

This CS substantially amends the following sections of the Florida Statutes: 163.3191, 339.155, 339.175, and 341.053.

II. Present Situation:

Section 163.3191, F.S., provides for the evaluation and appraisal of local government comprehensive plans. Every five years local governments must prepare an Evaluation and Appraisal Report (EAR) which assesses the success or failure of the comprehensive plan. The EAR must suggest changes needed to update the comprehensive plan, and is submitted to the local governing body for adoption. The governing body then amends the comprehensive plan to reflect changes suggested in the EAR. The EAR is then submitted to the Department of Community Affairs for a sufficiency review. Currently, while EARs are due every five years, Metropolitan Planning Organizations (MPOs) transportation plans are due every three years in large urbanized areas. There is currently no specific provision in law which authorizes the Department of Community Affairs to grant an extension to local governments to help synchronize the submission dates of the EAR and the MPO transportation plan to allow local governments and MPOs to coordinate data or transportation goals.

The federal Intermodal Surface Transportation Efficiency Act of 1991, (ISTEA) both in U.S. Code and implementing regulation, spelled out requirements for MPO and statewide transportation planning processes. In accordance with that Act, both the MPO long and short-range plans, and the State Transportation Plan must include:

- (1) The results of transportation management systems.
- (2) International border crossings and points of access to ports, airports, intermodal transportation facilities, major freight distribution routes, national parks, recreation and scenic areas, monuments and historic sites, and military installations.
- (3) Consistency between local, metropolitan, and regional transportation and land-use plans.
- (4) Connectivity between metropolitan areas within the State and with metropolitan areas in other States.
- (5) Recreational travel and tourism.
- (6) Transportation system management and investment strategies designed to make the most efficient use of existing transportation facilities.
- (7) The overall social, economic, energy, and environmental effects of transportation decisions.
- (8) Methods to reduce traffic congestion and to prevent traffic congestion from developing in areas where it does not yet occur, including methods which reduce motor vehicle travel, particularly single-occupant motor vehicle travel.

- (9) Methods to expand and enhance transit services and to increase the use of such services.
- (10) The effect of transportation decisions on land use and land development, including the need for consistency between transportation decision making and the provisions of all applicable short-range and long-range land use and development plans.
- (11) Preservation of rights-of-way for construction of future transportation projects, including identification of unused rights-of-way which may be needed for future transportation corridors, and identify those corridors for which action is most needed to prevent destruction or loss.
- (12) The use of life-cycle costs in the design and engineering of bridges, tunnels or pavement.

The following specific factors must be addressed in MPO long and short-range transportation plans but not in the State Transportation Plan:

- (1) The programming of expenditures on transportation enhancement activities.
- (2) The effects of all transportation projects to be undertaken in the metropolitan area, without regard to whether such projects are publicly funded.
- (3) Capital investments that would result in increased security in transit systems.

The following specific factors must be addressed in the State Transportation Plan but not in MPO long and short-range transportation plans:

- (1) Any federal, state, or local energy goals, objectives, programs or requirements.
- (2) Strategies for incorporating bicycle transportation facilities and pedestrian walkways in projects where appropriate throughout the state.
- (3) Identification of the transportation needs of nonmetropolitan areas through a process that includes consultation with local elected officials who have jurisdiction over transportation.
- (4) Any state plan that is developed pursuant to the Federal Water Pollution Control Act.
- (5) Where appropriate, the use of innovative mechanisms for financing projects, including value capture pricing, tolls, and congestion pricing.
- (6) Long-range needs of the state transportation system.
- (7) Methods to enhance the efficient movement of commercial motor vehicles.

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- (8) Investment strategies to improve adjoining state and local roads that support rural economic growth.
 - (9) The concerns of Indian tribal governments having jurisdiction over lands within the boundaries of the state.
 - (10) A seaport or airport master plan, which has been incorporated into an approved local comprehensive plan, and the linkage of transportation modes which are needed to move people and goods between ports and other transportation facilities.
 - (11) The joint use of transportation corridors and major transportation facilities for alternate transportation and community uses.
 - (12) The integration of any proposed system into all other types of transportation facilities in the community.

MPOs currently include the required broad planning factors in their long-range plans, and some MPOs have developed goals and objectives which link directly to the planning factors and project priorities. While MPOs are required to consider these planning factors in their transportation plans, current law does not require a link between transportation projects and the planning factors, and does not supply guidance to the MPOs on the utilization of the factors.

Florida law requires coordination between local land use designations and MPO transportation planning, to the maximum extent feasible. Currently, local land use designations precede transportation planning. Local governments determine what the future land use will be in the planning zones in their area and then develop a corresponding transportation plan (the transportation element of the local comprehensive plan). The long range transportation element does not have to be financially feasible. The land use assumptions used in local comprehensive plan forecasts may be different from the assumptions the MPOs use for future growth in their financially restrained transportation plan. Since current law does not provide any standard procedure for coordination, in many cases, there is no feedback from the MPO to the local comprehensive planners on the discrepancies between land use inputs.

Section 341.053, F.S., provides for the Intermodal Development Program within the Department of Transportation (DOT). This program provides funding for major intermodal projects including rail, seaport access, and airport projects, and for the construction of intermodal and multimodal terminals. These projects must be consistent, to the maximum extent feasible, with the affected local government comprehensive plans.

Each of the seven DOT districts submits applications of prospective intermodal projects to the DOT central office for funding under the intermodal program. The districts determine which projects to submit for intermodal funding through negotiations with the applicable MPO and local governments. Few MPOs have programmed funding for intermodal projects.

The intermodal project review committee, an ad hoc committee of DOT district and central office personnel, reviews the applications for the intermodal funding. The DOT Rail Office is responsible for quality assurance reviews and assisting the Program Development Office in developing annual Work Program instructions and funding targets for the Intermodal Development Program.

