

By the Committee on Transportation

306-1859-98

1 A bill to be entitled
2 An act relating to transportation; amending s.
3 163.3191, F.S.; authorizing the Department of
4 Community Affairs to grant an extension of the
5 Evaluation and Appraisal Report submission from
6 local governments in order to coordinate
7 planning efforts with Metropolitan Planning
8 Organizations; amending s. 339.155, F.S.;
9 providing planning factors to be considered in
10 the Florida Transportation Plan; amending s.
11 339.175, F.S.; providing planning factors to be
12 considered in Metropolitan Planning
13 Organization transportation plans; providing
14 for the creation of planning goals; creating
15 the Land-Use Transportation Planning
16 Reconciliation Committee; providing for its
17 membership and duties; amending s. 341.053,
18 F.S.; providing for the creation of the
19 Strategic Intermodal Transportation and
20 Economic Development Planning Council within
21 the Department of Transportation; providing an
22 effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:
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26 Section 1. Subsection (4) of section 163.3191, Florida
27 Statutes, is amended to read:

28 163.3191 Evaluation and appraisal of comprehensive
29 plan.--

30 (4) The governing body shall adopt, or adopt with
31 changes, the report or portions thereof within 90 days after

1 receiving it from the local planning agency. The governing
2 body shall amend its comprehensive plan based on the
3 recommendations contained in the adopted evaluation and
4 appraisal report, pursuant to the procedures in ss. 163.3184,
5 163.3187, and 163.3189. Amendments to the plan and the
6 adoption of the report may be simultaneous. When amendments to
7 the plan do not occur simultaneously with the adoption of the
8 evaluation and appraisal report, the report shall contain a
9 schedule for adoption of proposed amendments within 1 year
10 after the report is adopted, except that the state land
11 planning agency may grant a 6-month extension for adoption of
12 such plan amendments if the request is justified by good and
13 sufficient cause as determined by the agency. An extension may
14 also be granted if the request will achieve better and more
15 coordinated planning results as determined by the agency, such
16 as coordination with the Metropolitan Planning Organization
17 planning program, and if the local government has submitted a
18 reasonable schedule for adopting the plan amendments.The
19 report shall be transmitted to the state land planning agency,
20 with the related amendments when the amendments are
21 transmitted pursuant to s. 163.3184.

22 Section 2. Subsection (2) of section 339.155, Florida
23 Statutes, is amended to read:

24 339.155 Transportation planning.--The department shall
25 develop and annually update a statewide transportation plan,
26 to be known as the Florida Transportation Plan. The plan
27 shall be designed so as to be easily read and understood by
28 the general public.

29 (2) DEVELOPMENT CRITERIA.--The Florida Transportation
30 Plan shall consider the needs of the entire state
31 transportation system, examine the use of all modes of

1 transportation to effectively and efficiently meet such needs,
2 and provide for the interconnection of all types of modes in a
3 comprehensive intermodal transportation system. In developing
4 the Florida Transportation Plan, the department shall consider
5 the following:

6 (a) Supporting the economic vitality of the
7 metropolitan area, especially by enabling global
8 competitiveness, productivity, and efficiency.

9 (b) Increasing the safety and security of the
10 transportation system for motorized and nonmotorized users.

11 (c) Increasing the accessibility and mobility options
12 available to people and for freight.

13 (d) Protecting and enhancing the environment,
14 promoting energy conservation, and improving quality of life
15 through land-use planning.

16 (e) Enhancing the integration and connectivity of the
17 transportation system, across and between modes, for people
18 and freight.

19 (f) Promoting efficient system management and
20 operation.

21 (g) Emphasizing the preservation of the existing
22 transportation system.

