

By the Committee on Transportation and Senator Webster

306-2048-00

1 A bill to be entitled
 2 An act relating to transportation; amending ss.
 3 334.035, 334.046, F.S.; providing prevailing
 4 principles for planning and developing
 5 transportation systems; amending s. 339.155,
 6 F.S.; providing prevailing principles; deleting
 7 certain planning factors; amending s. 339.175,
 8 F.S.; providing prevailing principles for
 9 planning and developing transportation systems
 10 for metropolitan planning organizations;
 11 deleting certain planning factors; providing an
 12 effective date.

13
 14 Be It Enacted by the Legislature of the State of Florida:

15
 16 Section 1. Section 334.035, Florida Statutes, is
 17 amended to read:

18 334.035 Purpose of transportation code.--The purpose
 19 of the Florida Transportation Code is to establish the
 20 responsibilities of the state, the counties, and the
 21 municipalities in the planning and development of the
 22 transportation systems serving the people of the state and to
 23 assure the development of an integrated, balanced statewide
 24 transportation system. The prevailing principles to be
 25 considered in planning and developing these transportation
 26 systems are: preserving the existing transportation
 27 infrastructure; enhancing Florida's economic competitiveness;
 28 and improving travel choices to ensure mobility ~~which enhances~~
 29 ~~economic development through promotion of international trade~~
 30 ~~and interstate and intrastate commerce.~~ This code is necessary
 31 for the protection of the public safety and general welfare

1 and for the preservation of all transportation facilities in
2 the state. The chapters in the code shall be considered
3 components of the total code, and the provisions therein,
4 unless expressly limited in scope, shall apply to all
5 chapters.

6 Section 2. Section 334.046, Florida Statutes, is
7 amended to read:

8 334.046 Department mission, goals, and objectives.--

9 (1) The prevailing principles to be considered in
10 planning and developing an integrated, balanced statewide
11 transportation system are: preserving the existing
12 transportation infrastructure; enhancing Florida's economic
13 competitiveness; and improving travel choices to ensure
14 mobility.

15 (2)~~(1)~~ The mission of the Department of Transportation
16 shall be to provide a safe, ~~interconnected~~ statewide
17 transportation system ~~for Florida's citizens and visitors~~ that
18 ensures the mobility of people and goods freight, enhances
19 ~~while enhancing~~ economic prosperity, and preserves and
20 ~~sustaining~~ the quality of our environment and communities.

21 (3)~~(2)~~ The department shall document in the Florida
22 Transportation Plan, in accordance with s. 339.155 and based
23 upon the prevailing principles of preserving the existing
24 transportation infrastructure, enhancing Florida's economic
25 competitiveness, and improving travel choices to ensure
26 mobility,~~pursuant to s. 339.155~~ the goals and objectives that
27 ~~which~~ provide statewide policy guidance for accomplishing the
28 department's mission.

29 (4)~~(3)~~ At a minimum, the department's goals shall
30 address the following prevailing principles.⁺

31

1 (a) Preservation.--Protecting the state's
2 transportation infrastructure investment. Preservation
3 includes:

4 1. Ensuring that 80 percent of the pavement on the
5 State Highway System meets department standards;

6 2. Ensuring that 90 percent of department-maintained
7 bridges meet department standards; and

8 3. Ensuring that the department achieves 100 percent
9 of the acceptable maintenance standard on the state highway
10 system.

11 (b) Economic Competitiveness.--Ensuring that the state
12 has a clear understanding of the economic consequences of
13 transportation investments, and how such investments affect
14 the state's economic competitiveness. The department must
15 develop a macroeconomic analysis of the linkages between
16 transportation investment and economic performance, as well as
17 a method to quantifiably measure the economic benefits of the
18 district-work-program investments. Such an analysis must
19 analyze:

20 1. The state's and district's economic performance
21 relative to the competition.

22 2. The business environment as viewed from the
23 perspective of companies evaluating the state as a place in
24 which to do business.

25 3. The state's capacity to sustain long-term growth.

26 (c) Mobility--Ensuring a cost-effective, statewide,
27 interconnected transportation system.

28 ~~(a) Providing a safe transportation system for~~
29 ~~residents, visitors, and commerce.~~

30 ~~(b) Preservation of the transportation system.~~

31

1 ~~(c) Providing an interconnected transportation system~~
2 ~~to support Florida's economy.~~

3 ~~(d) Providing travel choices to support Florida's~~
4 ~~communities.~~

5 Section 3. Section 339.155, Florida Statutes, is
6 amended to read:

7 339.155 Transportation planning.--

8 (1) THE FLORIDA TRANSPORTATION PLAN.--The department
9 shall develop and annually update a statewide transportation
10 plan, 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. The purpose of the Florida Transportation
13 Plan is to establish and define the state's long-range
14 transportation goals and objectives to be accomplished over a
15 period of at least 20 years within the context of the State
16 Comprehensive Plan, and any other statutory mandates and
17 authorizations and based upon the prevailing principles of:
18 preserving the existing transportation infrastructure;
19 enhancing Florida's economic competitiveness; and improving
20 travel choices to ensure mobility. The Florida Transportation
21 Plan shall consider the needs of the entire state
22 transportation system and examine the use of all modes of
23 transportation to effectively and efficiently meet such needs.

