



The Florida Senate

Issue Brief 2011-224

October 2010

Committee on Transportation

REVIEW FLORIDA DEPARTMENT OF TRANSPORTATION BUDGET ENTITY – TRANSPORTATION SYSTEMS DEVELOPMENT

Statement of the Issue

The mission of the Florida Department of Transportation (department) is to provide a safe statewide transportation system that ensures the mobility of people and goods, enhances economic prosperity, and preserves the quality of our environment and communities. See. s. 334.046(2), F.S. The Legislature annually appropriates funds to the department which assist the department in meeting its mission. The annual appropriation of funds by the Legislature to the department is divided into 6 budget entities: Transportation Systems Development; Transportation Systems Operations; Executive Direction and Support Services; Information Technology; Florida’s Turnpike Systems, and Florida Rail Enterprise.

This issue brief will examine the activities, programs, and functions funded by the department’s Transportation Systems Development budget entity.

Discussion

The budget entity Transportation Systems Development assists the department in meeting its mission and goals by assessing the need and environmental consequences of the transportation projects, designing the projects, acquiring right-of-way, and by administering public transportation funds. The following chart sets forth the activities and additional details about this budget entity.

Activities of the Transportation Systems Development Budget Entity

| Activity | FY 2008-09 FTE | FY 2009-10 FTE | FY 2010-11 FTE Budget | FY 2008-09 Expenditure | FY 2009-10 Expenditure | FY 2010-11 Budget |
|-------------------------|-------------------|-------------------|--------------------------|---------------------------|---------------------------|------------------------|
| Planning Environment | 232 | 237 | 264 | \$52,714,700 | \$75,272,677 | \$91,957,640 |
| Pre-Construction Design | 1,059 | 1,056 | 1,025 | \$527,172,638 | \$535,066,701 | \$489,773,343 |
| Right of Way | 389 | 378 | 373 | \$552,394,616 | \$393,410,713 | \$537,968,625 |
| Public Transportation | 123 | 123 | 124 | \$531,854,597 | \$598,227,705 | \$860,811,411 |
| Total | 1,803 | 1,794 | 1,786 | \$1,664,136,551 | \$1,601,977,796 | \$1,980,511,019 |

I. Planning and Environment

The Legislature appropriated \$88.7 million from trust funds and authorized 237 FTEs to the Transportation Planning Program for FY 2009-10. No general revenue funds were appropriated to this program. Transportation planning and environmental management activities coordinate and prepare statewide and local government transportation plans and ensure planned transportation facilities are compatible with and further the overall plan for local, regional, and state development.

The department’s Central Office planning and environment activities focus on developing policy plans, compiling transportation statistics, developing systems plans, and ensuring compliance with environmental requirements. The Central Office Planning and Environmental Offices also provide technical assistance to the District offices, Florida’s Turnpike Enterprise, and the Florida Rail Enterprise.

District office planning activities (including Florida's Turnpike Enterprise and the Florida Rail Enterprise) include implementing adopted policies, goals, and objectives; helping develop plans for various projects and modes of transportation; and providing support to the metropolitan planning process. District planning activities related to growth management include the review of developments of regional impact and local government comprehensive plans, plan amendments, evaluation and appraisal reports (EARs), and EAR-based amendments for impacts to state transportation facilities. (See ss. 163.3184 and 380.06, F.S.)

Collectively, District and Central Office Planning activities assist in developing the department's Five-Year Work Program. The Adopted Five-Year Work Program is developed through a cooperative planning process that involves state, regional, and local government officials, and the public.

Department employees perform approximately 26 percent of the planning activities, while 74 percent of the activities are contracted to private consultants and to local government planning organizations. Department employees collect and analyze data and develop planning documents. Private consultants conduct various studies and local planning organizations update urban transportation plans.

Central Office planning and environment activities are performed in four offices: Office of Policy Planning, Systems Planning Office, Environmental Management Office, and Transportation Statistics.

The Office of Policy Planning (OPP) provides technical support for transportation decision-making and ensures the statewide and metropolitan planning process conforms to federal and state requirements. Federal transportation funding is contingent upon the annual certification of compliance with federal planning requirements.

OPP coordinates the development of required statewide plans and reports:

- Florida Transportation Plan and Annual Performance Report (see 23 USC 135 and s. 339.155, F.S.);
- Strategic Intermodal System Plan (see s. 339.64, F.S.);
- State Transportation Improvement Plan (see 23 USC 135);
- Long Range Program Plan (see s. 216.013, F.S.);
- Rural Economic Development Initiative Report (see s. 288.0656, F.S.); and
- Statewide Planning Research Plan and Report (see 23 CFR 420.111).

OPP also supports department District planning activities by developing policies and procedures and by providing technical assistance, quality assurance reviews, and training to guide the department's review of:

- Federally required documents prepared by Florida's 26 metropolitan planning organizations (MPOs): long range transportation plans, transportation improvement programs and amendments, public involvement plans, unified planning work programs, air quality conformity reports, and MPO designation and voting membership plans; and
- Growth management documents to determine impacts on the transportation system (as required by ss. 163.3184 and 380.06, F.S.): developments of regional impact and local government comprehensive plans, plan amendments, and evaluation and appraisal reports.

