

By Senator Hargrett

21-1408A-99

1 A bill to be entitled
2 An act relating to land use and transportation
3 planning; amending s. 163.3177, F.S.; providing
4 for coordination of the capital-improvements
5 element with Metropolitan Planning
6 Organizations' long-range transportation plans;
7 specifying elements of comprehensive plans;
8 providing that local governments in an
9 urbanized area must include access-management
10 measures; amending s. 186.507, F.S.; requiring
11 regional planning councils to plan for
12 intermodal facilities; amending s. 206.46,
13 F.S.; providing funding for the Florida
14 Intrastate Transportation System; amending s.
15 316.0745, F.S.; requiring the Department of
16 Transportation to provide for the use of
17 traffic-calming techniques; amending s.
18 338.001, F.S.; creating the Florida Intrastate
19 Transportation System and Plan; amending s.
20 339.155, F.S.; requiring the Department of
21 Transportation to consider the needs of the
22 entire state transportation system and the
23 interconnection of modes; requiring Regional
24 Planning Councils to address and plan for
25 intermodal facilities and the movement of
26 people and freight in the strategic regional
27 policy plan; amending s. 339.175, F.S.;
28 requiring Metropolitan Planning Organizations'
29 plans to be consistent with those of adjacent
30 Metropolitan Planning Organizations;
31 authorizing Metropolitan Planning Organizations

1 to share data and technical expertise with
2 local governments; making each Regional
3 Planning Council the forum for cooperative
4 decisionmaking for Metropolitan Planning
5 Organizations within its jurisdiction and
6 responsible for coordinating the Metropolitan
7 Planning Organizations' long-range plans and
8 the capital-improvement and transportation
9 elements of the comprehensive plan of local
10 governments within its jurisdiction; repealing
11 s. 341.053, F.S., relating to the intermodal
12 program; providing an effective date.

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14 Be It Enacted by the Legislature of the State of Florida:

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16 Section 1. Paragraph (c) is added to subsection (3) of
17 section 163.3177, Florida Statutes, 1998 Supplement, and
18 paragraph (a) of subsection (4), paragraph (j) of subsection
19 (6), and paragraph (a) of subsection (10) of that section are
20 amended, to read:

21 163.3177 Required and optional elements of
22 comprehensive plan; studies and surveys.--

23 (3)

24 (c) The capital improvements element must be
25 coordinated and developed with the appropriate Metropolitan
26 Planning Organization's long-range transportation plan.

27 (4)(a) Coordination of the local comprehensive plan
28 with the comprehensive plans of adjacent municipalities, the
29 county, adjacent counties, or the region; with adopted rules
30 pertaining to designated areas of critical state concern; and
31 with the state comprehensive plan shall be a major objective

1 of the local comprehensive planning process. To that end, in
2 the preparation of a comprehensive plan or element thereof,
3 and in the comprehensive plan or element as adopted, the
4 governing body shall include a specific policy statement
5 indicating the relationship of the proposed development of the
6 area to the comprehensive plans of adjacent municipalities,
7 the county, adjacent counties, or the region, to the
8 appropriate Metropolitan Planning Organization's long-range
9 transportation plan, and to the state comprehensive plan, as
10 the case may require and as such adopted plans or plans in
11 preparation may exist.

12 (6) In addition to the requirements of subsections
13 (1)-(5), the comprehensive plan shall include the following
14 elements:

15 (j) For each unit of local government within an
16 urbanized area designated for purposes of s. 339.175, a
17 transportation element, which shall be prepared and adopted in
18 lieu of the requirements of paragraph (b) and paragraphs
19 (7)(a), (b), (c), and (d) and which shall address the
20 following issues:

21 1. Traffic circulation, including major thoroughfares
22 and other routes, including bicycle and pedestrian ways.

23 2. All alternative modes of travel, such as public
24 transportation, pedestrian, and bicycle travel.

25 3. Parking facilities.

26 4. Aviation, rail, seaport facilities, access to those
27 facilities, and intermodal terminals.

28 5. The availability of facilities and services to
29 serve existing land uses and the compatibility between future
30 land use and transportation elements.

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1 6. The capability to evacuate the coastal population
2 prior to an impending natural disaster.

3 7. Airports, projected airport and aviation
4 development, and land use compatibility around airports.

5 8. An identification of land use densities, building
6 intensities, and transportation management programs to promote
7 public transportation systems in designated public
8 transportation corridors so as to encourage population
9 densities sufficient to support such systems.