24 (2) SCOPE OF PLANNING PROCESS.--

25 ~~(a)~~ The department shall carry out a transportation
26 planning process in conformance with s. 334.046(1) which ~~that~~
27 provides for consideration of projects and strategies that
28 will:

29 (a) ~~1.~~ Support the economic vitality of the United
30 States, Florida, and the metropolitan areas, especially by
31 enabling global competitiveness, productivity, and efficiency;

1 (b)2. Increase the safety and security of the
2 transportation system for motorized and nonmotorized users;

3 (c)3. Increase the accessibility and mobility options
4 available to people and for freight;

5 (d)4. Protect and enhance the environment, promote
6 energy conservation, and improve quality of life;

7 (e)5. Enhance the integration and connectivity of the
8 transportation system, across and between modes throughout
9 Florida, for people and freight;

10 (f)6. Promote efficient system management and
11 operation; and

12 (g)7. Emphasize the preservation of the existing
13 transportation system.

14 ~~(b) Additionally, the department shall consider:~~

15 ~~1. With respect to nonmetropolitan areas, the concerns~~
16 ~~of local elected officials representing units of general~~
17 ~~purpose local government;~~

18 ~~2. The concerns of Indian tribal governments and~~
19 ~~federal land management agencies that have jurisdiction over~~
20 ~~land within the boundaries of Florida; and~~

21 ~~3. Coordination of transportation plans, programs, and~~
22 ~~planning activities with related planning activities being~~
23 ~~carried out outside of metropolitan planning areas.~~

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

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

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

31

1 ~~(f) International border crossings and access to~~
2 ~~ports, airports, spaceports, intermodal transportation~~
3 ~~facilities, major freight distribution routes, national parks,~~
4 ~~recreation and scenic areas, monuments and historic sites, and~~
5 ~~military installations.~~

6 ~~(g) The transportation needs of nonmetropolitan areas~~
7 ~~through a process that includes consultation with local~~
8 ~~elected officials with jurisdiction over transportation.~~

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

14 ~~(i) Connectivity between metropolitan areas within the~~
15 ~~state and with metropolitan areas in other states.~~

16 ~~(j) Recreational travel and tourism.~~

17 ~~(k) Any state plan developed pursuant to the Federal~~
18 ~~Water Pollution Control Act.~~

19 ~~(l) Transportation system management and investment~~
20 ~~strategies designed to make the most efficient use of existing~~
21 ~~transportation facilities.~~

22 ~~(m) The total social, economic, energy, and~~
23 ~~environmental effects of transportation decisions on the~~
24 ~~community and region.~~

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

29 ~~(o) Methods to expand and enhance transit services and~~
30 ~~to increase the use of such services.~~

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

6 ~~(q) Where appropriate, the use of innovative~~
7 ~~mechanisms for financing projects, including value capture~~
8 ~~pricing, tolls, and congestion pricing.~~

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

15 ~~(s) Future, as well as existing, needs of the state~~
16 ~~transportation system.~~

17 ~~(t) Methods to enhance the efficient movement of~~
18 ~~commercial motor vehicles.~~

19 ~~(u) The use of life-cycle costs in the design and~~
20 ~~engineering of bridges, tunnels, or pavement.~~

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

26 ~~(w) The concerns of Indian tribal governments having~~
27 ~~jurisdiction over lands within the boundaries of the state.~~

28 ~~(x) A seaport or airport master plan, which has been~~
29 ~~incorporated into an approved local government comprehensive~~
30 ~~plan, and the linkage of transportation modes described in~~
31 ~~such plan which are needed to provide for the movement of~~

1 ~~goods and passengers between the seaport or airport and the~~
2 ~~other transportation facilities.~~

3 ~~(y) The spaceport master plan approved by the~~
4 ~~Spaceport Florida Authority.~~

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

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

10 (3) FORMAT, SCHEDULE, AND REVIEW.--The Florida
11 Transportation Plan shall be a unified, concise planning
12 document that clearly defines the state's long-range
13 transportation goals and objectives and documents the
14 department's short-range objectives developed to further such
15 goals and objectives. The plan shall include a glossary that
16 clearly and succinctly defines any and all phrases, words, or
17 terms of art included in the plan, with which the general
18 public may be unfamiliar and shall consist of, at a minimum,
19 the following components:

20 (a) A long-range component documenting the goals and
21 long-term objectives necessary to implement the results of the
22 department's findings from its examination of the criteria
23 listed in subsection (2) and s. 334.046(1). The long-range
24 component must be developed in cooperation with the
25 metropolitan planning organizations and reconciled, to the
26 maximum extent feasible, with the long-range plans developed
27 by metropolitan planning organizations pursuant to s. 339.175.
28 The plan must also be developed in consultation with affected
29 local officials in nonmetropolitan areas and with any affected
30 Indian tribal governments. The plan must provide an
31 examination of transportation issues likely to arise during at

1 | least a 20-year period. The long-range component shall be
2 | updated at least once every 5 years, or more often as
3 | necessary, to reflect substantive changes to federal or state
4 | law.

5 | (b) A short-range component documenting the short-term
6 | objectives and strategies necessary to implement the goals and
7 | long-term objectives contained in the long-range component.
8 | The short-range component must define the relationship between
9 | the long-range goals and the short-range objectives, specify
10 | those objectives against which the department's achievement of
11 | such goals will be measured, and identify transportation
12 | strategies necessary to efficiently achieve the goals and
13 | objectives in the plan. It must provide a policy framework
14 | within which the department's legislative budget request, the
15 | strategic information resource management plan, and the work
16 | program are developed. The short-range component shall serve
17 | as the department's annual agency strategic plan pursuant to
18 | s. 186.021. The short-range component shall be developed
19 | consistent with the requirements of s. 186.022 and consistent
20 | with available and forecasted state and federal funds. In
21 | addition to those entities listed in s. 186.022, the
22 | short-range component shall also be submitted to the Florida
23 | Transportation Commission.

