

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Community Affairs Committee

BILL: CS/SB 1766

INTRODUCER: Transportation Committee and Senator Sebesta

SUBJECT: Metropolitan Planning Organizations

DATE: March 21, 2006

REVISED: 04/04/06

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Eichin</u>	<u>Meyer</u>	<u>TR</u>	Fav/CS
2.	<u>Vickers</u>	<u>Yeatman</u>	<u>CA</u>	Fav/4 amendments
3.	<u> </u>	<u> </u>	<u>GO</u>	<u> </u>
4.	<u> </u>	<u> </u>	<u>TA</u>	<u> </u>
5.	<u> </u>	<u> </u>	<u>WM</u>	<u> </u>
6.	<u> </u>	<u> </u>	<u> </u>	<u> </u>

Please see last section for Summary of Amendments

- Technical amendments were recommended
- Amendments were recommended
- Significant amendments were recommended

I. Summary:

The Committee Substitute (CS) for Senate Bill 1766 addresses a number of transportation-related issues. Among its key provisions, the legislation:

- Clarifies Metropolitan Planning Organizations (MPOs) are separate and distinct legal entities;
- Provides autonomy to MPOs by requiring independent staff and granting specific powers and authority;
- Provides staff to the MPO eligibility to participate in the Florida Retirement System (FRS);
- Reclassifies the executive director of the Florida Transportation Commission (FTC) from the Select Exempt Service to Senior Management Service for purposes of salary and benefits;
- Allows the Florida Department of Transportation (FDOT) to fund up to 80% of the non-federal share of certain airport and aviation development projects; and
- Extends the authorization for FDOT to support public airports and provide grants for security-related projects.

This CS substantially amends sections 20.23, 112.061, 121.021, 121.051, 121.055, 121.061, 121.081, 332.007, and 339.175 of the Florida Statutes.

II. Present Situation:

Metropolitan Planning Organizations

An MPO is a transportation policy-making organization made up of representatives from local government and transportation authorities. Federal law requires the formation of an MPO for any urbanized area with a population greater than 50,000 to ensure expenditures for transportation projects and programs are based on a continuing, cooperative and comprehensive planning process. The metropolitan planning area of the MPO encompasses the census-designated urbanized area and the adjacent area expected to become urbanized within 20 years. The purpose of the MPO is to provide a forum for coordinating transportation decision-making among the various state and local entities and to carry out various transportation planning elements including the development of the long-range transportation plan and the transportation improvement program (TIP). Larger MPOs (those in urbanized areas with over 200,000 in population) have additional planning responsibilities relating to congestion management and air quality.

Section 339.175, F.S., requires MPOs to develop plans and improvement programs consistent with the comprehensive plans of the local governments within the metropolitan planning area of the MPO. Both the long-range transportation plan and the TIP must consider the anticipated effects of transportation policy decisions on land use and land development. These plans must also weigh the degree of consistency with all available long and short-term land use plans. Local governments likewise must consider the MPO plans when developing their comprehensive plans. Similarly, FDOT uses the MPOs' TIPs to create the work program.

There are 26 MPOs in Florida (more than any other state except Texas) administering the transportation planning process for 28 urbanized areas (as defined by the U.S. Census Bureau). As recently as the 1990 Census, almost all of Florida's urbanized areas were contained within county boundaries. However, the 2000 Census showed urbanized areas growing, merging, crossing county boundaries, and in some cases encroaching into adjacent metropolitan planning area boundaries. The designation of urbanized areas by the U.S. Census Bureau is made without deference to jurisdictional boundaries. Instead, the designation relies upon the observed pattern of land use and intensity of development to identify concentrated generators and attractors of socio-economic activity. For the most part, an urbanized area's socio-economic activity is unaffected by political boundaries. This is borne out through travel patterns; drivers are unconcerned and often unaware when their daily travels result in crossing jurisdictional boundaries.

Accordingly, the Legislature has endeavored to enhance regional transportation planning in recent years. In 2003, the Legislature passed SB 676 which recognized the need to maximize the efficient use of increasingly scarce state resources and clarified the FDOT's responsibilities in serving all transportation modes. Specifically, SB 676:

- Created the Statewide Intermodal System (SIS) comprising transportation facilities of statewide and interregional significance, and directed the FDOT to develop an implementation plan;
- Directed the FTC to conduct an assessment of the need for an improved philosophical approach to regional and intermodal input in the planning for and governing of the Strategic Intermodal System and other transportation systems; and

- Directed MPOs to develop coordination mechanisms with one another to expand and improve transportation within the state.

Responding to the Legislature's direction in SB 676, the FTC prepared the report "An Assessment of Florida's Regional and Intermodal Transportation Planning Process" (December, 2003). Based on an analysis of the transportation planning process in Florida and the best practices of MPOs around the nation, the report identified three key elements of Florida MPOs requiring attention: MPO boundaries, MPO staffing arrangements, and MPO voting membership.

Seven Florida MPOs administer the transportation planning process for more than one county. Fifteen MPOs contain more than one census-defined urbanized area, in whole or in part. Several counties have portions of two or more urbanized areas within their county boundaries. Fourteen MPOs are staffed by employees of a local government (13 county, 1 city). Five MPOs are staffed by employees of Regional Planning Councils. Four MPOs are independent agencies, and two are staffed by independent local planning departments or agencies.