10 9. Shall ~~May~~ include transportation corridors, as
11 defined in s. 334.03, or as identified in a Metropolitan
12 Planning Organization's long-range transportation plan
13 intended for future transportation facilities designated
14 pursuant to s. 337.273. If transportation corridors are
15 designated, the local government shall ~~may~~ adopt a
16 transportation corridor management ordinance.

17 10. Access-management measures to protect the
18 operation and safety of transportation corridors and
19 interchanges.

20 (10) The Legislature recognizes the importance and
21 significance of chapter 9J-5, Florida Administrative Code, the
22 Minimum Criteria for Review of Local Government Comprehensive
23 Plans and Determination of Compliance of the Department of
24 Community Affairs that will be used to determine compliance of
25 local comprehensive plans. The Legislature reserved unto
26 itself the right to review chapter 9J-5, Florida
27 Administrative Code, and to reject, modify, or take no action
28 relative to this rule. Therefore, pursuant to subsection (9),
29 the Legislature hereby has reviewed chapter 9J-5, Florida
30 Administrative Code, and expresses the following legislative
31 intent:

1 (a) The Legislature finds that in order for the
2 department to review local comprehensive plans, it is
3 necessary to define the term "consistency." Therefore, for the
4 purpose of determining whether local comprehensive plans are
5 consistent with the state comprehensive plan and the
6 appropriate regional policy plan, a local plan shall be
7 consistent with such plans if the local plan is "compatible
8 with" and "furthers" such plans. The term "compatible with"
9 means that the local plan is not in conflict with the state
10 comprehensive plan, the appropriate Metropolitan Planning
11 Organization's long-range transportation plan, or appropriate
12 regional policy plan. The term "furthers" means to take
13 action in the direction of realizing goals or policies of the
14 state or regional plan. For the purposes of determining
15 consistency of the local plan with the state comprehensive
16 plan or the appropriate regional policy plan, the state or
17 regional plan shall be construed as a whole and no specific
18 goal and policy shall be construed or applied in isolation
19 from the other goals and policies in the plans.

20 Section 2. Subsection (12) of section 186.507, Florida
21 Statutes, 1998 Supplement, is amended to read:

22 186.507 Strategic regional policy plans.--

23 (12) In addressing regional transportation, the
24 council shall address and plan for intermodal facilities for
25 the movement of people and freight within and through the
26 region and plan for access to and connections between those
27 facilities, and may recommend minimum density guidelines for
28 development along designated public transportation corridors
29 and identify investment strategies for providing
30 transportation infrastructure where growth is desired, rather
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1 than focusing primarily on relieving congestion in areas where
2 growth is discouraged.

3 Section 3. Present subsections (4) and (5) of section
4 206.46, Florida Statutes, are renumbered as subsections (5)
5 and (6), respectively, and a new subsection (4) is added to
6 the section to read:

7 206.46 State Transportation Trust Fund.--

8 (4) A minimum of 70 percent of all
9 surface-transportation-capacity revenues deposited into the
10 State Transportation Trust Fund must be committed annually by
11 the department to fund the Florida Intrastate Transportation
12 System, in accordance with s. 338.002.

13 Section 4. Paragraph (c) is added to subsection (2) of
14 section 316.0745, Florida Statutes, to read:

15 316.0745 Uniform signals and devices.--

16 (2)

17 (c) The manual must provide for the use of
18 traffic-calming techniques, such as roundabouts, raised
19 sidewalks, and narrower road alignments.

20 Section 5. Section 338.001, Florida Statutes, is
21 amended to read:

22 338.001 Florida Intrastate Transportation Highway
23 System Plan.--

24 (1) In recognition of the department's role in the
25 economic development of this state, the department shall plan
26 and develop a proposed Florida Intrastate Transportation
27 System Plan to connect Florida's airports, deepwater seaports,
28 rail systems serving both passenger and freight, and major
29 intermodal connectors to the Florida Intrastate Highway System
30 facilities as the primary system for the movement of people
31 and freight in this state in order to make the Florida

1 Intrastate Transportation System a fully integrated and
2 interconnected system.

3 (2) The Florida Intrastate Transportation System Plan
4 must:

5 (a) Define and assess the state's freight intermodal
6 network, including airports, seaports, rail lines and
7 terminals, and connecting highways.

8 (b) Prioritize statewide infrastructure investments,
9 including the acceleration of current projects, which are
10 found by the Freight Stakeholders Task Force to be priority
11 projects for the efficient movement of people and freight.

12 (c) Be developed in a manner that will assure maximum
13 use of existing facilities and optimum integration and
14 coordination of the various modes of transportation, including
15 both governmentally owned and privately owned resources, in
16 the most cost-effective manner possible.

