

14-73.001 Public Transit.

(1) Purpose. This rule sets forth requirements for the recipients of the Department's public transit grant funds.

(2) Definitions.

(a) "Department" means the Florida Department of Transportation.

(b) "District Office" means any of the seven geographically defined districts as set forth in Section 20.23(4)(a), F.S.

(c) "Provider" means a transit agency or a community transportation coordinator as set forth in Section 341.052, F.S.

(3) Transit Development Plans (TDPs). TDPs are required for grant program recipients in Section 341.052, F.S. A TDP shall be the provider's planning, development, and operational guidance document, based on a ten-year planning horizon and covers the year for which funding is sought and the nine subsequent years. A TDP or an annual update shall be used in developing the Department's five-year Work Program, the Transportation Improvement Program, and the Department's Program and Resource Plan. A TDP shall be adopted by a provider's governing body. Technical assistance in preparing TDPs is available from the Department. TDPs shall be updated every five years and include all elements described below.

(a) Public Involvement Process. The TDP preparation process shall include opportunities for public involvement as outlined in a TDP public involvement plan, approved by the Department, or the local Metropolitan Planning Organization's (MPO) Public Involvement Plan, approved by both the Federal Transit Administration and the Federal Highway Administration. The provider is authorized to establish time limits for receipt of comments. The TDP shall include a description of the process used and the public involvement activities undertaken. As required by Section 341.052, F.S., comments must be solicited from regional workforce boards established under Chapter 445, F.S. The Department, the regional workforce board, and the MPO shall be advised of all public meetings where the TDP is to be presented or discussed, and shall be given an opportunity to review and comment on the TDP during the development of the mission, goals, objectives, alternatives, and ten-year implementation program.

(b) Situation Appraisal. The TDP is a strategic planning document and will include an appraisal of factors within and outside the provider that affect the provision of transit service. At a minimum the situation appraisal shall include:

1. The effects of land use, state and local transportation plans, other governmental actions and policies, socioeconomic trends, organizational issues, and technology on the transit system.

2. An estimation of the community's demand for transit service using the planning tools provided by the Department, or a Department approved transit demand estimation technique with supporting demographic, land use, transportation, and transit data. The result of the transit demand estimation process shall be a ten-year annual projection of transit ridership.

3. An assessment of the extent to which the land use and urban design patterns in the provider's service area support or hinder the efficient provision of transit service, including any efforts being undertaken by the provider or local land use authorities to foster a more transit-friendly operating environment.

(c) Provider's Mission and Goals. The TDP shall contain the provider's vision, mission, goals, and objectives, taking into consideration the findings of the situation appraisal.

(d) Alternative Courses of Action. The TDP shall develop and evaluate alternative strategies and actions for achieving the provider's goals and objectives, including the benefits and costs of each alternative. Financial alternatives, including options for new or dedicated revenue sources, shall be examined.

(e) Ten-Year Implementation Program. The TDP shall identify policies and strategies for achieving the provider's goals and objectives and present a ten-year program for their implementation. The ten-year program shall include: maps indicating areas to be served and the type and level of service to be provided, a monitoring program to track performance measures, a ten-year financial plan listing operating and capital expenses, a capital acquisition or construction schedule, and anticipated revenues by source. The implementation program shall include a detailed list of projects or services needed to meet the goals and objectives in the TDP, including projects for which funding may not have been identified.

(f) Relationship to Other Plans. The TDP shall be consistent with the Florida Transportation Plan, the local government comprehensive plans, the MPO long-range transportation plan, and regional transportation goals and objectives. The TDP shall discuss the relationship between the ten-year implementation program and other local plans.

(4) Annual Update. Annual updates shall be in the form of a progress report on the ten-year implementation program, and shall include:

(a) Past year's accomplishments compared to the original implementation program;

(b) Analysis of any discrepancies between the plan and its implementation for the past year and steps that will be taken to attain original goals and objectives;

- (c) Any revisions to the implementation program for the coming year;
- (d) Revised implementation program for the tenth year;
- (e) Added recommendations for the new tenth year of the updated plan;
- (f) A revised financial plan; and
- (g) A revised list of projects or services needed to meet the goals and objectives, including projects for which funding may not have been identified.

(5) Plan Submission and Approval.

(a) To be approved by the Department, a TDP must meet all applicable deadlines and address all requirements of this rule, including a public involvement plan that included opportunities for review and comment by interested agencies, and citizens or passengers during the development of the provider's mission, goals, and objectives during the development of alternatives and during the development of the ten-year implementation program.

(b) The Department will accept TDPs for review at any time. Provider adopted TDPs must be submitted to the Department by September 1. Late filed TDPs will be accepted if extenuating circumstances beyond the provider's control exist and the District Office is able to complete its review and approval process by the last business day of December. Within 60 days of receiving an adopted TDP or annual update the Department will notify the provider as to whether or not the TDP or annual update is in compliance with the requirements of this rule, and, if not in compliance, a list of deficiencies. Within 30 days of any resubmitted TDP or annual update the Department will notify the provider as to whether or not the resubmission is in compliance with the requirements of this rule.

(6) Grant Administration. Public transit funds will be considered on the basis of public transit needs as identified in TDPs. The Department is authorized to fund up to such percentages as are designated for each type of public transportation project by Chapter 341, F.S., for the respective state and federal projects described therein. The Department shall, within statutory parameters, determine the level of funding participation for each project.

(a) State funding participation in public transit projects and services shall require a duly executed agreement, unless otherwise required by law.

(b) Eligibility to receive state public transit grants from the Department is limited to those providers specifically designated by law to receive such grants, and determined by statutory budgeting and programming requirements.

(c) Written requests for appropriated public transit grant funds by a provider are to be addressed to the District Office in which district the provider operates public transit service. The request shall include at a minimum the name and address of the provider, level of funding being requested, type of funding or program participation requested, and use to be made of the requested funds. Where a deadline for applications has been established, applications received after the deadline shall be returned. Deadlines for each program application may be obtained from the District Office.

(d) Federal funds for which the Department is the primary recipient may involve special application procedures or submittal format, imposed by the federal grantor agency as a condition of receiving federal funds. The provider will be notified by the District Office of special application requirements at the time of submission of a written request for funding if the District Office has not previously distributed such information to the provider.

(e) The Department will award public transit grant funds after July 1 of each state fiscal year, but will not award funds until a provider's TDP has been found to be in compliance with this rule.

(f) Annual updates and approved TDPs shall be on file at the appropriate District Office by the last business day of December of the state fiscal year for which funding is sought. If a provider's annual report has not been submitted by the last day of December in the fiscal year for which funding is sought, the provider will not receive any state public transit grant funds in that state fiscal year, and funds previously allocated for the provider will be allocated among the remaining providers. If a provider's TDP has not been submitted and found in compliance by the last business day of December of the state fiscal year the annual or five-year update was due, the provider will not receive any public transit grant funds in that state fiscal year, and funds previously allocated for the provider will be allocated among the remaining providers.

Specific Authority 334.044(2), 341.041(12)(b) FS. Law Implemented 341.041, 341.051, 341.052, 341.071 FS. History--New 9-24-75, Formerly 14-73.01, Amended 12-8-92, 2-20-07.