



House of Representatives

General Assembly

File No. 210

February Session, 2008

Substitute House Bill No. 5734

House of Representatives, March 26, 2008

The Committee on Transportation reported through REP. GUERRERA of the 29th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT CONCERNING NEW AND EXPANDED BUS
TRANSPORTATION SERVICES THROUGHOUT CONNECTICUT.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2008*) (a) There is established the
2 "Buses for 21st Century Mobility" program which shall be
3 administered by the Department of Transportation. Commencing July
4 1, 2008, the Department of Transportation shall accept applications
5 from transportation providers and community service providers for
6 funding to provide new and expanded bus transportation services as
7 part of the Buses for 21st Century Mobility program. Such new and
8 expanded bus transportation service programs shall include, but not
9 be limited to: (1) Programs to provide transportation services for
10 disabled citizens to and from their homes for any purposes required by
11 the Americans with Disabilities Act; (2) expansion of existing services
12 where a demonstrated need has been shown; (3) programs to provide
13 new rail shuttle services to encourage the use of Metro-North
14 Commuter Railroad; (4) express commuter services; and (5) other bus

15 transportation programs designed to increase bus ridership
16 opportunities for Connecticut residents.

17 (b) Commencing July 1, 2008, the Department of Transportation
18 shall accept applications from transportation providers and
19 community service providers for funding to provide new and
20 expanded marketing programs for bus transportation services as part
21 of the Buses for 21st Century Mobility program. Such new and
22 expanded marketing programs shall include, but not be limited to: (1)
23 Web-based programs that would assist Connecticut citizens in finding
24 bus service to and from one location to another, as well as schedules
25 and routes; (2) printed advertising programs providing bus service
26 locations, schedules and routes and information concerning bus
27 transportation services in various communities; and (3) any other bus
28 transportation marketing and advertising programs that are designed
29 to increase bus ridership opportunities within Connecticut.

30 (c) Funding by the department for new and expanded bus
31 transportation services shall be allocated as follows: (1) Fifteen per cent
32 of the funds available for the Buses for 21st Century Mobility program
33 shall be assigned to projects which originate from locations within
34 each of the four counties of Hartford, Fairfield, New London and New
35 Haven; and (2) ten per cent of such available funds for the Buses for
36 21st Century Mobility program shall be assigned to projects which
37 originate at locations within each of the four counties of Litchfield,
38 Windham, Middlesex and Tolland. Services that cross regional or
39 county lines shall be assigned a proportionate share of funding
40 available to each county.

41 (d) The Department of Transportation shall consider, but is not
42 under any obligation to fund, all projects submitted for funding and
43 not fully funded as part of its process to determine how five million
44 dollars in new operating funds could be allocated for the fiscal year
45 ending June 30, 2009. The department shall not require applicants to
46 resubmit proposals for consideration, however, applicants shall be
47 notified and given the opportunity to modify such proposals. The

48 department shall determine the allocation of funds under this program
 49 not later than September 30, 2008. Any funds remaining in the Buses
 50 for 21st Century Mobility program at the end of a fiscal year shall not
 51 lapse and shall be carried forward for the program and available for
 52 expenditure for new and expanded bus transportation programs
 53 during the succeeding fiscal year.

54 (e) At least seventy-five per cent of the funds available for capital
 55 expenditures may be used for the purchase of full-sized and small
 56 buses, and smaller vehicles for Americans with Disabilities Act
 57 services, services for the elderly and services for rural areas. At least
 58 one-third of the funds available for the purchase of vehicles shall be
 59 expended for vehicles to provide services in rural areas. The balance of
 60 such available funds may be used for capital expenditures associated
 61 with the provision of new services, including signage, shelters, and
 62 similar amenities. If such funds cannot be allocated in this way, they
 63 shall be available for additional vehicles.

64 Sec. 2. (*Effective July 1, 2008*) During the fiscal year ending June 30,
 65 2009, seven million dollars in operating funds and fifteen million
 66 dollars of bond proceeds shall be made available to the Department of
 67 Transportation for the operation and administration of such program
 68 during said fiscal year.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2008</i>	New section
Sec. 2	<i>July 1, 2008</i>	New section

Statement of Legislative Commissioners:

Technical and punctuation changes were made for accuracy and clarity.

TRA *Joint Favorable Subst.-LCO*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 09 \$	FY 10 \$
Department of Transportation	TF - Cost	120,000	126,000
Comptroller Misc. Accounts (Fringe Benefits) ¹	TF - Cost	31,000	74,000

Note: TF=Transportation Fund; TFBonds=Transportation Fund bonds

Municipal Impact: None

Explanation

The Department of Transportation will require two Transportation Planner positions at a cost of \$60,000 each plus fringes¹ to implement the provisions in Section 1.

Section 2 provides \$7 million in operating funds and \$15 million in bond funds in FY 09 to the Department of Transportation for the operation and administration of the expanded bus program. The fiscal impact of this section cannot be determined because the language: (1) does not specify the source of operating funds and (2) no additional Special Tax Obligation (STO) bonds are authorized.