Other major activities of OPP include producing reports and information used by planning partners and department management and staff, such as trends and conditions monitoring and reporting, census and demographic information analysis and forecasts, transportation cost reporting, and federal and state legislative analysis. In addition, OPP administers two state grant programs: the Transportation Regional Incentive Program (see s. 339.2819, F.S.) and the County Incentive Grant Program (see s. 339.2817, F.S.).

The Systems Planning Office (SPO) is responsible for implementing the Strategic Intermodal System (SIS) and the State Highway System (SHS) and develops the tools and systems to support the statewide planning effort.

SPO coordinates with the District offices to identify SIS facility needs and develop plans for implementation to accomplish the investment priorities. The SIS is a multimodal system of hubs, corridors, and connectors representing the department's highest transportation capacity investment priority.

SPO develops a SIS Multimodal Needs Plan, a project prioritization process; a map of designated, planned, and emerging SIS facilities; and 10-year and 20-year cost-feasible plans. See s. 339.63, F.S. SPO must also identify projects to add to or delete from the SIS. See s. 339.64, F.S.

SPO also develops and maintains transportation computer models. The office works with the Districts, MPOs, regional planning councils, cities, counties, and other government agencies in the use of these models and provides modeling software and data, technical guidance, training, and research. These travel-demand forecasting models enable government agencies to analyze state and local government plans for current and future transportation needs and to assess the effects of various policies, programs, and projects on transportation facilities.

Lastly, SPO provides planning and engineering support to assist other department offices, local governments, and citizens to implement transportation programs and projects. Tools, techniques, and guidelines are provided related to growth management (see s. 163.3180, F.S.); highway access management (see ss. 335.18 thru 335.188 and 338.001, F.S.); corridor development/management (see s. 338.001, F.S.); highway capacity and level of service; interchange analysis and justification; and transportation system performance measurement.

The Environmental Management Office (EMO) ensures compliance with all applicable environmental laws and procedures. EMO administers the Efficient Transportation Decision Making (ETDM) process and the Project Development & Environment (PD&E) process, as well as Legislative and intergovernmental coordination of community and environmental issues.

The applicable environmental laws are incorporated into the ETDM and PD&E Manuals and include, but are not limited to, the National Environmental Policy Act of 1969 (see 42 USC 4331-4347); Safe, Accountable, Flexible Transportation Equity Act: A Legacy for Users (see 23 USC revised); Title VI of the Civil Rights Act (see 42 USC 3601-3609); Endangered Species Act of 1973 (see 16 USC 1536); Water Resources (see ch. 373, F.S.); Historical Resources (see ch. 267, F. S.).

EMO develops policies and procedures, conducts training, and provides technical assistance to department Districts, other agencies, and consultants within its program areas to support quality project delivery. Technical and engineering expertise is provided in all areas related to project development and natural, human, and physical environmental impacts such as wildlife and habitat, wetlands, community cohesion, historic, archeological, noise, contamination, and water and air quality.

EMO also manages the Transportation Enhancement Program and Scenic Highways Program. The office develops policy and provides statewide guidance and technical assistance regarding landscape architecture. The office works closely with Districts and other offices in coordination of a myriad of water quality issues including National Pollutant Discharge Elimination System (NPDES) stormwater permitting.

EMO administers and coordinates ETDM interagency Master Agency Operating and Funding agreements with federal, state, and regional agencies. These ETDM agreements relate to the process of streamlining project development and delivery. EMO is also responsible for ETDM's Performance Management Program and dispute resolution process development and training.

EMO sets forth those procedures and processes to properly analyze, coordinate, document, and address the impacts of transportation projects on the natural, human, and physical environment. Its focus is on improving project development and delivery through the avoidance, minimization, and mitigation of the potential impacts of transportation actions on natural resources, as well as communities and their quality of life.

The Transportation Statistics Office (TranStat) is the department's central clearinghouse and principal source for highway and traffic data. Various offices gather data directly through automated means and by staff for highway infrastructure (descriptions and measurements of the State's public roads) and highway usage (traffic data, including trends and patterns of vehicle traffic characteristics).

TranStat maintains databases that include physical and administrative data for Florida's highway system. The data maintained and the products produced by this office are used for state and federal reporting on the extent and usage of Florida's highway system. The data is used at the federal level to determine the appropriate distribution of federal highway funding to the states. TranStat also maintains the department's Geographic Information System (GIS) basemap.

TranStat maintains high quality roadway data for the SHS and off-system roads of significant interest to the state and also provides quality control support for the highway and traffic data collection programs and for the Roadway Characteristics Inventory and GIS basemap maintenance. TranStat also manages a Digital Videolog Program using geo-referenced images to provide support to the department's programs.

TranStat is responsible for the Highway Performance Monitoring System, the major source of roadway data for Federal Highway Administration (FHWA) and Congress. The office coordinates the establishment of urban boundaries, the determination of functional classification and National Highway System status (which affects federal aid eligibility), and coordinates road jurisdiction transfers and designations of US Routes and road memorials.