24 | (4) ANNUAL PERFORMANCE REPORT.--The department shall
25 | develop an annual performance report evaluating the operation
26 | of the department for the preceding fiscal year. The report,
27 | which shall meet the requirements of s. 186.022, shall also
28 | include a summary of the financial operations of the
29 | department and shall annually evaluate how well the adopted
30 | work program meets the short-term objectives contained in the
31 | short-range component of the Florida Transportation Plan. In

1 addition to the entities listed in s. 186.022, this
2 performance report shall also be submitted to the Florida
3 Transportation Commission and the legislative appropriations
4 and transportation committees.

5 (5) ADDITIONAL TRANSPORTATION PLANS.--

6 (a) Upon request by local governmental entities, the
7 department may in its discretion develop and design
8 transportation corridors, arterial and collector streets,
9 vehicular parking areas, and other support facilities which
10 are consistent with the plans of the department for major
11 transportation facilities. The department may render to local
12 governmental entities or their planning agencies such
13 technical assistance and services as are necessary so that
14 local plans and facilities are coordinated with the plans and
15 facilities of the department.

16 (b) Each regional planning council, as provided for in
17 s. 186.504, or any successor agency thereto, shall develop, as
18 an element of its strategic regional policy plan,
19 transportation goals and policies. The transportation goals
20 and policies must be prioritized to comply with the prevailing
21 principles provided in subsection (2) and s. 334.046(1).The
22 transportation goals and policies shall be consistent, to the
23 maximum extent feasible, with the goals and policies of the
24 metropolitan planning organization and the Florida
25 Transportation Plan. The transportation goals and policies of
26 the regional planning council will be advisory only and shall
27 be submitted to the department and any affected metropolitan
28 planning organization for their consideration and comments.
29 Metropolitan planning organization plans and other local
30 transportation plans shall be developed consistent, to the
31 maximum extent feasible, with the regional transportation

1 goals and policies. The regional planning council shall
2 review urbanized area transportation plans and any other
3 planning products stipulated in s. 339.175 and provide the
4 department and respective metropolitan planning organizations
5 with written recommendations which the department and the
6 metropolitan planning organizations shall take under
7 advisement. Further, the regional planning councils shall
8 directly assist local governments which are not part of a
9 metropolitan area transportation planning process in the
10 development of the transportation element of their
11 comprehensive plans as required by s. 163.3177.

12 (6) PROCEDURES FOR PUBLIC PARTICIPATION IN
13 TRANSPORTATION PLANNING.--

14 (a) During the development of the long-range component
15 of the Florida Transportation Plan and prior to substantive
16 revisions, the department shall provide citizens, affected
17 public agencies, representatives of transportation agency
18 employees, other affected employee representatives, private
19 providers of transportation, and other known interested
20 parties with an opportunity to comment on the proposed plan or
21 revisions. These opportunities shall include, at a minimum,
22 publishing a notice in the Florida Administrative Weekly and
23 within a newspaper of general circulation within the area of
24 each department district office.

25 (b) During development of major transportation
26 improvements, such as those increasing the capacity of a
27 facility through the addition of new lanes or providing new
28 access to a limited or controlled access facility or
29 construction of a facility in a new location, the department
30 shall hold one or more hearings prior to the selection of the
31 facility to be provided; prior to the selection of the site or

1 | corridor of the proposed facility; and prior to the selection
2 | of and commitment to a specific design proposal for the
3 | proposed facility. Such public hearings shall be conducted so
4 | as to provide an opportunity for effective participation by
5 | interested persons in the process of transportation planning
6 | and site and route selection and in the specific location and
7 | design of transportation facilities. The various factors
8 | involved in the decision or decisions and any alternative
9 | proposals shall be clearly presented so that the persons
10 | attending the hearing may present their views relating to the
11 | decision or decisions which will be made.

12 | (c) Opportunity for design hearings:

13 | 1. The department, prior to holding a design hearing,
14 | shall duly notice all affected property owners of record, as
15 | recorded in the property appraiser's office, by mail at least
16 | 20 days prior to the date set for the hearing. The affected
17 | property owners shall be:

18 | a. Those whose property lies in whole or in part
19 | within 300 feet on either side of the centerline of the
20 | proposed facility.

21 | b. Those who the department determines will be
22 | substantially affected environmentally, economically,
23 | socially, or safetywise.

24 | 2. For each subsequent hearing, the department shall
25 | daily publish notice at least 14 days immediately prior to the
26 | hearing date in a newspaper of general circulation for the
27 | area affected.

28 | 3. A copy of the notice of opportunity for the hearing
29 | shall be furnished to the United States Department of
30 | Transportation and to the appropriate departments of the state
31 | government at the time of publication.

1 4. The opportunity for another hearing shall be
2 afforded in any case when proposed locations or designs are so
3 changed from those presented in the notices specified above or
4 at a hearing as to have a substantially different social,
5 economic, or environmental effect.

6 5. The opportunity for a hearing shall be afforded in
7 each case in which the department is in doubt as to whether a
8 hearing is required.