The Out Years

State Impact:

Agency Affected	Fund-Effect	FY 11 \$	FY 12 \$	FY 13 \$
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¹ The fringe benefit costs for state employees are budgeted centrally in the Miscellaneous Accounts administered by the Comptroller. The first year fringe benefit costs for new positions do not include pension costs. The estimated first year fringe benefit rate as a percentage of payroll is 25.36%. The state's pension contribution is based upon the prior year's certification by the actuary for the State Employees Retirement System (SERS). The SERS fringe benefit rate is 33.27%, which when combined with the rate for non-pension fringe benefits totals 58.63%.

Department of Transportation	TF - Cost*	129,780	133,673	137,683
Comptroller Misc. Accounts (Fringe Benefits)	TF - Cost*	76,220	78,507	80,862

Note: TF=Transportation Fund; TFBonds=Transportation Fund bonds

*These figures have been adjusted for inflation at a rate of 3%

Municipal Impact: None

OLR Bill Analysis**sHB 5734*****AN ACT CONCERNING NEW AND EXPANDED BUS
TRANSPORTATION SERVICES THROUGHOUT CONNECTICUT.*****SUMMARY:**

This bill establishes a program to be administered by the Department of Transportation (DOT) called the "Buses for 21st Century Mobility program." The purpose of the program is to provide (1) capital and operating assistance for funding new and expanded bus transportation services statewide and (2) funding for marketing programs. DOT must begin accepting applications from transportation providers and community service providers on July 1, 2008. The bill does not specify who qualifies as a transportation or community service provider, nor does it give DOT authority to determine this by regulations.

For FY 09, the bill requires \$7 million in operating funds and \$15 million in bond proceeds to be "made available" to DOT for operating and administering the program during that year. But it does not specify the source of these funds. Any funds remaining at the end of the fiscal year do not lapse and must be carried forward for expenditure on the new or expanded bus transportation programs in FY 10. The bill makes no funding available for the program after FY 09.

EFFECTIVE DATE: July 1, 2008

BUSES FOR THE 21ST CENTURY PROGRAM***Program Scope***

The bill specifies that the program include funding for:

1. providing transportation services for disabled "citizens" to and

from their homes for any purposes “required” by the Americans with Disabilities Act (ADA);

2. expanding existing services when a need has been demonstrated for expansion;
3. providing new rail shuttle services to encourage use of the Metro-North Commuter Railroad (i.e., the New Haven line rail commuter service);
4. express commuter services; and
5. other bus transportation programs designed to increase bus riding opportunities for Connecticut residents.

Funding for new or expanded marketing programs must include:

1. Internet-based programs to help Connecticut citizens find bus services, schedules, and routes;
2. print advertising programs regarding bus service locations, schedules, routes, and bus transportation services in various communities; and
3. any other bus transportation marketing and advertising programs designed to increase bus riding opportunities in Connecticut.

Funding Allocation

The bill requires 15% of the funds available for the new program to be assigned to projects that originate from locations in Hartford, Fairfield, New London, and New Haven counties and 10% of available funds to be assigned to projects that originate in Litchfield, Windham, Middlesex, and Tolland counties. Services that cross “regional” or county lines must be assigned a proportionate share of funding available to each county. (It appears that the intent of the bill may be to allocate the 15% and 10% shares of the total funding to each of the counties in the two groups of four counties, but it does not explicitly

do that.)

The bill requires DOT to determine the allocation of funds under the program by September 30, 2008.

At least 75% of the funding available for capital expenditures may be used to purchase full-sized and small buses and smaller vehicles for ADA services, services for the elderly, and services for rural areas. At least 33% of the funds for vehicle purchases must be used for vehicles that provide services in rural areas. Any remaining funds for capital expenditures may be used for capital costs associated with providing new services, including signs, shelters, and similar amenities. If such funds cannot be allocated in this way, they must be available for additional vehicles. (This reference appears to mean the 25% of capital funds not already specifically mentioned for vehicle purchases.)

Other Provisions

The bill requires DOT to consider, but does not obligate it to fund, all projects submitted for funding and “not fully funded as part of its process to determine how \$5 million in new operating funds could be allocated” for FY 09. This provision is unclear. It appears to mean that in determining how to allocate the operating funds available under the program, DOT must consider every project application submitted for operating assistance, but does not have to fully fund any project. However, this provision refers to \$5 million in new operating funds and the bill requires \$7 million to be made available to DOT in operating funds for the program.

DOT cannot require applicants to resubmit proposals for consideration, but applicants must be “notified” and given the opportunity to modify their proposals.

BACKGROUND

Americans with Disabilities Act

The ADA requires any entities receiving public funding for fixed-route bus transit to offer equivalent paratransit services to ADA-eligible people within the public transit service area during the service

hours of the fixed route operation for destinations within $\frac{3}{4}$ mile of fixed-route services (49 CFR § 37. 131).

COMMITTEE ACTION

Transportation Committee

Joint Favorable

Yea 31 Nay 0 (03/07/2008)