23 ~~(a) The results of the management systems required~~
24 ~~pursuant to federal laws and regulations.~~

25 ~~(b) Any federal, state, or local energy use goals,~~
26 ~~objectives, programs, or requirements.~~

27 ~~(c) Strategies for incorporating bicycle~~
28 ~~transportation facilities and pedestrian walkways in projects~~
29 ~~where appropriate throughout the state.~~

30 ~~(d) International border crossings and access to~~
31 ~~ports, airports, intermodal transportation facilities, major~~

1 ~~freight distribution routes, national parks, recreation and~~
2 ~~scenic areas, monuments and historic sites, and military~~
3 ~~installations.~~

4 ~~(e) The transportation needs of nonmetropolitan areas~~
5 ~~through a process that includes consultation with local~~
6 ~~elected officials with jurisdiction over transportation.~~

7 ~~(f) Consistency of the plan, to the maximum extent~~
8 ~~feasible, with strategic regional policy plans, metropolitan~~
9 ~~planning organization plans, and approved local government~~
10 ~~comprehensive plans so as to contribute to the management of~~
11 ~~orderly and coordinated community development.~~

12 ~~(g) Connectivity between metropolitan areas within the~~
13 ~~state and with metropolitan areas in other states.~~

14 ~~(h) Recreational travel and tourism.~~

15 ~~(i) Any state plan developed pursuant to the Federal~~
16 ~~Water Pollution Control Act.~~

17 ~~(j) Transportation system management and investment~~
18 ~~strategies designed to make the most efficient use of existing~~
19 ~~transportation facilities.~~

20 ~~(k) The total social, economic, energy, and~~
21 ~~environmental effects of transportation decisions on the~~
22 ~~community and region.~~

23 ~~(l) Methods to manage traffic congestion and to~~
24 ~~prevent traffic congestion from developing in areas where it~~
25 ~~does not yet occur, including methods which reduce motor~~
26 ~~vehicle travel, particularly single-occupant vehicle travel.~~

27 ~~(m) Methods to expand and enhance transit services and~~
28 ~~to increase the use of such services.~~

29 ~~(n) The effect of transportation decisions on land use~~
30 ~~and land development, including the need for consistency~~
31 ~~between transportation decisionmaking and the provisions of~~

1 ~~all applicable short-range and long-range land use and~~
2 ~~development plans.~~

3 ~~(o) Where appropriate, the use of innovative~~
4 ~~mechanisms for financing projects, including value capture~~
5 ~~pricing, tolls, and congestion pricing.~~

6 ~~(p) Preservation and management of rights-of-way for~~
7 ~~construction of future transportation projects, including~~
8 ~~identification of unused rights-of-way which may be needed for~~
9 ~~future transportation corridors, and identification of those~~
10 ~~corridors for which action is most needed to prevent~~
11 ~~destruction or loss.~~

12 ~~(q) Future, as well as existing, needs of the state~~
13 ~~transportation system.~~

14 ~~(r) Methods to enhance the efficient movement of~~
15 ~~commercial motor vehicles.~~

16 ~~(s) The use of life-cycle costs in the design and~~
17 ~~engineering of bridges, tunnels, or pavement.~~

18 ~~(t) Investment strategies to improve adjoining state~~
19 ~~and local roads that support rural economic growth and tourism~~
20 ~~development, federal agency renewable resources management,~~
21 ~~and multipurpose land management practices, including~~
22 ~~recreation development.~~

23 ~~(u) The concerns of Indian tribal governments having~~
24 ~~jurisdiction over lands within the boundaries of the state.~~

25 ~~(v) A seaport or airport master plan, which has been~~
26 ~~incorporated into an approved local government comprehensive~~
27 ~~plan, and the linkage of transportation modes described in~~
28 ~~such plan which are needed to provide for the movement of~~
29 ~~goods and passengers between the seaport or airport and the~~
30 ~~other transportation facilities.~~

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1 ~~(w) The joint use of transportation corridors and~~
2 ~~major transportation facilities for alternate transportation~~
3 ~~and community uses.~~

4 ~~(x) The integration of any proposed system into all~~
5 ~~other types of transportation facilities in the community.~~

6 Section 3. Subsections (5) and (6) of section 339.175,
7 Florida Statutes, are amended to read:

8 339.175 Metropolitan planning organization.--It is the
9 intent of the Legislature to encourage and promote the
10 development of transportation systems embracing various modes
11 of transportation in a manner that will maximize the mobility
12 of people and goods within and through urbanized areas of this
13 state and minimize, to the maximum extent feasible, and
14 together with applicable regulatory government agencies,
15 transportation-related fuel consumption and air pollution. To
16 accomplish these objectives, metropolitan planning
17 organizations, referred to in this section as M.P.O.'s, shall
18 develop, in cooperation with the state, transportation plans
19 and programs for metropolitan areas. Such plans and programs
20 must provide for the development of transportation facilities
21 that will function as an intermodal transportation system for
22 the metropolitan area. The process for developing such plans
23 and programs shall be continuing, cooperative, and
24 comprehensive, to the degree appropriate, based on the
25 complexity of the transportation problems.