9 Section 4. Section 339.175, Florida Statutes, is
10 amended to read:

11 339.175 Metropolitan planning organization.--It is the
12 intent of the Legislature to encourage and promote the safe
13 and efficient management, operation, and development of
14 surface transportation systems that will serve the mobility
15 needs of people and freight within and through urbanized areas
16 of this state while minimizing transportation-related fuel
17 consumption and air pollution. To accomplish these objectives,
18 metropolitan planning organizations, referred to in this
19 section as M.P.O.'s, shall develop, in cooperation with the
20 state and public transit operators, transportation plans and
21 programs for metropolitan areas. The plans and programs for
22 each metropolitan area must provide for the development and
23 integrated management and operation of transportation systems
24 and facilities, including pedestrian walkways and bicycle
25 transportation facilities that will function as an intermodal
26 transportation system for the metropolitan area, based upon
27 the prevailing principles provided in s. 334.046(1). The
28 process for developing such plans and programs shall provide
29 for consideration of all modes of transportation and shall be
30 continuing, cooperative, and comprehensive, to the degree
31

1 appropriate, based on the complexity of the transportation
2 problems to be addressed.

3 (1) DESIGNATION.--

4 (a)1. An M.P.O. shall be designated for each urbanized
5 area of the state. Such designation shall be accomplished by
6 agreement between the Governor and units of general-purpose
7 local government representing at least 75 percent of the
8 population of the urbanized area; however, the unit of
9 general-purpose local government that represents the central
10 city or cities within the M.P.O. jurisdiction, as defined by
11 the United States Bureau of the Census, must be a party to
12 such agreement.

13 2. More than one M.P.O. may be designated within an
14 existing metropolitan planning area only if the Governor and
15 the existing M.P.O. determine that the size and complexity of
16 the existing metropolitan planning area makes the designation
17 of more than one M.P.O. for the area appropriate.

18 (b) Each M.P.O. shall be created and operated under
19 the provisions of this section pursuant to an interlocal
20 agreement entered into pursuant to s. 163.01. The signatories
21 to the interlocal agreement shall be the department and the
22 governmental entities designated by the Governor for
23 membership on the M.P.O. If there is a conflict between this
24 section and s. 163.01, this section prevails.

25 (c) The jurisdictional boundaries of an M.P.O. shall
26 be determined by agreement between the Governor and the
27 applicable M.P.O. The boundaries must include at least the
28 metropolitan planning area, which is the existing urbanized
29 area and the contiguous area expected to become urbanized
30 within a 20-year forecast period, and may encompass the entire
31

1 metropolitan statistical area or the consolidated metropolitan
2 statistical area.

3 (d) In the case of an urbanized area designated as a
4 nonattainment area for ozone or carbon monoxide under the
5 Clean Air Act, 42 U.S.C. ss. 7401 et seq., the boundaries of
6 the metropolitan planning area in existence as of the date of
7 enactment of this paragraph shall be retained, except that the
8 boundaries may be adjusted by agreement of the Governor and
9 affected metropolitan planning organizations in the manner
10 described in this section. If more than one M.P.O. has
11 authority within a metropolitan area or an area that is
12 designated as a nonattainment area, each M.P.O. shall consult
13 with other M.P.O.'s designated for such area and with the
14 state in the coordination of plans and programs required by
15 this section.

16
17 Each M.P.O. required under this section must be fully
18 operative no later than 6 months following its designation.

19 (2) VOTING MEMBERSHIP.--

20 (a) The voting membership of an M.P.O. shall consist
21 of not fewer than 5 or more than 19 apportioned members, the
22 exact number to be determined on an equitable
23 geographic-population ratio basis by the Governor, based on an
24 agreement among the affected units of general-purpose local
25 government as required by federal rules and regulations. The
26 Governor, in accordance with 23 U.S.C. s. 134, may also
27 provide for M.P.O. members who represent municipalities to
28 alternate with representatives from other municipalities
29 within the metropolitan planning area that do not have members
30 on the M.P.O. County commission members shall compose not less
31 than one-third of the M.P.O. membership, except for an M.P.O.

1 with more than 15 members located in a county with a
2 five-member county commission or an M.P.O. with 19 members
3 located in a county with no more than 6 county commissioners,
4 in which case county commission members may compose less than
5 one-third percent of the M.P.O. membership, but all county
6 commissioners must be members. All voting members shall be
7 elected officials of general-purpose governments, except that
8 an M.P.O. may include, as part of its apportioned voting
9 members, a member of a statutorily authorized planning board,
10 an official of an agency that operates or administers a major
11 mode of transportation, or an official of the Spaceport
12 Florida Authority. The county commission shall compose not
13 less than 20 percent of the M.P.O. membership if an official
14 of an agency that operates or administers a major mode of
15 transportation has been appointed to an M.P.O.

16 (b) In metropolitan areas in which authorities or
17 other agencies have been or may be created by law to perform
18 transportation functions that are not under the jurisdiction
19 of a general purpose local government represented on the
20 M.P.O., they shall be provided voting membership on the M.P.O.
21 In all other M.P.O.'s where transportation authorities or
22 agencies are to be represented by elected officials from
23 general purpose local governments, the M.P.O. shall establish
24 a process by which the collective interests of such
25 authorities or other agencies are expressed and conveyed.

26 (c) Any other provision of this section to the
27 contrary notwithstanding, a chartered county with over 1
28 million population may elect to reapportion the membership of
29 an M.P.O. whose jurisdiction is wholly within the county. The
30 charter county may exercise the provisions of this paragraph
31 if:

1 1. The M.P.O. approves the reapportionment plan by a
2 three-fourths vote of its membership;

3 2. The M.P.O. and the charter county determine that
4 the reapportionment plan is needed to fulfill specific goals
5 and policies applicable to that metropolitan planning area;
6 and

7 3. The charter county determines the reapportionment
8 plan otherwise complies with all federal requirements
9 pertaining to M.P.O. membership.