17 (3) The Florida Intrastate Transportation System will
18 be funded as provided in s. 206.46(4).

19 (4)~~(1)~~ As a subpart of the Florida Intrastate
20 Transportation System Plan, the department shall plan and
21 develop a proposed Florida Intrastate Highway System Plan
22 which shall delineate a statewide system of limited access
23 facilities and controlled access facilities. The plan shall
24 provide a statewide transportation network that allows for
25 high-speed and high-volume traffic movements within the state.
26 The primary function of the system is to provide such traffic
27 movements. Access to abutting land is subordinate to this
28 function, and such access must be prohibited or highly
29 regulated. The plan shall be consistent with the goals of the
30 Florida Transportation Plan developed pursuant to s. 339.155.

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1 ~~(a)(2)~~ This system shall consist of the following
2 components of the State Highway System:

3 1.(a) Interstate highways.

4 2.(b) The Florida Turnpike System.

5 ~~3.(c)~~ Interregional and intercity limited access
6 facilities.

7 ~~4.(d)~~ Existing interregional and intercity arterial
8 highways previously upgraded or upgraded in the future to
9 controlled access facility standards.

10 ~~(5)(e)~~ New limited access facilities necessary to
11 complete a balanced statewide system.

12 ~~(b)(3)~~ The department shall adhere to the following
13 policy guidelines in the development of the proposed Florida
14 Intrastate Highway System Plan ~~plan~~:

15 1.(a) Make capacity improvements to existing
16 facilities where feasible to minimize costs and environmental
17 impacts.

18 2.(b) Identify appropriate arterial highways in major
19 transportation corridors for inclusion in a program to bring
20 these facilities up to controlled access facility standards.

21 3.(c) Coordinate proposed system projects with
22 appropriate limited access projects undertaken by expressway
23 authorities and local governmental entities.

24 ~~4.(d)~~ Maximize the use of limited access facility
25 standards when constructing new arterial highways.

26 5.(e) Identify appropriate new limited access highways
27 for inclusion as a part of the Florida Turnpike System.

28 6.(f) To the maximum extent feasible, ensure that
29 proposed system projects are consistent with approved local
30 government comprehensive plans of the local jurisdictions in
31 which such facilities are to be located and with the

1 transportation improvement program of any metropolitan
2 planning organization in which such facilities are to be
3 located.

4 (c)~~(4)~~ Projects in the proposed plan are anticipated
5 to be let to contract for construction within a time period of
6 20 years. The plan shall also identify when segments of the
7 system will meet the standards and criteria developed pursuant
8 to paragraph (d)~~subsection (5)~~.

9 (d)~~(5)~~ The department shall establish the standards
10 and criteria for the functional characteristics and design of
11 facilities proposed as part of the Florida Intrastate
12 Transportation Highway System.

13 ~~(6) For the purposes of developing the proposed plan,~~
14 ~~beginning in fiscal year 1993-1994 and for each fiscal year~~
15 ~~thereafter, the minimum amount allocated shall be based on the~~
16 ~~fiscal year 1992-1993 allocation of \$151.3 million adjusted~~
17 ~~annually by the change in the Consumer Price Index for the~~
18 ~~prior fiscal year compared to the Consumer Price Index for~~
19 ~~fiscal year 1991-1992. No amounts from the funds dedicated to~~
20 ~~the Florida Intrastate Highway System shall be allocated to~~
21 ~~turnpike projects after the 1993-1994 fiscal year.~~

22 (e)~~(7)~~ Any project to be constructed as part of the
23 Florida Intrastate Transportation Highway System shall be
24 included in the department's adopted work program. Any Florida
25 Intrastate Transportation Highway System projects that are
26 added to or deleted from the previous adopted work program, or
27 any modification to Florida Intrastate Transportation Highway
28 System projects contained in the previous adopted work
29 program, shall be specifically identified and submitted as a
30 separate part of the tentative work program.

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1 ~~(f)(8)~~ A status report on the Florida Intrastate
2 Transportation Highway System Plan shall be annually submitted
3 to the legislative transportation committees no later than 14
4 days after the regular legislative session convenes.

5 Section 6. Subsection (2) and paragraph (b) of
6 subsection (5) of section 339.155, Florida Statutes, are
7 amended to read:

8 339.155 Transportation planning.--The department shall
9 develop and annually update a statewide transportation plan,
10 to be known as the Florida Transportation Plan. The plan
11 shall be designed so as to be easily read and understood by
12 the general public.