By DOT rule, the review committee must consider the following when selecting projects for funding:

1. The results of applicable Intermodal Management Systems (a system which was designed to identify and monitor the condition of key linkages involving multiple modes of transportation between, or access to, priority intermodal facilities. This system is applicable mostly to projects of statewide significance. **This is currently not operational.**)
2. Availability of funding statewide compared to district requests.
3. Level of non-state funding participation and quality of the commitment.
4. Whether a multi-year project has received previous year state funding.
5. Anticipated financial, operational, or public benefits to the affected region or facility resulting from project implementation (i.e., increase in tonnage capacity, passenger capacity, employment creation, dollars saved).
6. The phase of construction readiness of the proposed project.
7. Consistency with the appropriate local comprehensive plan.
8. Historical geographic distribution of discretionary funding in relation to needs over time.
9. Degree to which the district's formula allocation funds are already programmed to these projects.

The intermodal funding program is funded through public transportation funds from the State Transportation Trust Fund (STTF). Public transportation receives 14.3 percent of STTF funds (approximately \$300 million) the intermodal fund receives approximately 12 percent of those public transportation funds. Half of the intermodal funds are distributed by formula. The other half is discretionary and allotted by the intermodal project review committee. The recipient of the intermodal funds must provide at least a 50 percent match to the state funds.

III. Effect of Proposed Changes:

Section 163.3191, F.S., is amended to authorize the Department of Community Affairs to grant an extension of the Evaluation and Appraisal Report deadline if the extension will achieve better coordination of planning with the Metropolitan Planning Organization's transportation plan.

Sections 339.155, and 339.175, F.S., are amended to delete the former federally mandated planning factors and to require DOT and MPO plans to consider:

- (1) Supporting the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency.
- (2) Increasing the safety and security of the transportation system for motorized and non-motorized users.
- (3) Increasing the accessibility and mobility options available to people and for freight.
- (4) Protecting and enhancing the environment, promoting energy conservation, and improving quality of life through land use planning.
- (5) Enhancing the integration and connectivity of the transportation system, across and between modes, for people and freight.
- (6) Promoting efficient system management and operation.
- (7) Emphasizing the preservation of the existing transportation system.

The section is further amended to provide that MPOs must develop goals, with the appropriate local governments, which demonstrate compliance with the seven planning factors. The goals must be made in the context of the land use and transportation elements of the local comprehensive plan.

Section 4 of the CS creates the Land Use Transportation Planning Reconciliation Technical Committee to evaluate the roles of local governments, regional planning councils, metropolitan planning organizations, and state agencies in the reconciliation of land use designations and transportation planning. The committee is charged with considering the effectiveness of, and alternatives to concurrency on rural intrastate facilities, levels of service methodologies, and land use impact assessments used to project transportation needs.

The technical committee will work in consultation with the Department of Community Affairs and the Department of Transportation. The committee will consist of 12 members; six appointed by the Secretary of the Department of Community Affairs (one must represent local governments, one must represent Regional Planning Councils, and one must represent the private sector) and six appointed by the Secretary of the Department of Transportation (one must represent Metropolitan Planning Organizations, one must represent local government, and one must represent the private sector.) The Center for Urban Transportation Research will provide technical and research assistance to the committee. The CS further provides that the committee must present an evaluation report to the Governor, President of the Senate, and Speaker of the House of Representatives by December 1, 1998.

Section 341.053, F.S., is amended to create the Strategic Intermodal Transportation and Economic Development Planning Council within the Department of Transportation. The council will develop a strategy to create a comprehensive state system of intermodal connections to maximize Florida's opportunities in international trade. The council will prepare a prioritized needs list for the development and construction of intermodal or multimodal projects of statewide significance. The proposed projects must be consistent, to the maximum extent feasible, with the comprehensive plan of the local government in which the project is located.

By no later than February 1, 1999, the council will submit a report to the Transportation Commission and the Legislature which: analyzes current and future intermodal transportation needs; identifies appropriate goals, measures and strategies for growth in intermodal facilities to support Florida's economic development; and, identifies methods to improve intergovernmental coordination.

By no later than July 1, 1999, the council will submit a report to the Department of Transportation, the Transportation Commission and the Legislature which: identifies intermodal projects of statewide significance along with documentation of the need; makes recommendations to local governments on how local communities may benefit from intermodal projects of statewide significance; and, includes a prioritized needs list of intermodal transportation projects of statewide significance and identifies private and public funding sources. The council must update the prioritized needs list when necessary as determined by a majority vote of council members, but no less than every 5 years.

The Department of Transportation will review the council's needs list and submit the projects to the Metropolitan Planning Organizations to be reviewed in accordance with the work program process as set forth in s. 339.135, F.S. The Transportation Commission will then review the council's needs list and the department's work program and provide a review and analysis to the Governor and Legislature.

The membership of the council will consist of the Secretary of the Department of Community Affairs or his or her designee; the Secretary of the Department of Transportation or his or her designee; two open appointments by the Governor; one representative of Enterprise Florida; and, the Governor will also appoint one representative for each of the following industries: airports, seaports, rail and trucking. Metropolitan Planning Organizations and Regional Planning Councils may be represented as non-voting members of the council.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Members of the Land Use Transportation Planning Reconciliation Technical Committee and the Strategic Intermodal Transportation and Economic Development Planning Council may incur travel expenses.

C. Government Sector Impact:

Members of the Land Use Transportation Planning Reconciliation Technical Committee and the Strategic Intermodal Transportation and Economic Development Planning Council may incur travel expenses.

An improved planning process would more effectively set goals which direct transportation funds to enhance economic development and provide a more efficient use of such funds.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.