TranStat operates and maintains approximately 300 continuous traffic monitoring devices throughout the state to provide traffic data on state highways. About 50 are available to provide near real-time (hourly) traffic information to the Emergency Operations Center in support of hurricane or other disaster related evacuations. Information from the 300 continuous counters is used to develop the factors that convert the short-duration traffic counts collected by the Districts into the Annual Average Daily Traffic volumes used to plan and design highway projects in the department's Work Program.

District Office Planning and Environment—Each District (including the Florida Turnpike Enterprise) performs various functions related to planning and environmental management. Through the planning and environmental functions the districts:

- Assist MPOs, regional planning councils, cities, and counties in the development of multimodal transportation plans;
- Document and analyze transportation impacts related to developments of regional impact and other sub-level developments. Review transportation elements included in local governments' comprehensive plans;
- Conduct public workshops and hearings to disseminate information and receive input from the public and elected officials;
- Monitor, analyze, and provide technical support associated with the development of the Florida Intrastate Highway System and the SIS;
- Collect and maintain Transportation Statistics Databases and information related to Traffic Characteristics and Roadway Inventories which includes traffic counts, vehicle classifications, roadway inventories, and straight line diagrams;
- Administer and coordinate the Transportation Regional Incentive Program and the County Incentive Grant Program;
- Coordinate and administer the implementation of the Transportation Enhancement Program and the Scenic Highway Program;
- Administer modal programs for aviation, highways, transit, rail, bicycles, and pedestrians;
- Direct airport master planning, transit modal analyses, and federal programs for the transportation disadvantaged, ridesharing, high occupancy vehicles, and transit safety inspection;
- Conduct PD&E studies in compliance with the National Environmental Policy Act; and
- Administer the Local Agency Participation Program.

II. Pre-Construction/Design

The Legislature appropriated \$505 million and authorized 1,056 FTEs to the pre-construction and design services program in FY 2009-10. No general revenue funds were appropriated to this program.

The Pre-Construction and Design Services Program is responsible for preparing accurate and complete design plans and specifications for transportation projects. The program conducts various engineering activities in developing design plans for transportation projects. Design plans include construction details, inventories of the types of quantities of materials needed, and schedules for the projects. The program also manages numerous related services such as aerial photography, surveying and mapping, monitoring consultants, quality assurance, pavement management, and evaluating and approving products for the department's Qualified Products List. As part of the efforts to produce efficient designs, the office is constantly reviewing and evaluating new materials, construction techniques and innovative products for inclusion into the transportation system.

In support of the department's Procurement Office, consultant qualifications are reviewed to assure the consultants meet the requirements to produce designs in the various work categories and to assure qualified engineers are producing adequate designs for the department.

The Design Program fulfills its responsibilities using both private consultants and in-house staff. Private engineering consultants develop approximately 82 percent of the department's project design plans while in-house engineers develop 18 percent. The department allocated \$414 million to pay for engineering consultants in FY 2009-10. During this period of time, 2,039 design projects were underway and total construction lettings for this same year equated to \$2.26 billion.

Included in the Office of Design within the Central Office are the following offices:

The Engineering/CADD Systems Office (ECSO) is a statewide production support unit providing a variety of Computer Aided Drafting and Design (CADD) support services to both department designers and the consultants performing design work for the department. ECSO provides the community with engineering/CADD oriented computer systems and applications used in the design and construction of transportation facilities. ECSO develops, procures, supports, and trains users of the CADD and general engineering applications for plans production, retention, and archiving processes. ECSO also provides production support to the users developing transportation system designs. ECSO also provides a comprehensive statewide Engineering/CADD Training Program, including managing contracts and monitoring consultants who provide CADD education. In an effort to produce more cost efficient designs, the ECSO is currently in the process of developing a parallel CADD system to introduce software competition and provide more flexibility with designers to utilize CADD systems with which they are more familiar.

The Production Support Office provides daily support to the production and administration efforts of the other offices within the Office of Design, as well as management and guidance for the department's Value Engineering Program, ADA/Accessibility Program, Local Agency Program (LAP), and Project Management. The office coordinates the development and implementation of the Quality Assurance Review Program and the Training Program for the Office of Design, administers the General Engineering Contracts for the Chief Engineer, develops and maintains the Errors and Omissions database, and coordinates the Professional Engineer Program. The office also includes architects that maintain the Facilities Design Manual used in the development of building facilities across the State. The office is also responsible for the development and maintenance of the consultant man hour guidelines and the standard scope of services used to procure design services. For FY 2009/10, there were 468 LAP projects underway.

The Roadway Design Office develops and maintains manuals, standards, and specifications and provides training and technical support to Districts (including Florida's Turnpike Enterprise) and consultants, with primary responsibility for the areas related to highway geometric design, bicycle and pedestrian requirements, roadside safety, traffic control plans, traffic design including signing and pavement markings, signalization, and highway lighting. These functions provide design criteria, design process requirements, plan content requirements,

standard details, and specifications for department construction contract plans. The office performs quality assurance reviews of the department's core design processes and monitors District adherence to design standards, policies, and procedures. This includes reviewing, tracking, and recommending appropriate action on all Design/Utility Exceptions and Variations.

The *Pavement Design Section* is responsible for pavement design manuals and technical support to districts and consultants regarding pavement design procedures. This section develops and maintains the pavement management system and the resurfacing work program instructions, develops the interstate resurfacing statewide project priority list, and monitors pavement research and pavement performance to incorporate appropriate changes in procedures to optimize pavement performance.