26 (5) POWERS, DUTIES, AND RESPONSIBILITIES.--The powers,
27 privileges, and authority of an M.P.O. are those specified in
28 this section or incorporated in an interlocal agreement
29 authorized under s. 163.01. Each M.P.O. shall perform all
30 acts required by federal or state laws or rules, now and
31 subsequently applicable, which are necessary to qualify for

1 federal aid. It is the intent of this section that each M.P.O.
2 shall be involved in the planning and programming of
3 transportation facilities, including, but not limited to,
4 airports, intercity and high-speed rail lines, seaports, and
5 intermodal facilities, to the extent permitted by state or
6 federal law.

7 (a) Each M.P.O. shall, in cooperation with the
8 department, develop:

9 1. A long-range transportation plan pursuant to the
10 requirements of subsection (6);

11 2. An annually updated transportation improvement
12 program pursuant to the requirements of subsection (7); and

13 3. An annual unified planning work program pursuant to
14 the requirements of subsection (8).

15 (b) In developing the long-range transportation plan
16 and the transportation improvement program required under
17 paragraph (a), each M.P.O. must, at a minimum, consider:

18 1. Supporting the economic vitality of the
19 metropolitan area, especially by enabling global
20 competitiveness, productivity, and efficiency.

21 2. Increasing the safety and security of the
22 transportation system for motorized and nonmotorized users.

23 3. Increasing the accessibility and mobility options
24 available to people and for freight.

25 4. Protecting and enhancing the environment, promoting
26 energy conservation, and improving quality of life through
27 land-use planning.

28 5. Enhancing the integration and connectivity of the
29 transportation system, across and between modes, for people
30 and freight.

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1 6. Promoting efficient system management and
2 operation.

3 7. Emphasizing the preservation of the existing
4 transportation system.

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6 Goals must be developed cooperatively by local governments, in
7 the context of the land-use and transportation elements of the
8 local comprehensive plan, and M.P.O's that demonstrate
9 compliance with these seven planning factors.

10 ~~1. The preservation of existing transportation~~
11 ~~facilities and, where practical, ways to meet transportation~~
12 ~~needs by using existing facilities more efficiently;~~

13 ~~2. The consistency of transportation planning with~~
14 ~~applicable federal, state, and local energy conservation~~
15 ~~programs, goals, and objectives;~~

16 ~~3. The need to relieve congestion and prevent~~
17 ~~congestion from occurring where it does not yet occur;~~

18 ~~4. The likely effect of transportation policy~~
19 ~~decisions on land use and development and the consistency of~~
20 ~~transportation plans and programs with all applicable~~
21 ~~short-term and long-term land use and development plans;~~

22 ~~5. The programming of transportation enhancement~~
23 ~~activities as required by federal law;~~

24 ~~6. The effect of all transportation projects to be~~
25 ~~undertaken in the metropolitan area, without regard to whether~~
26 ~~such projects are publicly funded;~~

27 ~~7. The provision of access to seaports, airports,~~
28 ~~intermodal transportation facilities, major freight~~
29 ~~distribution routes, national and state parks, recreation~~
30 ~~areas, monuments and historic sites, and military~~
31 ~~installations;~~

1 ~~8. The need for roads within the metropolitan area to~~
2 ~~efficiently connect with roads outside the metropolitan area;~~

3 ~~9. The transportation needs identified through the use~~
4 ~~of transportation management systems required by federal or~~
5 ~~state law;~~