10
11 Any charter county that elects to exercise the provisions of
12 this paragraph shall notify the Governor in writing.

13 (d) Any other provision of this section to the
14 contrary notwithstanding, any county chartered under s. 6(e),
15 Art. VIII of the State Constitution may elect to have its
16 county commission serve as the M.P.O., if the M.P.O.
17 jurisdiction is wholly contained within the county. Any
18 charter county that elects to exercise the provisions of this
19 paragraph shall so notify the Governor in writing. Upon
20 receipt of such notification, the Governor must designate the
21 county commission as the M.P.O. The Governor must appoint
22 four additional voting members to the M.P.O., one of whom must
23 be an elected official representing a municipality within the
24 county, one of whom must be an expressway authority member,
25 one of whom must be a person who does not hold elected public
26 office and who resides in the unincorporated portion of the
27 county, and one of whom must be a school board member.

28 (3) APPORTIONMENT.--

29 (a) The Governor shall, with the agreement of the
30 affected units of general-purpose local government as required
31 by federal rules and regulations, apportion the membership on

1 the applicable M.P.O. among the various governmental entities
2 within the area and shall prescribe a method for appointing
3 alternate members who may vote at any M.P.O. meeting that an
4 alternate member attends in place of a regular member. An
5 appointed alternate member must be an elected official serving
6 the same governmental entity or a general-purpose local
7 government with jurisdiction within all or part of the area
8 that the regular member serves. The governmental entity so
9 designated shall appoint the appropriate number of members to
10 the M.P.O. from eligible officials. Representatives of the
11 department shall serve as nonvoting members of the M.P.O.
12 Nonvoting advisers may be appointed by the M.P.O. as deemed
13 necessary. The Governor shall review the composition of the
14 M.P.O. membership in conjunction with the decennial census as
15 prepared by the United States Department of Commerce, Bureau
16 of the Census, and reapportion it as necessary to comply with
17 subsection (2).

18 (b) Except for members who represent municipalities on
19 the basis of alternating with representatives from other
20 municipalities that do not have members on the M.P.O. as
21 provided in paragraph (2)(a), the members of an M.P.O. shall
22 serve 4-year terms. Members who represent municipalities on
23 the basis of alternating with representatives from other
24 municipalities that do not have members on the M.P.O. as
25 provided in paragraph (2)(a) may serve terms of up to 4 years
26 as further provided in the interlocal agreement described in
27 paragraph (1)(b). The membership of a member who is a public
28 official automatically terminates upon the member's leaving
29 his or her elective or appointive office for any reason, or
30 may be terminated by a majority vote of the total membership
31 of a county or city governing entity represented by the

1 member. A vacancy shall be filled by the original appointing
2 entity. A member may be reappointed for one or more
3 additional 4-year terms.

4 (c) If a governmental entity fails to fill an assigned
5 appointment to an M.P.O. within 60 days after notification by
6 the Governor of its duty to appoint, that appointment shall be
7 made by the Governor from the eligible representatives of that
8 governmental entity.

9 (4) AUTHORITY AND RESPONSIBILITY.--The authority and
10 responsibility of an M.P.O. is to manage a continuing,
11 cooperative, and comprehensive transportation planning process
12 that, based upon the prevailing principles provided in s.
13 334.046(1), results in the development of plans and programs
14 which are consistent, to the maximum extent feasible, with the
15 approved local government comprehensive plans of the units of
16 local government the boundaries of which are within the
17 metropolitan area of the M.P.O. An M.P.O. shall be the forum
18 for cooperative decisionmaking by officials of the affected
19 governmental entities in the development of the plans and
20 programs required by subsections (5), (6), (7), and (8).

21 (5) POWERS, DUTIES, AND RESPONSIBILITIES.--The powers,
22 privileges, and authority of an M.P.O. are those specified in
23 this section or incorporated in an interlocal agreement
24 authorized under s. 163.01. Each M.P.O. shall perform all
25 acts required by federal or state laws or rules, now and
26 subsequently applicable, which are necessary to qualify for
27 federal aid. It is the intent of this section that each M.P.O.
28 shall be involved in the planning and programming of
29 transportation facilities, including, but not limited to,
30 airports, intercity and high-speed rail lines, seaports, and
31

1 intermodal facilities, to the extent permitted by state or
2 federal law.

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

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

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

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

11 (b) In developing the long-range transportation plan
12 and the transportation improvement program required under
13 paragraph (a), each M.P.O. shall provide for consideration of
14 projects and strategies that will:

15 1. Support the economic vitality of the metropolitan
16 area, especially by enabling global competitiveness,
17 productivity, and efficiency;

18 2. Increase the safety and security of the
19 transportation system for motorized and nonmotorized users;

20 3. Increase the accessibility and mobility options
21 available to people and for freight;

22 4. Protect and enhance the environment, promote energy
23 conservation, and improve quality of life;

24 5. Enhance the integration and connectivity of the
25 transportation system, across and between modes, for people
26 and freight;

27 6. Promote efficient system management and operation;
28 and

29 7. Emphasize the preservation of the existing
30 transportation system.

