

1                   A bill to be entitled  
2           An act relating to metropolitan planning organizations;  
3           amending s. 339.175, F.S.; requiring the designation of a  
4           metropolitan planning organization for each urbanized area  
5           of the state meeting a certain population threshold;  
6           providing processes for the redesignation of an M.P.O.;  
7           providing that the designation of an M.P.O. remains in  
8           effect until the occurrence of specified events;  
9           specifying circumstances under which redesignation of an  
10          M.P.O. is or is not required; requiring that, to the  
11          extent possible, only one M.P.O. be designated for each  
12          area; requiring that jurisdictional boundaries be  
13          described in certain interlocal agreements; prohibiting  
14          the overlap of jurisdictional boundaries of multiple  
15          metropolitan planning organizations; providing for the  
16          resolution of overlapping boundaries; requiring the review  
17          of boundaries at specified intervals; providing purposes  
18          and procedures for such review; requiring that boundaries  
19          be adjusted as necessary upon completion of such review;  
20          requiring that boundaries of certain metropolitan planning  
21          areas be retained; authorizing the creation of boundaries  
22          for certain metropolitan planning organizations for the  
23          purpose of coinciding with ozone or carbon monoxide  
24          nonattainment areas; requiring that a metropolitan  
25          transportation planning process be continuous,  
26          cooperative, coordinated, and comprehensive; requiring  
27          that an M.P.O. consider certain factors when creating a  
28          transportation improvement program; requiring that such

29 process be consistent with specified provisions of federal  
30 law; requiring than an M.P.O. take certain actions when  
31 providing recommendations regarding transportation  
32 improvement to the Department of Transportation or local  
33 governments; requiring that an M.P.O. develop and use a  
34 documented participation plan that defines certain  
35 processes; requiring that each interested party be  
36 afforded the opportunity to participate in such  
37 development; requiring that such plan be consistent with  
38 applicable provisions of federal law and rules; requiring  
39 that each long-range transportation plan developed by an  
40 M.P.O. include certain information and elements; requiring  
41 the periodic review of air quality nonattainment and  
42 maintenance aspects of each long-range plan; providing  
43 purposes for such review; authorizing an M.P.O. to revise  
44 such plan under certain circumstances; requiring that such  
45 plan be published or made available in specified formats  
46 by the M.P.O. for public review; specifying guidelines  
47 upon which an M.P.O. must base updates to a long-range  
48 plan; requiring that a long-range transportation plan  
49 contain certain elements and include certain information;  
50 deleting requirements of such plans relating to capital  
51 investment and transportation-enhancement activities;  
52 requiring that an M.P.O. provide certain parties notice  
53 and opportunity to comment during the development of a  
54 long-range transportation plan or transportation  
55 improvement program; specifying prevailing principles to  
56 be considered by an M.P.O. during the development of a

57 transportation improvement program; requiring that a  
 58 transportation improvement program meet certain minimum  
 59 requirements; requiring that an M.P.O. publish an annual  
 60 listing of certain projects; requiring that an M.P.O.  
 61 develop a unified planning work program; providing  
 62 requirements for such program; requiring that an M.P.O.  
 63 execute specified types of written agreements; requiring  
 64 that a single agreement be developed whenever possible;  
 65 requiring that written agreements contain certain  
 66 provisions; providing an effective date.

67

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

69

70 Section 1. Subsection (2) and paragraphs (b) and (c) of  
 71 subsection (6) of section 339.175, Florida Statutes, are  
 72 amended, paragraph (k) is added to subsection (6) of that  
 73 section, and subsections (7), (8), and (9), and paragraph (a) of  
 74 subsection (10) of that section are amended, to read:

75 339.175 Metropolitan planning organization.—

76 (2) DESIGNATION; REDESIGNATION; JURISDICTIONAL  
 77 BOUNDARIES.—

78 (a)1. An M.P.O. shall be designated for each urbanized  
 79 area of the state which has a total population as provided by  
 80 federal law; however, this does not require that an individual  
 81 M.P.O. be designated for each such area. Such designation or a  
 82 redesignation shall be accomplished by agreement between the  
 83 Governor and units of general-purpose local government  
 84 representing at least 75 percent of the population of the

85 urbanized area, or in the case of a redesignation, the existing  
 86 metropolitan planning area, including the largest incorporated  
 87 municipality, as determined based on population, within the  
 88 jurisdictional area to be designated; ~~however, the unit of~~  
 89 ~~general-purpose local government that represents the central~~  
 90 ~~city or cities within the M.P.O. jurisdiction,~~ as defined by the  
 91 United States Bureau of the Census, ~~must be a party to such~~  
 92 ~~agreement.~~ An M.P.O. designation shall remain in effect until an  
 93 official redesignation has been made in accordance with federal  
 94 law. Redesignation shall be accomplished in a manner consistent  
 95 with federal law.

