUCIE TRANSPORTATION  
PLANNING ORGANIZATION**

BY:   
DONNA PRATT  
RECORDING SECRETARY

BY:   
REGINALD SESSIONS  
VICE CHAIRMAN

Approved as to form and correctness:

BY:   
HEATHER YOUNG  
ST. LUCIE TPO ATTORNEY

ATTEST:

**MARTIN METROPOLITAN  
PLANNING ORGANIZATION**

BY:   
MARGARET BRASSARD  
RECORDING SECRETARY

BY:   
MICHAEL MORTELL  
CHAIRMAN

Approved as to form and correctness:

BY:   
STEPHEN FRY,  
COUNTY ATTORNEY