13 (2) DEVELOPMENT CRITERIA.--The Florida Transportation
14 Plan must take into consideration the needs of the entire
15 state transportation system, examine the use of all modes of
16 transportation to effectively and efficiently meet such needs,
17 and provide for the interconnection of all types of modes in a
18 comprehensive intermodal transportation system.The Florida
19 Transportation Plan shall consider the needs of the entire
20 state transportation system, examine the use of all modes of
21 transportation to effectively and efficiently meet such needs,
22 and provide for the interconnection of all types of modes in a
23 comprehensive intermodal transportation system. In developing
24 the Florida Transportation Plan, the department shall consider
25 the following:

26 (a) The results of the management systems required
27 pursuant to federal laws and regulations.

28 (b) Any federal, state, or local energy use goals,
29 objectives, programs, or requirements.

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1 (c) Strategies for incorporating bicycle
2 transportation facilities and pedestrian walkways in projects
3 where appropriate throughout the state.

4 (d) International border crossings and access to
5 ports, airports, intermodal transportation facilities, major
6 freight distribution routes, national parks, recreation and
7 scenic areas, monuments and historic sites, and military
8 installations.

9 (e) The transportation needs of nonmetropolitan areas
10 through a process that includes consultation with local
11 elected officials with jurisdiction over transportation.

12 (f) Consistency of the plan, to the maximum extent
13 feasible, with strategic regional policy plans, metropolitan
14 planning organization plans, and approved local government
15 comprehensive plans so as to contribute to the management of
16 orderly and coordinated community development.

17 (g) Connectivity between metropolitan areas within the
18 state and with metropolitan areas in other states.

19 (h) Recreational travel and tourism.

20 (i) Any state plan developed pursuant to the Federal
21 Water Pollution Control Act.

22 (j) Transportation system management and investment
23 strategies designed to make the most efficient use of existing
24 transportation facilities.

25 (k) The total social, economic, energy, and
26 environmental effects of transportation decisions on the
27 community and region.

28 (l) Methods to manage traffic congestion and to
29 prevent traffic congestion from developing in areas where it
30 does not yet occur, including methods which reduce motor
31 vehicle travel, particularly single-occupant vehicle travel.

1 (m) Methods to expand and enhance transit services and
2 to increase the use of such services.

3 (n) The effect of transportation decisions on land use
4 and land development, including the need for consistency
5 between transportation decisionmaking and the provisions of
6 all applicable short-range and long-range land use and
7 development plans.

8 (o) Where appropriate, the use of innovative
9 mechanisms for financing projects, including value capture
10 pricing, tolls, and congestion pricing.

11 (p) Preservation and management of rights-of-way for
12 construction of future transportation projects, including
13 identification of unused rights-of-way which may be needed for
14 future transportation corridors, and identification of those
15 corridors for which action is most needed to prevent
16 destruction or loss.

17 (q) Future, as well as existing, needs of the state
18 transportation system.

19 (r) Methods to enhance the efficient movement of
20 commercial motor vehicles.

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

23 (t) Investment strategies to improve adjoining state
24 and local roads that support rural economic growth and tourism
25 development, federal agency renewable resources management,
26 and multipurpose land management practices, including
27 recreation development.

28 (u) The concerns of Indian tribal governments having
29 jurisdiction over lands within the boundaries of the state.

30 (v) A seaport or airport master plan, which has been
31 incorporated into an approved local government comprehensive

1 plan, and the linkage of transportation modes described in
2 such plan which are needed to provide for the movement of
3 goods and passengers between the seaport or airport and the
4 other transportation facilities.

5 (w) The joint use of transportation corridors and
6 major transportation facilities for alternate transportation
7 and community uses.

8 (x) The integration of any proposed system into all
9 other types of transportation facilities in the community.

10 (5) ADDITIONAL TRANSPORTATION PLANS.--

11 (b) Each regional planning council, as provided for in
12 s. 186.504, or any successor agency thereto, shall develop, as
13 an element of its strategic regional policy plan,
14 transportation goals and policies. The transportation goals
15 and policies shall be consistent, to the maximum extent
16 feasible, with the goals and policies of the metropolitan
17 planning organization and the Florida Transportation Plan.
18 Each council shall address and plan for intermodal facilities
19 for the movement of people and freight within and through the
20 region and plan for access to and connections between those
21 facilities.The transportation goals and policies of the
22 regional planning council will be advisory only and shall be
23 submitted to the department and any affected metropolitan
24 planning organization for their consideration and comments.
25 Metropolitan planning organization plans and other local
26 transportation plans shall be developed consistent, to the
27 maximum extent feasible, with the regional transportation
28 goals and policies. The regional planning council shall
29 review urbanized area transportation plans and any other
30 planning products stipulated in s. 339.175 and provide the
31 department and respective metropolitan planning organizations

1 with written recommendations which the department and the
2 metropolitan planning organizations shall take under
3 advisement. Further, the regional planning councils shall
4 directly assist local governments which are not part of a
5 metropolitan area transportation planning process in the
6 development of the transportation element of their
7 comprehensive plans as required by s. 163.3177.