31 ~~(c) Additionally, each M.P.O. shall consider:~~

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

4 ~~2. The likely effect of transportation policy~~
5 ~~decisions on land use and development and the consistency of~~
6 ~~transportation plans and programs with all applicable~~
7 ~~short-term and long-term land use and development plans;~~

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

14 ~~4. The overall social, economic, energy, and~~
15 ~~environmental effects of transportation decisions; and~~

16 ~~5. Available methods to expand or enhance transit~~
17 ~~services and increase the use of such services.~~

18 ~~6. The possible allocation of capital investments to~~
19 ~~increase security for transit systems.~~

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

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

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

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

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

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

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

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

30 (e)~~(f)~~1. Each M.P.O. shall appoint a citizens'
31 advisory committee, the members of which serve at the pleasure

1 of the M.P.O. The membership on the citizens' advisory
2 committee must reflect a broad cross section of local
3 residents with an interest in the development of an efficient,
4 safe, and cost-effective transportation system. Minorities,
5 the elderly, and the handicapped must be adequately
6 represented.

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

12 ~~(f)(g)~~ The department shall allocate to each M.P.O.,
13 for the purpose of accomplishing its transportation planning
14 and programming duties, an appropriate amount of federal
15 transportation planning funds.

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

21 (6) LONG-RANGE TRANSPORTATION PLAN.--Each M.P.O. must
22 develop a long-range transportation plan that addresses at
23 least a 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 prevailing
26 principles to be considered in the long-range transportation
27 plan are: preserving the existing transportation
28 infrastructure; enhancing Florida's economic competitiveness;
29 and improving travel choices to ensure mobility.The
30 long-range transportation plan must be consistent, to the
31 maximum extent feasible, with future land use elements and the

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

9 (a) Identify transportation facilities, including, but
10 not limited to, major roadways, airports, seaports,
11 spaceports, commuter rail systems, transit systems, and
12 intermodal or multimodal terminals that will function as an
13 integrated metropolitan transportation system. The long-range
14 transportation plan must give emphasis to those transportation
15 facilities that serve national, statewide, or regional
16 functions, and must consider the goals and objectives
17 identified in the Florida Transportation Plan as provided in
18 s. 339.155. If a project is located within the boundaries of
19 more than one M.P.O., the M.P.O.'s must coordinate plans
20 regarding the project in the long-range transportation plan.

21 (b) Include a financial plan that demonstrates how the
22 plan can be implemented, indicating resources from public and
23 private sources which are reasonably expected to be available
24 to carry out the plan, and recommends any additional financing
25 strategies for needed projects and programs. The financial
26 plan may include, for illustrative purposes, additional
27 projects that would be included in the adopted long-range
28 transportation plan if reasonable additional resources beyond
29 those identified in the financial plan were available. For the
30 purpose of developing the long-range transportation plan, the
31 M.P.O. and the department shall cooperatively develop

1 estimates of funds that will be available to support the plan
2 implementation. Innovative financing techniques may be used to
3 fund needed projects and programs. Such techniques may
4 include the assessment of tolls, the use of value capture
5 financing, or the use of value pricing.

6 (c) Assess capital investment and other measures
7 necessary to:

8 1. Ensure the preservation of the existing
9 metropolitan transportation system including requirements for
10 the operation, resurfacing, restoration, and rehabilitation of
11 major roadways and requirements for the operation,
12 maintenance, modernization, and rehabilitation of public
13 transportation facilities; and

14 2. Make the most efficient use of existing
15 transportation facilities to relieve vehicular congestion and
16 maximize the mobility of people and goods.

17 (d) Indicate, as appropriate, proposed transportation
18 enhancement activities, including, but not limited to,
19 pedestrian and bicycle facilities, scenic easements,
20 landscaping, historic preservation, mitigation of water
21 pollution due to highway runoff, and control of outdoor
22 advertising.

23 (e) In addition to the requirements of paragraphs
24 (a)-(d), in metropolitan areas that are classified as
25 nonattainment areas for ozone or carbon monoxide, the M.P.O.
26 must coordinate the development of the long-range
27 transportation plan with the State Implementation Plan
28 developed pursuant to the requirements of the federal Clean
29 Air Act.

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1 In the development of its long-range transportation plan, each
2 M.P.O. must provide the public, affected public agencies,
3 representatives of transportation agency employees, freight
4 shippers, providers of freight transportation services,
5 private providers of transportation, representatives of users
6 of public transit, and other interested parties with a
7 reasonable opportunity to comment on the long-range
8 transportation plan. The long-range transportation plan must
9 be approved by the M.P.O.

10 (7) TRANSPORTATION IMPROVEMENT PROGRAM.--Each M.P.O.
11 shall, in cooperation with the state and affected public
12 transportation operators, develop a transportation improvement
13 program for the area within the jurisdiction of the M.P.O. In
14 the development of the transportation improvement program,
15 each M.P.O. must provide the public, affected public agencies,
16 representatives of transportation agency employees, freight
17 shippers, providers of freight transportation services,
18 private providers of transportation, representatives of users
19 of public transit, and other interested parties with a
20 reasonable opportunity to comment on the proposed
21 transportation improvement program.