The *Drainage Section* is responsible for coastal engineering hydraulics, drainage, and stormwater management design and procedures. The section provides technical support and training to Districts and consultants regarding these issues, reviews all bridge hydraulic reports for all major bridges to support the production efforts, and monitors drainage research and manufacturing processes to incorporate appropriate changes in procedures and specifications to optimize drainage performance.

The *Utility Section* develops and maintains rules, policies, procedures, forms and agreements for utility accommodation on department right-of-way and monitors their implementation and provides leadership, liaison, research, training, and technical support to the department and the utility industry.

The Specifications and Estimates Office develops, implements, updates and maintains department specifications for construction of roads and bridges, along with procedures and computer applications for preparation of construction contract documents for individual projects. Likewise, it is similarly responsible for the department's project estimating system, including software and staff support for long range and detailed project estimates, cost history information, contractor bid analysis, cost risk analysis and cost trend reports, all in support of the department's Work Program. For manufactured products, the office coordinates processes for the application, review, testing, and approval of products used on the SHS, including the Qualified Products List used by the department, contractors, and other construction industry stakeholders. The office also receives and processes all plans submittal packages for Central Office lettings and conducts a final review for completeness and compliance with design requirements and procedures. Assistance to cities and counties in processes related to production of plans, specifications, estimates, and bidding documents for local agency projects with federal funding is also provided.

The Structures Design Office provides design guidance and technical assistance to the districts (including Florida's Turnpike Enterprise and Florida Rail Enterprise) and consultants for structural, geotechnical, mechanical and electrical issues related to structural design and construction of bridges, signs, and other traffic structures. All major bridge plans statewide are reviewed for correctness, adherence to policy and procedures, compliance with design codes, and to assure the most efficient, safe, and economical design is being developed. The office develops standard bridge details for repetitive components to minimize the need for consultants to develop details on numerous projects. In-house staff develops software to allow for the efficient design of standard bridge components. The type of software developed is generally not available elsewhere. The office also supports the Construction Office by reviewing structural issues arising during construction activities.

Within the Structures Design Office, the Structures Research Lab performs testing on new products and bridge systems to assure products perform as expected and to predict the performance of new products and materials. The results of the research program are considered for inclusion into the transportation program based on the benefit to the department. The office also performs load testing of existing bridges to assure the proper functioning of the structure and to determine the actual safe load carrying capacity of the structure to maximize interstate commerce.

The Surveying and Mapping Office provides guidance, services, and geospatial products for surveying, mapping, and information in support of Florida's transportation system. There are three primary areas of focus provided by this office:

- Surveying, Aerial Surveying, and Right-of-Way Mapping consists of developing and maintaining processes, standards, and manuals for the department and its consultants that comply with state statute, agency policies, and directives for the methods and procedures utilized for design, right-of-way, and construction activities in the Work Program. Additionally the group maintains the Florida Permanent Reference Network which consists of continuously operating GPS base stations (68) around the state that support highly accurate measurements for ground and aerial mapping needed in support of the Work Program. Thousands of other surveyors, scientists, and contractors enjoy the benefit of this system for various activities needing accurate positioning.
- Aerial Surveying and Mapping activities include aerial surveying and photogrammetry activities in support of corridor roadway projects, rail projects, and county mapping for the department. Digital and ortho-rectified images are provided to other state agencies in support of their geospatial activities as they coincide with department activities. Additionally, this office performs aerial surveying and mapping activities in support of disaster response for state and federal needs when called upon.
- Geographic Mapping includes the maintenance of the modern digital library of all current and almost-50-year historical aerial imagery products produced for the state by the department and others and makes this accessible to public records requests. The office also produces CADD and GIS County mapping products of the current SHS with other needed geographical information maps for the department and citizens. This section is also responsible for the maintenance and management of the Official State of Florida Transportation Map that is distributed to citizens and visitors at rest areas and other locations beneficial to travelers.

District Pre-Construction/ Design Offices—The department Districts (including Florida’s Turnpike Enterprise) are responsible for implementation of the Work Program through project management, implementation of design policies and standards, and through developing project designs to completion, either using in-house design activities or managing the work of consultants producing design plans. This work is accomplished by a variety of units, including:

The *In-House Design Units* prepare construction plans for all types of projects, including new construction, widening, reconstruction resurfacing, safety, and bridge rehabilitation/replacement projects. This unit also supports other offices in the Districts on design issues and permit reviews.

The *Consultant Management Units* manage consultants’ production activities of projects such as project development and environmental (PD&E) studies, capacity projects, resurfacing projects, safety, and bridge rehabilitation projects. This includes acquiring consultant services through state procurement procedures and coordinating with supporting offices, regulatory agencies, and local government. This unit also monitors financial aspects of each project regarding Work Program budget, construction budget, and other related funding requirements, as well as tracking project schedules for timely completion to meet District goals.

The *Drainage Design Units* are responsible for hydrology and hydraulic analyses, including bridge scour prediction, and permit acquisition for all District projects. The staff also reviews plans for development of properties adjacent to state road right-of-way for compliance with department Drainage Connection Permit criteria. The section also supports the Operations Division in resolving construction and maintenance issues and responding to flooding complaints.