In 2005, SB 360 created s. 339.2819, F.S., to establish the Transportation Regional Incentive Program (TRIP) for the purpose of providing funds to improve regionally significant facilities in regional transportation areas. State funds are available throughout Florida to provide incentives for local governments and the private sector to help pay for critically needed projects that benefit regional travel and commerce. The FDOT will pay for 50 percent of project costs, or up to 50 percent of the nonfederal share of project costs for public transportation facility projects.

Florida Transportation Commission

Section 20.23, F.S., creates the FTC to provide oversight of FDOT and makes transportation policy recommendations to the Governor and Legislature. Currently, the four employees of the FTC are classified as Selected Exempt Service personnel for the purposes of salary and benefits.

General Aviation Airport Funding Match

Florida has at least 83 general aviation, or community airports that provide a number of aviation-related services to their communities, but do not offer scheduled commercial flights. State law allows FDOT to provide half of the local share of general aviation airport (GAA) project costs when federal funding is available as a 50-percent federal/50-percent local match. However, many small GAAs and their local governments can not afford to pay the required 25-percent local match, according to FDOT staff, so the federal grant is rejected. Those funds then are likely spent in another state. If the GAA project is a priority, FDOT then pays the majority of the cost from state aviation funds.

Airport Security Funding

Section 332.007, allows FDOT to provide operational and maintenance assistance to publicly owned public-use airports. Funding provided is used to comply with enhanced federal security requirements stemming from the September 11, 2001 terrorist attacks.

III. Effect of Proposed Changes:

Section 1 amends s. 112.061, F.S., to allow MPOs to establish per diem and travel reimbursement rates in the manner afforded to counties, district school boards, and special districts.

Sections 2 through 6 revise sections of ch. 121, F.S., to enable MPO employees to participate in the Florida Retirement System. Section 121.055, F.S., is amended to require the executive director or staff director of each MPO to be a member of the Senior Management Service Class within the Florida Retirement System.

Section 7 amends s. 339.175, F.S., to:

- Establish the independence of MPOs, separate and distinct from any county, municipality, or other entity.
- Require the governing board of the MPO to designate a chair and vice chair from the board. An agency clerk, responsible for recording minutes and agency actions, must also be designated. The agency clerk may be a member of the governing board, an employee of the MPO, or other person.
- Specify the elected officials eligible for voting membership on the MPO must be from local government, excluding sheriffs, tax collectors, supervisors of elections, property appraisers, clerks of court, and other constitutional or charter officers.
- Provide for a process used to appoint alternate members to the MPO and non-voting representatives of major military installations.
- Require each MPO to have an executive director who reports directly to the MPO governing board.
- Provide for the training of local elected officials regarding the transportation planning process for urbanized areas.
- Require a super majority recorded roll call vote or show of hands to approve the TIP.

Section 8 directs the FTC to conduct a study of the MPOs' progress in improving coordination with other MPOs in the metropolitan transportation planning process. The report is to be submitted by January 15, 2007.

Section 9 amends s. 20.23, F.S., to specify the salary and benefits of the commission's executive director position shall be based on the Senior Management Service classification. Other FTC employees remain in the Selected Exempt Service classification.

Section 10 amends s. 332.007, F.S., to allow FDOT to apply federal GAA grant funds to an eligible project, and then split the remaining cost on an 80-percent state/20-percent local matching basis. This would enable the state to use federal aviation grant funding first before state funds are used. This allows the maximum amount of federal funds to be used and frees up state aviation funding for other projects.

Section 11 amends subsection (8) of s. 332.007, F.S., extending the June 30, 2007 expiration date for the subsection, which would allow FDOT to provide operational and maintenance assistance to publicly owned public-use airports until June 30, 2012.

Section 12 provides an effective date of July 1, 2006.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The provisions relating to the Florida Retirement System and Senior Management Service will result in indeterminate fiscal impacts to the State.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Summary of Amendments:

Barcode 784276 by Community Affairs:

This amendment provides that an owner of property located within a community development district and a special road and bridge district may select the community development district to be the provider of road and drainage improvements. The amendment also establishes procedures for withdraw from a special road and bridge district.

Barcode 323768 by Community Affairs:

This amendment provides that specified projects and activities of the Department of Transportation are exempt from certain permitting requirements. The Department of Transportation, the Department of Environmental Protection, and water management districts are directed to enter into memorandum of understanding addressing the environmental impacts of transportation projects.

Barcode 175906 by Community Affairs:

This amendment provides that for local governments that demonstrate extraordinary local effort toward funding transportation infrastructure (i.e., have imposed the full 5-cent gas tax and allocated at least 20 percent of infrastructure surtax proceeds toward transportation for 2 years) the percentage of matching funds provided from the Transportation Regional Incentive Program shall be 75 percent of project costs.

Barcode 082962 by Community Affairs:

This amendment provides that state highway facilities meeting the following criteria will be included within the Strategic Intermodal System: (1) facilities that provide significant and direct relief to the Strategic Intermodal System in areas constrained by environmental features with no other routes of travel; (2) facilities located within jurisdictions where the local government has imposed the full 5-cent gas tax and allocated at least 20 percent of infrastructure surtax proceeds toward transportation for 2 years; and (3) facilities located within jurisdictions where at least 80 percent of roads operate at or above standards adopted by the Department of Transportation.