6 ~~10. The preservation of rights-of-way for construction~~
7 ~~of future transportation projects, including the~~
8 ~~identification of unused rights-of-way that may be needed for~~
9 ~~future transportation corridors and the identification of~~
10 ~~corridors for which action is most needed to prevent~~
11 ~~destruction or loss;~~

12 ~~11. Any available methods to enhance the efficient~~
13 ~~movement of freight;~~

14 ~~12. The use of life-cycle costs in the design and~~
15 ~~engineering of bridges, tunnels, or pavement;~~

16 ~~13. The overall social, economic, energy, and~~
17 ~~environmental effects of transportation decisions;~~

18 ~~14. Any available methods to expand or enhance transit~~
19 ~~services and increase the use of such services; and~~

20 ~~15. The possible allocation of capital investments to~~
21 ~~increase security for transit systems.~~

22 (c) In order to provide recommendations to the
23 department and local governmental entities regarding
24 transportation plans and programs, each M.P.O. shall:

25 1. Prepare a congestion management system for the
26 metropolitan area and cooperate with the department in the
27 development of all other transportation management systems
28 required by state or federal law;

29 2. Assist the department in mapping transportation
30 planning boundaries required by state or federal law;

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1 3. Assist the department in performing its duties
2 relating to access management, functional classification of
3 roads, and data collection;

4 4. Execute all agreements or certifications necessary
5 to comply with applicable state or federal law;

6 5. Represent all the jurisdictional areas within the
7 metropolitan area in the formulation of transportation plans
8 and programs required by this section; and

9 6. Perform all other duties required by state or
10 federal law.

11 (d) Each M.P.O. shall appoint a technical advisory
12 committee that includes planners; engineers; representatives
13 of local aviation authorities, port authorities, and public
14 transit authorities or representatives of aviation
15 departments, seaport departments, and public transit
16 departments of municipal or county governments, as applicable;
17 the school superintendent of each county within the
18 jurisdiction of the M.P.O. or the superintendent's designee;
19 and other appropriate representatives of affected local
20 governments. In addition to any other duties assigned to it by
21 the M.P.O. or by state or federal law, the technical advisory
22 committee is responsible for identifying projects contained in
23 the long-range plan or transportation improvement program
24 which deserve to be classified as a school safety concern.
25 Upon receipt of the recommendation from the technical advisory
26 committee that a project should be so classified, the M.P.O.
27 must vote on whether to classify a particular project as a
28 school safety concern. If the M.P.O. votes that a project
29 should be classified as a school safety concern, the local
30 governmental entity responsible for the project must consider

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1 at least two alternatives before making a decision about
2 project location or alignment.

3 (e)1. Each M.P.O. shall appoint a citizens' advisory
4 committee, the members of which serve at the pleasure of the
5 M.P.O. The membership on the citizens' advisory committee must
6 reflect a broad cross section of local residents with an
7 interest in the development of an efficient, safe, and
8 cost-effective transportation system. Minorities, the elderly,
9 and the handicapped must be adequately represented.

10 2. Notwithstanding the provisions of subparagraph 1.,
11 an M.P.O. may, with the approval of the department and the
12 applicable federal governmental agency, adopt an alternative
13 program or mechanism to ensure citizen involvement in the
14 transportation planning process.

15 (f) The department shall allocate to each M.P.O., for
16 the purpose of accomplishing its transportation planning and
17 programming duties, an appropriate amount of federal
18 transportation planning funds.

19 (g) Each M.P.O. may employ personnel or may enter into
20 contracts with local or state agencies, private planning
21 firms, or private engineering firms to accomplish its
22 transportation planning and programming duties required by
23 state or federal law.

24 (6) LONG-RANGE PLAN.--Each M.P.O. must develop a
25 long-range transportation plan that addresses at least a
26 20-year planning horizon. The plan must include both
27 long-range and short-range strategies and must comply with all
28 other state and federal requirements. The long-range plan must
29 be consistent, to the maximum extent feasible, with future
30 land use elements and the goals, objectives, and policies of
31 the approved local government comprehensive plans of the units

1 of local government located within the jurisdiction of the
2 M.P.O. The approved long-range plan must be considered by
3 local governments in the development of the transportation
4 elements in local government comprehensive plans and any
5 amendments thereto. The long-range plan must, at a minimum:

6 (a) Include goals demonstrating compliance with the
7 seven planning factors in paragraph (5)(b).