The *Survey Units* provide survey services for the support of the department’s efforts to plan, design, construct, and maintain the Districts’ transportation systems. This includes supplying survey, aerial, and subsurface utility engineering (SUE) information, along with laser scanning information, to the different departments. This also includes reviewing all survey, aerial, and SUE information for all projects, as well as staking parcels for legal and installing survey monuments for right-of-way.

The *Utilities Units* act as a liaison between the utility industry and the design team. This includes working with the Maintenance Offices to ensure all utility permits within the limits of a project in the Districts' Five-Year Work Program are reviewed by the appropriate designer/project manager and returned to the respective operation center in a timely manner. This unit also supports the Right of Way Office by negotiating utility subordination agreements between the department and the utility agency holding an easement in any of the parcels being acquired by the department.

The *Structures Design Units* produce design calculations and plans for various transportation related structures, from complex bridges to simple mast arm structures. This section also provides technical leadership and supervision for all structures designed throughout the District, as well as assisting the Construction Office in addressing problems arising during construction. This includes review and approval of shop drawings and evaluating permit requests for structures in the state right -of-way.

III. Right-of-Way

The Legislature appropriated \$634 million and authorized 382 FTEs to the Right-of-Way Program in FY 2009-10. No general revenue funds were appropriated to this program.

The right-of-way program includes all activities related to acquiring the property rights necessary for the construction and maintenance of the state transportation system. These activities include cost estimating, right-of-way maps, legal descriptions, title search, appraisal, appraisal review, negotiation, eminent domain litigation, demolition, and relocation assistance. In addition, the right-of-way program includes the leasing and selling of property rights which are temporarily not needed or are no longer needed for transportation purposes. The department outsources approximately forty-seven percent (47 percent) of these right-of-way related activities, including conducting title search, developing right-of-way plans, conducting appraisals, negotiating with the affected property owners, and demolishing improvements.

The Office of Right of Way is responsible for establishing and assuring adherence to policies, procedures, guidelines, and standards, which are based upon existing federal and state law and has direct responsibility for quality assurance of District activities, as well as outdoor advertising regulation and the Logo Sign Program. Its director has final approval authority for agreements and legal settlements exceeding \$500,000 in value.

The Quality Assurance Program consists of ensuring the laws, rules, policies, and procedures are followed, providing technical assistance to districts when issues arise, and of reviewing District activities for compliance. Annual reviews are conducted of each functional area. These reviews consist of reviewing District quality control processes to assess effectiveness and reviewing files to determine compliance with all required standards.

The office regulates outdoor advertising signs in accordance with the federal Highway Beautification Act (HBA). Chapter 479, F.S., is the State law which implements the federal act. The HBA requires the department to maintain effective control of outdoor advertising signs adjacent to state highways. Effective control means ensuring compliance with regulations relating to sign location (land use), size, lighting, setback from roads, and distance between signs. Failure to maintain effective control can subject the state to the loss of 10 percent of federal transportation funding. The outdoor advertising inventory currently consists of 17,450 active permits for 11,515 sign structures. These permits are issued to 1,019 accounts. In accordance with statutory requirements, permit fees are set by administrative rule in an amount sufficient to cover the costs of the program. In maintaining effective control, the department conducts annual inventories on 12,485 miles of controlled roadway. During the last fiscal year, the department processed 393 applications for new sign permits and issued 223 notices for violations of the provisions of law or rules.

The Logo Sign Program consists of signs located on Interstate Highways which provide information to motorists about services such as fuel, food, lodging, camping and attractions available at interchanges. Currently, there are 1,921 businesses displaying logo signs at 264 interchanges. Management of the program includes marketing to ensure maximum use of the sign structures, billing and collection of permit fees, removal and replacement of business logo signs, construction of new signs based upon demand and available spacing, and maintenance and repair of existing structures.

The District's right-of-way offices (including Florida's Turnpike Enterprise) are responsible for the right-of-way functions of cost estimating, right-of-way maps, legal descriptions, title search, appraisal, appraisal review, negotiation, eminent domain litigation, demolition, relocation assistance, and sales and leasing of surplus properties in accordance with the policies, procedures, guidelines, and standards published by the director. The Right-of-Way Program's primary activity is timely acquisition of right-of-way needed for transportation projects. Section 337.273(2)(b), F.S., sets forth Legislative findings indicating the "inability to timely protect or acquire property necessary to accommodate a transportation facility in a transportation corridor constitutes an economic, health, safety, and welfare liability that imposes increasingly onerous burdens on public revenues, seriously impedes the ability to plan for future growth, substantially impairs or arrests sound growth, impedes the provision of transportation infrastructure concurrent with the impact of development, retards the provision of an adequate transportation system for the people in the state, aggravates traffic problems, and substantially hampers the elimination of traffic hazards and the improvement of traffic facilities." These Legislative findings, along with the fact the department is prohibited by law (see s. 337.11(3)(c), F.S.) from advertising for the competitive procurement of a construction contract until title for all property needed for the project is acquired, makes the department's Right-of-Way program an essential component of a transportation project's timely and successful completion.

