

1 **State of Arkansas**  
2 **79th General Assembly**  
3 **Regular Session, 1993**  
4 **By: Representative Jordan**

# A Bill

**ACT 353 OF 1993**  
**HOUSE BILL 1493**

## For An Act To Be Entitled

"AN ACT TO CREATE THE ARKANSAS PUBLIC TRANSPORTATION  
COORDINATING COUNCIL; AND FOR OTHER PURPOSES."

### Subtitle

"AN ACT TO CREATE THE ARKANSAS PUBLIC TRANSPORTATION  
COORDINATING COUNCIL."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. This act may be known and may be cited as the "Arkansas  
Public Transportation Coordination Act."

SECTION 2. Adequate and efficient public transportation is essential to  
the well-being of many of our State\_s citizens and the economic growth of both  
urban and rural areas. It is the purpose and intent of this act to have a  
general public transportation policy which encourages the planning,  
development, implementation, operation, and evaluation of efficient and  
coordinated transportation systems, both public and private. While the  
leadership and coordination in the development of public transportation policy  
and programs is vested in the Arkansas State Highway and Transportation  
Department by statutory authority, a number of departments, agencies and other  
legally constituted bodies are involved in the implementation and operation of  
public transportation services and such policy and programs should be  
developed with their advice and recommendations.

SECTION 3. There is hereby established the Arkansas Public  
Transportation Coordination Council which shall consist of eleven (11)  
members. The members shall be as follows:

(1) There shall be three (3) members of the Council appointed by the

1 Governor to serve for terms of four (4) years. One (1) member shall be  
2 appointed to represent the transit operators, and shall be directly involved  
3 with the management of a public transit system. One (1) member shall be  
4 appointed to represent the consumers of public transportation services. One  
5 (1) member shall be appointed as a member-at-large. In the event of a vacancy  
6 on the Council of one (1) of the gubernatorial positions due to death,  
7 resignation, or other reason, the vacancy shall be filled for the unexpired  
8 portion of the term by appointment of the Governor of a person meeting the  
9 same qualifications required for the initial appointment.

10 (2) There shall be two (2) legislative members of the Council. One (1)  
11 shall be a member of the Arkansas Senate and one shall be a member of the  
12 House of Representatives and shall be appointed by and shall serve at the  
13 pleasure of the President Pro Tempore and the Speaker of the House,  
14 respectively.

15 (3) The remaining six (6) members of the Council shall be the Director  
16 of the Department of Human Services or his designee; the Director of the  
17 Arkansas State Highway and Transportation Department or his designee; the  
18 Director of the Arkansas State Health Department or his designee; the Director  
19 of the Arkansas Industrial Development Commission or his designee; the  
20 Director of the Office of Rural Advocacy or his designee; and the Director of  
21 the University of Arkansas Cooperative Extension Service or his designee.

22 (4) The Director of the Arkansas State Highway and Transportation  
23 Department or his designee shall serve as chair. The Council shall elect by  
24 majority vote one (1) of the non-legislative members to serve as vice-chair.

25 (5) The Council shall have the power to prescribe and issue pursuant to  
26 the Arkansas Administrative Procedure Act, Arkansas Code 25-15-201 et seq.,  
27 such reasonable rules and regulations as may be necessary to carry out the  
28 provisions of this act.

29 (6) The gubernatorial members of the Council shall serve without  
30 compensation, provided that, in the event funds shall be available for such  
31 purposes, the members may be entitled to receive reimbursement for their  
32 actual and necessary expenses in attending Council meetings at a rate not to  
33 exceed the maximum established by law or regulation for travel by state  
34 employees. The legislative members shall receive, in lieu of reimbursement  
35 for meals, lodging, and travel, the same per diem and mileage allowance for

1 each day of attending meetings of the Council as is authorized by law for  
2 attending meetings of the joint interim committees of the General Assembly and  
3 shall be paid from funds appropriated for that purpose.

4 (7) The Council shall meet at least quarterly, or more frequently at  
5 the call of the chair. Six (6) members of the Council constitute a quorum,  
6 and a majority vote of the members present is necessary for any action taken  
7 by the Council.

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9 SECTION 4. As used in this act, unless the context otherwise requires:

10 (1) "Coordination" means the arrangement for the provision of  
11 transportation to the general public in a manner that is cost-effective,  
12 efficient, and reduces fragmentation and duplication of services.