8 (b)~~(a)~~ Identify transportation facilities, including,
9 but not limited to, major roadways, airports, seaports,
10 commuter rail systems, transit systems, and intermodal or
11 multimodal terminals that will function as an integrated
12 metropolitan transportation system. The long-range plan must
13 give emphasis to those transportation facilities that serve
14 national, statewide, or regional functions, and must consider
15 the goals and objectives identified in the Florida
16 Transportation Plan as provided in s. 339.155.

17 (c)~~(b)~~ Include a financial plan that demonstrates how
18 the plan can be implemented, indicating resources from public
19 and private sources which are reasonably expected to be
20 available to carry out the plan, and recommends innovative
21 financing techniques that may be used to fund needed projects
22 and programs. Such techniques may include the assessment of
23 tolls, the use of value capture financing, or the use of
24 congestion pricing.

25 (d)~~(c)~~ Assess capital investment and other measures
26 necessary to:

27 1. Ensure the preservation of the existing
28 metropolitan transportation system including requirements for
29 the operation, resurfacing, restoration, and rehabilitation of
30 major roadways and requirements for the operation,
31

1 maintenance, modernization, and rehabilitation of public
2 transportation facilities; and

3 2. Make the most efficient use of existing
4 transportation facilities to relieve vehicular congestion and
5 maximize the mobility of people and goods.

6 (e)~~(d)~~ Indicate, as appropriate, proposed
7 transportation enhancement activities, including, but not
8 limited to, pedestrian and bicycle facilities, scenic
9 easements, landscaping, historic preservation, mitigation of
10 water pollution due to highway runoff, and control of outdoor
11 advertising.

12 (f)~~(e)~~ In addition to the requirements of paragraphs
13 (a)-(e)~~(a)-(d)~~, in metropolitan areas that are classified as
14 nonattainment areas for ozone or carbon monoxide, the M.P.O.
15 must coordinate the development of the long-range plan with
16 the State Implementation Plan developed pursuant to the
17 requirements of the federal Clean Air Act.

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19 In the development of its long-range plan, each M.P.O. must
20 provide affected public agencies, representatives of
21 transportation agency employees, private providers of
22 transportation, other interested parties, and members of the
23 general public with a reasonable opportunity to comment on the
24 long-range plan. The long-range plan must be approved by the
25 M.P.O.

26 Section 4. Land-Use Transportation Planning
27 Reconciliation Technical Committee.--There is created the
28 Land-Use Transportation Planning Reconciliation Technical
29 Committee to evaluate the roles of local governments, regional
30 planning councils, metropolitan planning organizations, and
31 state agencies in the reconciliation of land-use designations

1 and transportation planning. The technical committee shall
2 evaluate the statutory provisions and agency rules relating to
3 land-use and transportation coordination and planning issues,
4 including chapter 339, Florida Statutes, and part II of
5 chapter 163, Florida Statutes, and shall recommend changes to
6 statutes and pertinent agency rules which will facilitate
7 better coordination between land-use planning and
8 transportation planning. Special emphasis must be given in
9 this evaluation to concurrency on the highway system, levels
10 of service methodologies, and impact assessments used to
11 project transportation needs. The technical committee shall
12 consult with the Department of Community Affairs and the
13 Department of Transportation. The technical committee shall
14 consist of 12 members, six of whom must be appointed by the
15 Secretary of Community Affairs and six of whom must be
16 appointed by the Secretary of Transportation. One of the
17 Secretary of Community Affairs' appointees must represent
18 local government, one must represent regional planning
19 councils, and one must represent the private sector. One of
20 the Secretary of Transportation's appointees must represent
21 local government, one must represent metropolitan planning
22 organizations, and one must represent the private sector. The
23 Center for Urban Transportation Research shall provide
24 research and technical assistance to the committee. On or
25 before December 1, 1998, an evaluation report must be
26 presented to the Governor, the President of the Senate, and
27 the Speaker of the House of Representatives.