The department appraises the property and attempts to negotiate a purchase price with the property owner. If the parties are unable to agree on a price and the property is essential for the project to be constructed, the department files a condemnation suit, and the court determines the property's value by a twelve-person jury.

The cost of land acquisition is subject to the factors of just and full compensation. Just compensation is mandated by the 5th and 14th Amendments to the United States Constitution. Article X, Section 6 of the Florida Constitution, mandates full compensation. Full and just compensation provide significant protections to property owners.

Based upon federal and state laws, the department must compensate landowners for their land, attorney fees, appraiser fees, technical expert fees, and relocation expenses, if necessary. If the department takes a business property, the department may also be required to pay business damages.

IV. Public Transportation

The Legislature appropriated \$752.9 million and authorized 111 FTEs to the public transportation program in FY 2009-10. No general revenue funds were appropriated to this program. The Florida Commission for the Transportation Disadvantaged (Commission) is an independent agency located in the department's public transportation program for administrative and fiscal purposes. The monies appropriated to the Commission are not included in the numbers mentioned above. (The Commission will, however, be included in Section V.)

The public transportation program provides grants, technical assistance, and planning support to local governments and private entities owning and operating public transportation systems. Grants fund projects such as purchasing vehicles for transit systems, making improvements to railroad crossings, acquiring land or constructing facilities for airport and seaport expansions, and improving highway connections to these systems. Most projects are identified in transportation improvement plans developed by the MPOs. The program also conducts safety inspections of airports, railroads, highway-rail crossings, and transit equipment.

Public transportation systems include aviation, rail, seaport, and transit facilities and services. Florida has 130 public airports (21 have scheduled service), 15 railroad companies operating on 2,786 miles of track, 14 public deep-water ports, and 29 fixed-route transit systems. Until July 1, 2010, passenger rail systems were funded in this program, but are now funded in the Florida Rail Enterprise budget entity.

Section 206.46(3), F.S., requires, in each fiscal year, a minimum of 15 percent of all state revenues deposited into the State Transportation Trust Fund (STTF) (primarily derived from gas taxes, motor vehicle/rental car sales taxes/surcharges, and motor vehicle title and registration fees) shall be committed annually by the department for public transportation projects (aviation, transit, rail, intermodal and seaports). A review of the department's Work

Program for the past 5 fiscal years (2006 – 2010) and the next 5 fiscal years (2011 – 2015), shows the department has (on average) committed or will commit 18.6 percent of all non-exempt state revenues deposited into the STTF for public transportation. For FY2010, \$407.7 million has been committed for public transportation projects. Over the same 10-year period, an average of 5.4 percent of all non-exempt state revenues deposited into STTF has been committed for transit projects. For FY 2010, \$142.8 million has been committed for transit projects.

The Seaport Office is responsible for assisting the development of Florida's 14 deep-water seaports through coordination of various planning activities and funds with the Florida Seaport Transportation and Economic Development Council and the staff for the Florida Ports Council. See ss. 311.07 and 311.09, F.S., as well as ss. 320.020(3) and (4) and 341.053, F.S. The office is also responsible for seaport system planning, program planning, project management, and SIS seaport planning and project implementation of seaport projects.

The key responsibilities of the Seaport Office are:

- Seaport Policy Development;
- Development of Florida Statewide Seaport System Plan;
- Coordination with development of Florida Seaport Mission Plan;
- Florida Freight and Seaport Goods and Mobility Planning;
- Coordination with the SIS plans and projects relating to seaports;
- Coordination and oversight of the Federal Ferry Boat Program; and
- Coordination with the Florida Ports Council staff for the Small County Dredging Programs.

The District Seaport Offices manage the following:

- Seaport Grant Program Implementation;
- Seaport System Plan Implementation;
- Local Government Coordination and Technical Assistance; and
- Liaison with local seaports.

The Transit Office is responsible for identifying, supporting, advancing, and managing cost effective, efficient, and safe transportation systems and alternatives to maximize the passenger carrying capacity of surface transportation facilities. The Transit Office consists of three sections: Transit Planning, Grants Administration, and Transit Operations.

The Transit Planning Section is responsible for developing the state's transit plan consistent with the Florida Transportation Plan pursuant to s. 339.155, F.S. The Transit 2020 Plan identifies three key issue areas in Florida:

- **Transit Service**—Strategies to improve transit service in Florida include increasing accessibility, mobility, and transportation options; promoting efficient systems management; and expanding transit services to support rail systems and serve the needs of the aging population. Objectives also include ensuring the safety and security of public transit riders and operators.
- **Transit Funding**— Strategies for transit funding include sustaining and expanding investment in public transportation from all existing and potential public and private funding sources and establishing dedicated funding sources to ensure adequate transit operations now and in the future.
- **Transit Planning/Policy**— Develop a multi-modal transportation planning process addressing the wide range of policy issues involved in making sound, long-range transportation investment decisions, including technological innovation and the environmental and economic benefits of transit. Strategies include integrating and connecting transit systems with other modes of travel and encouraging transit-oriented land use to support transit.

