

# 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.)

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Prepared By: Community Affairs Committee

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BILL: CS/SB 1862

INTRODUCER: Community Affairs Committee & Senator Saunders

SUBJECT: Transportation Concurrency Management

DATE: April 18, 2006

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Herrin	Yeatman	CA	Fav/CS
2.			TR	
3.				
4.				
5.				
6.				

## I. Summary:

The committee substitute (CS) authorizes a local government to use stricter transportation concurrency requirements than the 3-year period in s. 163.3180, F.S., if the local government adopted those stricter requirements before the enactment of chapter 2005-290, Laws of Florida.

This bill amends section 163.3180 of the Florida Statutes.

## II. Present Situation:

The Growth Management Act of 1985 requires local governments to use a systematic process to ensure new development does not occur unless adequate infrastructure is in place to support the growth. The requirement for public facilities and infrastructure to be available concurrent with new development is known as concurrency. Transportation concurrency uses a graded scale of roadway level of service (LOS) standards assigned to all public roads. The LOS standards are a proxy for the allowable level of congestion on a given road in a given area. Stringent standards (i.e., fewer vehicles allowed) are applied in rural areas and easier standards (i.e., more vehicles) are allowed in urban areas to help promote compact urban development.

The Florida Department of Transportation (FDOT) is responsible for establishing level-of-service standards on the highway component of the Strategic Intermodal System (SIS) and for developing guidelines to be used by local governments on other roads. Local governments, however, have broad discretion in the implementation of transportation concurrency because they designate the concurrency management strategies and exception areas within their boundaries, and control land use decisions within their jurisdictions.

The 2005 Legislature amended s. 163.3180, F.S., to require transportation facilities to be in place or under actual construction *within* 3 years after the local government approves the issuance of a

building permit or its functional equivalent that results in traffic generation.<sup>1</sup> When establishing adequate level-of-service standards for arterial and collector roads, a local government must consider the roadway facility's adopted level-of-service standards in adjacent jurisdictions.<sup>2</sup> A local government is also specifically required to adopt proportionate fair-share mitigation for transportation at the project level. The FDOT developed a model proportionate fair share mitigation ordinance that has been available since December 1, 2005.<sup>3</sup> By December 1, 2006, each local government is required to adopt, by ordinance, a methodology for calculating proportionate fair share mitigation options.<sup>4</sup>

**Transportation Concurrency Exception Areas** - In 1992, Transportation Concurrency Management Areas were authorized, allowing an areawide LOS standard (rather than facility-specific) to promote urban infill and redevelopment and provide greater mobility in those areas through alternatives such as public transit systems. Subsequently, two additional relaxations of concurrency were authorized: Transportation Concurrency Exception Areas (TCEA) and Long-term Transportation Concurrency Management Systems. Specifically, the TCEA is intended to "reduce the adverse impact transportation concurrency may have on urban infill and redevelopment" by exempting certain areas from the concurrency requirement.

Beginning July 1, 2005, a local government is required to consult with FDOT regarding an assessment of the impact that the proposed exception area is expected to have on the adopted level-of-service standards for Strategic Intermodal System facilities and certain roadway facilities.<sup>5</sup> In order to establish a TCEA, a local government must establish guidelines in its local comprehensive plan for granting the exception and also include strategies to support and fund mobility within the TCEA, including alternative modes of transportation.<sup>6</sup> These strategies must also address urban design, land use mixes, and network connectivity plans that will promote urban infill, redevelopment, or downtown revitalization.<sup>7</sup> An amendment to the local government's comprehensive plan to designate a TCEA must have data and analysis justifying the size of the proposed designated area.<sup>8</sup> Those TCEAs existing on July 1, 2005, are required to meet these new requirements by July 1, 2006 or at the time of the local government's next evaluation and appraisal report, whichever is later.<sup>9</sup>

### III. Effect of Proposed Changes:

**Section 1** amends s. 163.3180, F.S., to authorize a local government to use stricter transportation concurrency requirements than the 3-year period in s. 163.3180, F.S., if the local government adopted those stricter requirements before the enactment of chapter 2005-290, Laws of Florida.

**Section 2** provides the act shall take effect July 1, 2006.

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<sup>1</sup> Section 163.3180(2)(c), F.S.

<sup>2</sup> Section 163.3180(10), F.S.

<sup>3</sup> The FDOT was required to provide a model transportation concurrency management ordinance with methodologies for assessing proportionate fair share mitigation under the provisions of CS/CS/CS/SB 360. *See* Section 163.3180(16)(a), F.S.

<sup>4</sup> Section 163.3180(16)(a), F.S.

<sup>5</sup> Section 163.3180(5)(f), F.S. Subsection (5) of s. 163.3180, F.S., was amended in s. 5 of ch. 2005-290, Laws of Florida.

<sup>6</sup> Section 163.3180(5)(e), F.S.

<sup>7</sup> Section 163.3180(5)(e), F.S.

<sup>8</sup> Section 163.3180(5)(e), F.S.

<sup>9</sup> Section 163.3180(5)(g), F.S.

**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:**

Under this bill, a local government is given the option of adopting a methodology to determine proportionate fair-share mitigation amounts in lieu of its concurrency management system. If a local government does not adopt a methodology, the inability to provide infrastructure for new development could have a negative fiscal impact under the state's concurrency requirements.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

This bill gives local governments the option of adopting a proportionate fair-share mitigation methodology in lieu of their concurrency management system. Currently, a local government is required to include a methodology for calculating proportionate fair-share mitigation in its concurrency management system by December 1, 2006. Under the new transportation concurrency requirements enacted as part of CS/CS/CS/SB 360 in the 2005 Regular Session, a proportionate fair-share mitigation methodology is an important tool for the local government because of the requirement that a local government's capital improvements element be financially feasible.



## **VIII. Summary of Amendments:**

None.

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This Senate staff analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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