28 Section 5. Subsections (6), (7), (8), and (9) are
29 added to section 341.053, Florida Statutes, to read:

30 341.053 Intermodal Development Program;
31 administration; eligible projects; limitations.--

1 (6) The department shall review funding requests from
2 two or more seaports as described in s. 311.09(1) or a
3 combination of two or more of the following: seaports, rail,
4 airports, or other public transportation authorities. The
5 department may fund projects that create intermodal transfer
6 facilities or such intermodal or multimodal transportation
7 terminals as provided in subsection (5).

8 (7) There is created the Strategic Intermodal
9 Transportation and Economic Development Planning Council
10 within the department to plan for the efficient use of public
11 and private transportation systems and facilities to support
12 Florida's economic development through the intermodal movement
13 of people and freight cargo to and from or between seaports,
14 airports, and other transportation terminals and facilities.

15 (a) By February 1, 1999, the council must submit to
16 the Transportation Commission and the Legislature a report
17 that at a minimum:

18 1. Analyzes current and future intermodal
19 transportation needs, including the assessment of existing
20 infrastructure to determine key deficiencies of modal
21 interface, capacity, and over-utilization or under-utilization
22 of public and private assets.

23 2. Identifies appropriate goals, measures of
24 intermodal system performance, and strategies for growth in
25 intermodal facilities to support Florida's international trade
26 and economic development.

27 3. Identifies methods to improve intergovernmental
28 coordination between local, regional, and state agencies and
29 the private sector to better plan for Florida's economic
30 development through the intermodal movement of people and
31 freight.

1 (b) By July 1, 1999, the council must submit to the
2 Department of Transportation, the Transportation Commission,
3 and the Legislature a report that at a minimum:

4 1. Identifies intermodal projects of statewide
5 significance and documents the need for the projects as well
6 as their importance, benefits, and conformance with the goals
7 and strategies developed by the council.

8 2. Identifies local government benefits from
9 intermodal projects of statewide significance through the
10 development of community-based economic development projects.

11 3. Includes a prioritized needs list of intermodal
12 transportation projects of statewide significance identifying
13 possible public and private funding for at least the first 5
14 years of priority projects.

15 (c) The council must update the prioritized needs list
16 when necessary as determined by a majority vote of voting
17 committee members, but not less than once every 5 years.

18 (8) Any projects selected for implementation from the
19 needs list prepared pursuant to paragraph (7)(b) must be
20 included in the department's adopted work program developed in
21 accordance with s. 339.135. In conjunction with its annual
22 in-depth evaluation, the Transportation Commission must review
23 the councils needs list and the department's work program and
24 provide a review and analysis to the Governor and Legislature
25 as described under section 339.135. The review and analysis
26 must include a review of the needs lists and work programs
27 implementation of the council's goals and strategies.

28 (9) The council shall consist of nine members: the
29 Secretary of Transportation or his or her designee; the
30 Secretary of Community Affairs or his or her designee; two
31 members appointed by the Governor; a member from Enterprise

1 Florida appointed by the Governor; a member from the Florida
2 Seaport Transportation and Economic Development Council
3 appointed by the Governor; a member representing airports
4 appointed by the Governor; a member representing railroads
5 appointed by the Governor; and a member representing the
6 commercial trucking industry appointed by the Governor.
7 Metropolitan Planning Organizations and Regional Planning
8 Councils may be represented as nonvoting members of the
9 council. The department may contract with members of the
10 council or other entities to provide for development of
11 appropriate information required to facilitate the planning
12 process.

13 Section 6. This act shall take effect upon becoming a
14 law.

15
16 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
17 COMMITTEE SUBSTITUTE FOR
18 Senate Bill 1456

19 The committee substitute provides that the land use and
20 transportation technical committee must give special emphasis
21 in their evaluation to concurrency on the highway system,
levels of service methodologies and impact assessments used to
project transportation needs.

22 The committee substitute clarifies that the needs list
23 developed by the intermodal economic development council will
24 be subject to the work program process. The committee
25 substitute specifies the duties of the council and provides
incremental deadlines when the council must make specific
recommendations to the Governor, Legislature, the Department
of Transportation, and the Transportation Commission.

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