22 (a) Each M.P.O. is responsible for developing,
23 annually, a list of project priorities and a transportation
24 improvement program. The prevailing principles to be
25 considered by each M.P.O. when developing a list of project
26 priorities and a transportation improvement program are:
27 preserving the existing transportation infrastructure;
28 enhancing Florida's economic competitiveness; and improving
29 travel choices to ensure mobility.The transportation
30 improvement program will be used to initiate federally aided
31 transportation facilities and improvements as well as other

1 transportation facilities and improvements including transit,
2 rail, aviation, spaceport, and port facilities to be funded
3 from the State Transportation Trust Fund within its
4 metropolitan area in accordance with existing and subsequent
5 federal and state laws and rules and regulations related
6 thereto. The transportation improvement program shall be
7 consistent, to the maximum extent feasible, with the approved
8 local government comprehensive plans of the units of local
9 government whose boundaries are within the metropolitan area
10 of the M.P.O.

11 (b) Each M.P.O. annually shall prepare a list of
12 project priorities and shall submit the list to the
13 appropriate district of the department by October 1 of each
14 year; however, the department and a metropolitan planning
15 organization may, in writing, agree to vary this submittal
16 date. The list of project priorities must be formally reviewed
17 by the technical and citizens' advisory committees, and
18 approved by the M.P.O., before it is transmitted to the
19 district. The approved list of project priorities must be used
20 by the district in developing the district work program and
21 must be used by the M.P.O. in developing its transportation
22 improvement program. The annual list of project priorities
23 must be based upon project selection criteria that, at a
24 minimum, consider the following:

- 25 1. The approved M.P.O. long-range transportation plan;
- 26 2. The results of the transportation management
27 systems; and
- 28 3. The M.P.O.'s public-involvement procedures.

29 (c) The transportation improvement program must, at a
30 minimum:

31

1 1. Include projects and project phases to be funded
2 with state or federal funds within the time period of the
3 transportation improvement program and which are recommended
4 for advancement during the next fiscal year and 4 subsequent
5 fiscal years. Such projects and project phases must be
6 consistent, to the maximum extent feasible, with the approved
7 local government comprehensive plans of the units of local
8 government located within the jurisdiction of the M.P.O. For
9 informational purposes, the transportation improvement program
10 shall also include a list of projects to be funded from local
11 or private revenues.

12 2. Include projects within the metropolitan area which
13 are proposed for funding under 23 U.S.C. s. 134 of the Federal
14 Transit Act and which are consistent with the long-range
15 transportation plan developed under subsection (6).

16 3. Provide a financial plan that demonstrates how the
17 transportation improvement program can be implemented;
18 indicates the resources, both public and private, that are
19 reasonably expected to be available to accomplish the program;
20 identifies any innovative financing techniques that may be
21 used to fund needed projects and programs; and may include,
22 for illustrative purposes, additional projects that would be
23 included in the approved transportation improvement program if
24 reasonable additional resources beyond those identified in the
25 financial plan were available. Innovative financing techniques
26 may include the assessment of tolls, the use of value capture
27 financing, or the use of value pricing. The transportation
28 improvement program may include a project or project phase
29 only if full funding can reasonably be anticipated to be
30 available for the project or project phase within the time
31

1 period contemplated for completion of the project or project
2 phase.

3 4. Group projects and project phases of similar
4 urgency and anticipated staging into appropriate staging
5 periods.

6 5. Indicate how the transportation improvement program
7 relates to the long-range transportation plan developed under
8 subsection (6), including providing examples of specific
9 projects or project phases that further the goals and policies
10 of the long-range transportation plan.

11 6. Indicate whether any project or project phase is
12 inconsistent with an approved comprehensive plan of a unit of
13 local government located within the jurisdiction of the M.P.O.
14 If a project is inconsistent with an affected comprehensive
15 plan, the M.P.O. must provide justification for including the
16 project in the transportation improvement program.

17 7. Indicate how the improvements are consistent, to
18 the maximum extent feasible, with affected seaport, airport,
19 and spaceport master plans and with public transit development
20 plans of the units of local government located within the
21 jurisdiction of the M.P.O. If a project is located within the
22 boundaries of more than one M.P.O., the M.P.O.'s must
23 coordinate plans regarding the project in the transportation
24 improvement program.

25 (d) Projects included in the transportation
26 improvement program and that have advanced to the design stage
27 of preliminary engineering may be removed from or rescheduled
28 in a subsequent transportation improvement program only by the
29 joint action of the M.P.O. and the department. Except when
30 recommended in writing by the district secretary for good
31 cause, any project removed from or rescheduled in a subsequent

1 transportation improvement program shall not be rescheduled by
2 the M.P.O. in that subsequent program earlier than the 5th
3 year of such program.

4 (e) During the development of the transportation
5 improvement program, the M.P.O. shall, in cooperation with the
6 department and any affected public transit operation, provide
7 citizens, affected public agencies, representatives of
8 transportation agency employees, freight shippers, providers
9 of freight transportation services, private providers of
10 transportation, representatives of users of public transit,
11 and other interested parties with reasonable notice of and an
12 opportunity to comment on the proposed program.

13 (f) The adopted annual transportation improvement
14 program for M.P.O.'s in nonattainment or maintenance areas
15 must be submitted to the district secretary and the Department
16 of Community Affairs at least 90 days before the submission of
17 the state transportation improvement program by the department
18 to the appropriate federal agencies. The annual transportation
19 improvement program for M.P.O.'s in attainment areas must be
20 submitted to the district secretary and the Department of
21 Community Affairs at least 45 days before the department
22 submits the state transportation improvement program to the
23 appropriate federal agencies; however, the department, the
24 Department of Community Affairs, and a metropolitan planning
25 organization may, in writing, agree to vary this submittal
26 date. The Governor or the Governor's designee shall review
27 and approve each transportation improvement program and any
28 amendments thereto.