Additionally, the Transit Planning section is responsible for assisting local transit agencies in preparing Transit Development Plans pursuant to Rule 14-73.001, F.A.C., and developing, publishing and administering transit performance measures consistent with s. 341.041(3), F.S.

The Transit Operations Section reviews and implements safety programs pursuant to Rule 14-90, F.A.C. The section provides technical assistance in the design and procurement of buses for not-for-profit and governmental entities; and provides training programs for mechanics, fleet supervisors, and operational transit staff consistent with ss. 341.04(9) and (3), F.S., respectively.

The Grants Administration Section is responsible for administering some federal and all state transit grants and ensures the grant monies are spent in accordance with federal and state laws. Commuter assistance programs to provide technical assistance and leverage resources to promote the use of all transportation modes are also managed by this section. Section 341.051(5), F.S., outlines the responsibilities of the grants administration section in implementing these programs.

The Districts' Transit Office key responsibilities include:

- review and approval of transit agency Transit Development Plans;
- direct coordination and communication with local transit agencies;
- distribution of funding to recipients through joint participation agreements;
- management and oversight of local transit projects;
- assistance to Central Office in federal reporting;
- oversight of the transit agencies to ensure compliance with all applicable state and federal requirements in the area of transit operations and safety and security;
- assistance with technical training provided by the Central Office based on request or on findings during site review;
- final approval of vehicles delivered from procurement using state contracts and local bids; and
- oversight of all Systems Safety Plans and compliance with Rule 14.90, F.A.C.

A brief summary of Florida's transit funding programs administered by the Transit Office are:

The Public Transit Block Grant Program (s. 341.052, F.S.) finances public transit providers eligible to receive funding from FTA's 5307 and 5311 programs and to Community Transportation Coordinators (based upon a 85/15 percent basis). The state participation is limited to 50 percent of the non-federal share of capital projects. Program funds may also be used to pay up to 50 percent of eligible operating costs or an amount equal to the total revenue, excluding farebox, charter, and advertising revenue, and federal funds received by the provider for operating costs (whichever is less).

The Transit Corridor Program (s. 341.051(5)(d), F.S.) provides funding to Community Transportation Coordinators or transit agencies to support new services within specific corridors when the services are designed and expected to help reduce or alleviate congestion or other mobility issues within the corridor.

The Public Transit Service Development Program (s. 341.051(5)(e), F.S.) provides initial funding for special projects involving new technologies; services, routes, or vehicle frequencies; the purchase of special transportation services; and other techniques for increasing service to the riding public. The program is selectively applied to determine whether a new or innovative technique or measure can be used to improve or expand public transit services.

The Commuter Assistance Program (s. 341.051(5)(a), F.S.) finances projects which encourage public/private individuals to utilize carpools, vanpools, bus pools, express bus service, subscription transit service, group taxi services, heavy and light rail, and other systems designed to increase vehicle occupancy. The Park and Ride Lot Program is part of this program.

The New Starts Transit Program was created by the 2005 Legislature (SB 360) and provides financial assistance to local governments in developing and constructing fixed-guideway and bus rapid transit projects to accommodate and manage urban growth and development. A secondary purpose of the program is to leverage state funds to generate local transportation revenues and secure FTA New Starts Program funding for Florida projects.

The Rail Office is charged under s. 341.302, F.S., with developing and implementing a rail program of statewide application designed to ensure the proper maintenance, safety, revitalization, and expansion of the rail system to assure its continued and increased availability to respond to statewide mobility needs. In accomplishing these duties, the Rail Office develops a Rail System Plan and oversees the implementation of rail projects related to the SIS and safety projects at highway/rail grade crossings.

The Rail Office coordinates the department's rail-related activities with the state's rail industry, shippers, seaports, and local governments and coordinates Florida's Operation Lifesaver Rail Safety Education Program. Additionally, the office implements the state's Rail Safety Inspection Program.

The Rail Office consists of two units, Rail Planning and Safety and Rail Operations. The key responsibilities are:

Rail Planning and Safety Section

- Florida Rail System Plan development;
- Rail Safety Inspection Program;
- Railroad rehabilitation;
- Passenger rail technical support;
- Rail-related policy development/maintenance;
- Railroad corridor abandonment coordination; and
- Project management for freight-rail projects under the SIS.

Rail Operations Section

- Rail/Highway Crossing Signal Safety Program management/support;
- Rail Corridor Hazard Elimination Program coordination;
- Rail/Highway Characteristic Inventory;
- Standards and procedures development/maintenance;
- Rail Manual development/maintenance;
- Rail/highway crossing agreements;
- Rail programs quality assurance;
- Signal maintenance administration;
- Department design standard indices revisions; and
- Florida Operation Lifesaver coordination.

The Districts' Rail Staff manage the following:

- Grade crossing safety evaluation;
- Grade crossing project management; and
- Liaison and technical assistance with local agencies and local railroad officials.

The Aviation Office allocates and oversees approximately \$150 million in airport project funding for local governments and manages federal-state-local funding coordination. The Aviation Office also performs the following functions:

- Regulates Florida's 767 civilian airports through public airport inspection and licensing, and private airport registration (Chapter 330, F.S.).
- Analyzes airspace obstructions and permits construction within ten nautical miles of public airports until the permitting authority has been assumed by local government (Chapter 333, F.S.).
- Develops and maintains the Florida Aviation System Plan and aviation activity forecasts (Chapter 332, F.S.).
- Provides engineering and technical support to airports, and monitors and coordinates with department District offices.
- Provides information and outreach to local governments, other state agencies, the general public, legislators, and members of Congress and federal agencies such as the Federal Aviation Administration.