8 Section 7. Subsections (4) and (6) of section 339.175,
9 Florida Statutes, 1998 Supplement, are amended to read:

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

28 (4) AUTHORITY AND RESPONSIBILITY.--The authority and
29 responsibility of an M.P.O. is to manage a continuing,
30 cooperative, and comprehensive transportation planning process
31 that results in the development of plans and programs which

1 are consistent, to the maximum extent feasible, with those of
2 adjacent M.P.O.'s and with the approved local government
3 comprehensive plans of the units of local government the
4 boundaries of which are within the metropolitan area of the
5 M.P.O. An M.P.O. shall provide local governments with
6 technical assistance in modeling alternative development
7 scenarios, and allow local governments in the M.P.O.'s
8 jurisdiction the opportunity to review and approve data sets
9 used by the M.P.O. prior to the M.P.O.'s submission of
10 long-range transportation plan updates. An M.P.O. shall be
11 the forum for cooperative decisionmaking by officials of the
12 affected governmental entities in the development of the plans
13 and programs required by subsections (5), (6), (7), and (8).
14 Regional Planning Councils shall serve as the forum for
15 cooperative decisionmaking for M.P.O.'s within the Regional
16 Planning Council's jurisdiction and shall be responsible for
17 coordinating the plans required under subsection (6) for the
18 M.P.O.'s and the capital-improvement and transportation
19 elements of the comprehensive plan of local governments within
20 its jurisdiction.

21 (6) LONG-RANGE PLAN.--Each M.P.O. must develop a
22 long-range transportation plan that addresses at least a
23 20-year planning horizon. The plan must include both
24 long-range and short-range strategies and must comply with all
25 other state and federal requirements. The long-range plan must
26 be consistent, to the maximum extent feasible, with future
27 land use elements and the goals, objectives, and policies of
28 the approved local government comprehensive plans of the units
29 of local government located within the jurisdiction of the
30 M.P.O. The approved long-range plan must be considered by
31 local governments in the development of the transportation

1 elements in local government comprehensive plans and any
2 amendments thereto. The long-range plan must be consistent
3 with the plans of adjacent M.P.O.'s. Regional Planning
4 Councils are responsible for coordinating long-range plans of
5 M.P.O.'s, and the capital-improvement and transportation
6 elements of the comprehensive plan of local governments within
7 its jurisdiction.The long-range plan must, at a minimum:

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

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

25 (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,
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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 (d) Indicate, as appropriate, proposed transportation
7 enhancement activities, including, but not limited to,
8 pedestrian and bicycle facilities, scenic easements,
9 landscaping, historic preservation, mitigation of water
10 pollution due to highway runoff, and control of outdoor
11 advertising.

12 (e) In addition to the requirements of paragraphs
13 (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 8. Section 341.053, Florida Statutes, is
27 repealed.

28 Section 9. This act shall take effect upon becoming a
29 law.

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SENATE SUMMARY

Provides for coordination of the capital-improvements element with metropolitan planning organizations' long-range transportation plans. Specifies that local governments in an urbanized area must include access-management measures. Requires regional planning councils to plan for intermodal facilities. Provides funding for the Florida Intrastate Transportation System. Requires the Department of Transportation to provide for the use of traffic-calming techniques. Creates the Florida Intrastate Transportation System and Plan. Requires the Department of Transportation to consider the needs of the entire state transportation system and the interconnection of modes. Requires Regional Planning Councils to address and plan for intermodal facilities and the movement of people and freight in the strategic regional policy plan. Requires Metropolitan Planning Organizations' plans to be consistent with those of adjacent Metropolitan Planning Organizations. Authorizes Metropolitan Planning Organizations to share data and technical expertise with local governments. Makes each Regional Planning Council the forum for cooperative decisionmaking for Metropolitan Planning Organizations within its jurisdiction and responsible for coordinating the Metropolitan Planning Organizations' long-range plans and the capital-improvement and transportation elements of the comprehensive plan of local governments within its jurisdiction. Repeals s. 341.053, F.S., relating to the intermodal program.