13 (2) "Public transportation" means every conveyance of human passengers  
14 by bus, van or any other ground surface vehicle which is provided to the  
15 general public, or selected groups thereof, on a regular or continuing basis.

16 (3) "Transportation disadvantaged" means those persons who because of  
17 physical or mental disability, income status, or age are unable to transport  
18 themselves, therefore dependent upon others for transportation services.

19 (4) "Department" means the Arkansas State Highway and Transportation  
20 Department.

21 (5) "Council" means the Arkansas Public Transportation Coordinating  
22 Council.

23 (6) "Federal agency" means any department, office, council, or agency  
24 of the federal government.

25 (7) "State agency" means any department, board, commission, office, or  
26 agency of the State of Arkansas.

27 (8) "Local agency" means any entity of a city, town, municipality,  
28 county, or other local governing body or a private nonprofit transportation  
29 service-providing agency.

30 (9) "State" means the State of Arkansas.

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32 SECTION 5. Administrative support shall be provided by the Arkansas  
33 State Highway and Transportation Department. The Department shall employ such  
34 personnel as may be necessary to perform adequately the functions of the  
35 Council within the limitations of the Department\_s biennial appropriations

1 act. The Department may utilize any state appropriated funds or federal funds  
2 available for such purposes.

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4 SECTION 6. The Arkansas Public Transportation Coordinating Council, by  
5 and through the Arkansas State Highway and Transportation Department, is to  
6 accomplish the coordination of transportation services provided to the general  
7 public, particularly the transportation disadvantaged. The goal of this  
8 coordination shall be to assure the cost-effective provision of public  
9 transportation by qualified transportation operators. In carrying out this  
10 purpose, the Council shall:

11 (1) Serve as a clearinghouse for information relating to public  
12 transportation services, funding sources, innovations, and coordination  
13 efforts.

14 (2) Establish statewide objectives for providing public transportation  
15 services for the general public, particularly the transportation  
16 disadvantaged.

17 (3) Develop policies and procedures for the coordination of federal,  
18 state, and local funding for public transportation facilities and services.

19 (4) Identify barriers prohibiting the coordination and accessibility of  
20 public transportation services and aggressively pursue the elimination of  
21 these barriers.

22 (5) Assist communities in developing public transportation systems  
23 available for public use with special emphasis on serving the transportation  
24 disadvantaged.

25 (6) Assure that all procedures, guidelines, and directives issued by  
26 state agencies are conducive to the coordination of public transportation  
27 services and facilities.

28 (7) Develop standards covering coordination, operation, costs, and  
29 utilization of public transportation services.

30 (8) Through the Arkansas State Highway and Transportation Department,  
31 have the authority to apply for and accept funds, grants, gifts, and services  
32 from federal, state, local, or private funding sources. Funds acquired or  
33 accepted under this subsection shall be solely for the purpose of carrying out  
34 the Council\_s responsibilities.

35 (9) Review, monitor, and coordinate all funding requests for state and

1 federal grants to be used for the provision of public transportation services.  
2 Such funds shall be available only to those entities participating in an  
3 approved coordinated transportation system or entity which have been granted a  
4 waiver by the Council.

5 (10) Coordinate all public transportation programs with the appropriate  
6 local, state, and federal agencies and public transit agencies to ensure  
7 compatibility with existing transportation systems.

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9 SECTION 7. To implement the highest level of interagency cooperation,  
10 each State agency, whose functions involve the administration of programs  
11 which directly or indirectly funds the purchase of public transportation  
12 services, equipment, facilities, or supports operating assistance shall be  
13 required to issue policies advocating support for coordinated public  
14 transportation and the recommendations coming forth from the Council. Each  
15 State agency which is requested by the Council to submit information necessary  
16 to carry out the purpose of this act shall do so in a cooperative and timely  
17 manner.

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19 SECTION 8. All provisions of this act of a general and permanent nature  
20 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
21 Revision Commission shall incorporate the same in the Code.

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23 SECTION 9. If any provision of this act or the application thereof to  
24 any person or circumstance is held invalid, such invalidity shall not affect  
25 other provisions or applications of the act which can be given effect without  
26 the invalid provision or application, and to this end the provisions of this  
27 act are declared to be severable.

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29 SECTION 10. All laws and parts of laws in conflict with this act are  
30 hereby repealed.

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APPROVED: 03/03/93

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