29 (g) The Department of Community Affairs shall review
30 the annual transportation improvement program of each M.P.O.
31 for consistency with the approved local government

1 comprehensive plans of the units of local government whose
2 boundaries are within the metropolitan area of each M.P.O. and
3 shall identify those projects that are inconsistent with such
4 comprehensive plans. The Department of Community Affairs shall
5 notify an M.P.O. of any transportation projects contained in
6 its transportation improvement program which are inconsistent
7 with the approved local government comprehensive plans of the
8 units of local government whose boundaries are within the
9 metropolitan area of the M.P.O.

10 (h) The M.P.O. shall annually publish or otherwise
11 make available for public review the annual listing of
12 projects for which federal funds have been obligated in the
13 preceding year. Project monitoring systems must be maintained
14 by those agencies responsible for obligating federal funds and
15 made accessible to the M.P.O.'s.

16 (8) UNIFIED PLANNING WORK PROGRAM.--Each M.P.O. shall
17 develop, in cooperation with the department and public
18 transportation providers, a unified planning work program that
19 lists all planning tasks to be undertaken during the program
20 year. The unified planning work program must provide a
21 complete description of each planning task and an estimated
22 budget therefor and must comply with applicable state and
23 federal law.

24 (9) AGREEMENTS.--

25 (a) Each M.P.O. shall execute the following written
26 agreements, which shall be reviewed, and updated as necessary,
27 every 5 years:

28 1. An agreement with the department clearly
29 establishing the cooperative relationship essential to
30 accomplish the transportation planning requirements of state
31 and federal law.

1 2. An agreement with the metropolitan and regional
2 intergovernmental coordination and review agencies serving the
3 metropolitan areas, specifying the means by which activities
4 will be coordinated and how transportation planning and
5 programming will be part of the comprehensive planned
6 development of the area.

7 3. An agreement with operators of public
8 transportation systems, including transit systems, commuter
9 rail systems, airports, seaports, and spaceports, describing
10 the means by which activities will be coordinated and
11 specifying how public transit, commuter rail, aviation,
12 seaport, and aerospace planning and programming will be part
13 of the comprehensive planned development of the metropolitan
14 area.

15 (b) An M.P.O. may execute other agreements required by
16 state or federal law or as necessary to properly accomplish
17 its functions.

18 (10) METROPOLITAN PLANNING ORGANIZATION ADVISORY
19 COUNCIL.--

20 (a) A Metropolitan Planning Organization Advisory
21 Council is created to augment, and not supplant, the role of
22 the individual M.P.O.'s in the cooperative transportation
23 planning process described in this section.

24 (b) The council shall consist of one representative
25 from each M.P.O. and shall elect a chairperson annually from
26 its number. Each M.P.O. shall also elect an alternate
27 representative from each M.P.O. to vote in the absence of the
28 representative. Members of the council do not receive any
29 compensation for their services, but may be reimbursed from
30 funds made available to council members for travel and per
31

1 diem expenses incurred in the performance of their council
2 duties as provided in s. 112.061.

3 (c) The powers and duties of the Metropolitan Planning
4 Organization Advisory Council are to:

5 1. Enter into contracts with individuals, private
6 corporations, and public agencies.

7 2. Acquire, own, operate, maintain, sell, or lease
8 personal property essential for the conduct of business.

9 3. Accept funds, grants, assistance, gifts, or
10 bequests from private, local, state, or federal sources.

11 4. Establish bylaws and adopt rules pursuant to ss.
12 120.536(1) and 120.54 to implement provisions of law
13 conferring powers or duties upon it.

14 5. Assist M.P.O.'s in carrying out the urbanized area
15 transportation planning process by serving as the principal
16 forum for collective policy discussion pursuant to law.

17 6. Serve as a clearinghouse for review and comment by
18 M.P.O.'s on the Florida Transportation Plan and on other
19 issues required to comply with federal or state law in
20 carrying out the urbanized area transportation and systematic
21 planning processes instituted pursuant to s. 339.155.

22 7. Employ an executive director and such other staff
23 as necessary to perform adequately the functions of the
24 council, within budgetary limitations. The executive director
25 and staff are exempt from part II of chapter 110 and serve at
26 the direction and control of the council. The council is
27 assigned to the Office of the Secretary of the Department of
28 Transportation for fiscal and accountability purposes, but it
29 shall otherwise function independently of the control and
30 direction of the department.

31

1 8. Adopt an agency strategic plan that provides the
2 priority directions the agency will take to carry out its
3 mission within the context of the state comprehensive plan and
4 any other statutory mandates and directions given to the
5 agency.

6 (11) APPLICATION OF FEDERAL LAW.--Upon notification by
7 an agency of the Federal Government that any provision of this
8 section conflicts with federal laws or regulations, such
9 federal laws or regulations will take precedence to the extent
10 of the conflict until such conflict is resolved. The
11 department or an M.P.O. may take any necessary action to
12 comply with such federal laws and regulations or to continue
13 to remain eligible to receive federal funds.

14 Section 5. This act shall take effect July 1, 2000.

15
16 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
17 COMMITTEE SUBSTITUTE FOR
18 SB 774

19 This CS provides prevailing principles which will guide state
20 and regional transportation planning. The prevailing
21 principles are: (1) preserving the existing transportation
22 infrastructure; (2) enhancing Florida's economic
23 competitiveness; and (3) improving travel choices to ensure
24 mobility.

25
26 The CS deletes certain transportation planning factors to
27 conform to the Federal Transportation Equity Act for the 21st
28 Century.
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31