The Aviation Office consists of two sections, *Aviation Development* and *Aviation Operations*; each has key areas of responsibility.

Aviation Development Section:

- Aviation Policy and Grant Program Management;
- Florida Aviation System Plan;
- Statewide Airfield Pavement Management Program; and
- Airport Master Plan and Airport Layout Plan Review.

Aviation Operations Section:

- Airport site approval, inspection and licensing;
- Private airport registration;
- Runway approach protection and technical assistance.

The Districts' Aviation Offices manage the following:

- Aviation Grant Program implementation;
- Aviation System Plan implementation; and
- Local government coordination and technical assistance.

V. Florida Commission for the Transportation Disadvantaged

Part I of ch. 427, F.S., establishes the Commission for the Transportation Disadvantaged (commission) with a purpose of developing the state coordinated transportation services program provided to the transportation disadvantaged and a goal of providing cost-effective transportation by qualified community transportation coordinators or operators. The commission is housed within the department and consists of seven members appointed by the Governor, five of whom must have experience in operating a business and two of whom must have a disability and use the transportation disadvantaged system. In addition, seven ex officio, nonvoting advisers serve the commission: the Secretaries of Transportation, Children & Families, Elder Affairs, Veterans' Affairs, and Agency for Health Care Administration; the directors of the Agency for Workforce Innovation and the Agency for Persons with Disabilities, and a county manager or administrator.

The commission contracts with a Community Transportation Coordinator (CTC) and a planning agency in each county to ensure transportation services are provided. In fiscal year 2009-2010, the commission contracted with 48 providers to provide service in all of Florida's 67 counties. Providers included 20 private non-profit entities, 3 private for-profit entities, 19 county governments, 4 public transit authorities, 1 city government, and 1 metropolitan planning organization.

Applicant qualifying criteria are developed by the local coordinating board which is appointed and staffed by the planning agency, and which oversees and annually evaluates the CTC. The qualifying criteria are used by the CTC to determine an individual's eligibility for services.

Under s. 427.011, F.S., "transportation disadvantaged" means "persons who because of physical or mental disability, income status, or age are unable to transport themselves or to purchase transportation and are therefore, dependent upon others to obtain access to health care, employment, education, shopping, social activities, or other life-sustaining activities, or children who are handicapped or high-risk or at-risk as defined in s. 411.202," and "paratransit" means "those elements of public transit which provide service between specific origins and destinations selected by the individual user with such service being provided at a time that is agreed upon by the user and provider of the service. Paratransit services are provided by taxis, limousines, "dial-a-ride", buses, and other demand responsive operations characterized by their nonscheduled, non-fixed, route nature."

Funding to support the CTCs in facilitating the coordinated transportation program in Florida comes from multiple sources that may include local, state, and federal funds. These funds come in many forms including grants, contracts, or subsidies. According to the Commission's 2009 Annual Operating Report, funding from these sources were estimated at \$374.5 million, providing approximately 51.6 million one-way trips in the

coordinated system. At the state level, the Agency for Health Care Administration, which administers the Medicaid program, was the single largest state funding source, contributing \$64.4 million in fiscal year 2008-09. The commission, through the TD Trust Fund, was the second largest state funding entity, contributing \$38 million. Other funding agencies include the Agency for Persons with Disabilities, the Department of Transportation, and the Department of Elder Affairs. Local and Federal funds totaled over \$220 million with Local governments contributing over \$158 million to their community transportation systems.

Transportation Disadvantaged Program 2009 Annual Performance Report In Millions

| Funding Agency | Amount | Percent |
|--|----------------|----------------|
| Agency for Health Care Administration (Medicaid) | \$64.4 | 17 |
| Commission for Transportation Disadvantaged | \$38 | 10 |
| Agency for Persons with Disabilities | \$20.8 | 6 |
| Department of Transportation | \$22 | 6 |
| Department of Elder Affairs | \$8.5 | 2 |
| Local & Federal | \$220.8 | 59 |
| Total | \$374.5 | 100 |

As mentioned above, only a portion of the funding for transportation services flows through the Transportation Disadvantaged Trust Fund. Funding sources for the TD Trust Fund include motor vehicle registration fees (\$1.50 per registration), temporary handicapped tag fees (\$5.00 per tag), a 15 percent transfer from the department's public transit block grant monies, and funds from the State Transportation Trust Fund. In addition, individuals may make a voluntary contribution of \$1.00 when applying for motor vehicle registration. The Commission distributes trust fund dollars to local entities through planning grants and trip/equipment grants. The Commission allocates over \$1.5 million annually to the various planning agencies to support local TD planning and staffing functions. Trip and equipment grants are distributed to CTCs and are to be used for the provision of non-sponsored trips and the procurement of capital equipment. Beginning July 2011, the TDTrust Fund is to receive \$5 million annually from the Highway Safety Motor Vehicle Trust Fund.