96 2. Redesignation of an M.P.O. is required if an existing  
 97 M.P.O. proposes to make a substantial and material change in:

98 a. The proportion of voting members of the existing M.P.O.  
 99 representing the largest incorporated municipality, other units  
 100 of general-purpose local government served by the M.P.O., and  
 101 authorities or other agencies created by law to perform  
 102 transportation functions which are performing transportation  
 103 functions and are not under the jurisdiction of a general-  
 104 purpose local government represented on the M.P.O.; or

105 b. The decisionmaking authority or responsibility of the  
 106 M.P.O., or the decisionmaking procedures established under  
 107 M.P.O. bylaws.

108 3. Redesignation is not required if the conditions  
 109 described in subparagraph 2. do not occur and:

110 a. A new urbanized area is identified, as determined by  
 111 the Bureau of the Census within an existing metropolitan  
 112 planning area;

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113 b. Members are added to the M.P.O. and such members  
114 represent new units of general-purpose local government  
115 resulting from an expansion of the metropolitan planning area;

116 c. Members are added to satisfy specific membership  
117 requirements for an M.P.O. serving as a transportation  
118 management area; or

119 d. Members representing units of general-purpose local  
120 government, as established under M.P.O. bylaws, are rotated  
121 according to a schedule of periodic rotation.

122 4.2. To the extent reasonably possible, only one M.P.O.  
123 may be designated for each urbanized area. More than one M.P.O.  
124 may be designated within an existing metropolitan planning area  
125 only if the Governor and the existing M.P.O. determine that the  
126 size and complexity of the existing metropolitan planning area  
127 makes the designation of more than one M.P.O. for the area  
128 appropriate.

129 (b) Each M.P.O. designated in a manner prescribed by Title  
130 23 of the United States Code shall be created and operated under  
131 the provisions of this section pursuant to an interlocal  
132 agreement entered into pursuant to s. 163.01. The signatories to  
133 the interlocal agreement shall be the department and the  
134 governmental entities designated by the Governor for membership  
135 on the M.P.O. Each M.P.O. shall be a corporate body and shall be  
136 considered separate from the state or the governing body of a  
137 local government that is represented on the governing board of  
138 the M.P.O. or that is a signatory to the interlocal agreement  
139 creating the M.P.O. and shall have such powers and privileges  
140 that are provided under s. 163.01. If there is a conflict

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141 between this section and s. 163.01, this section prevails.

142 (c)1. The jurisdictional boundaries of an M.P.O. shall be  
143 determined by agreement between the Governor and the applicable  
144 M.P.O., and the jurisdictional boundaries of the M.P.O. shall be  
145 described in any new interlocal agreement entered into after  
146 July 1, 2010. The boundaries must include at least the  
147 metropolitan planning area, which is the existing urbanized area  
148 and the contiguous area expected to become urbanized within a  
149 20-year forecast period, and may encompass the entire  
150 metropolitan statistical area or the consolidated metropolitan  
151 statistical area.

152 2. Metropolitan planning area jurisdictional boundaries  
153 may not overlap. If part of an urbanized area served by one  
154 M.P.O. extends into an adjacent metropolitan planning area, both  
155 organizations shall, at a minimum, establish written agreements  
156 clearly identifying areas of coordination and the division of  
157 transportation planning responsibilities.

158 3. After each decennial census, the metropolitan planning  
159 area boundaries of each M.P.O. shall be reviewed by the M.P.O.  
160 in cooperation with the department and public transportation  
161 operators operating within the metropolitan planning area or  
162 within any areas immediately adjacent to the metropolitan  
163 planning area but outside any other M.P.O.'s metropolitan  
164 planning area. The purpose of such review is to determine  
165 whether the existing metropolitan planning area boundaries meet  
166 the minimum federal and state statutory requirements for new and  
167 updated urbanized areas and to reflect the most comprehensive  
168 boundary for the purpose of fostering an effective planning

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169 process that ensures connectivity between modes, reduces access  
170 disadvantages experienced by modal systems, and promotes overall  
171 efficient transportation investment strategies. Upon completion  
172 of the review, the boundaries shall be adjusted as necessary by  
173 the M.P.O. and the Governor.

174 (d) In the case of an urbanized area designated as a  
175 nonattainment area for ozone or carbon monoxide under the Clean  
176 Air Act, 42 U.S.C. ss. 7401 et seq., the boundaries of the  
177 metropolitan planning area in existence on August 10, 2005, as  
178 ~~of the date of enactment of this paragraph~~ shall be retained,  
179 except that the boundaries may be adjusted by agreement of the  
180 Governor and affected metropolitan planning organizations in the  
181 manner described in paragraph (a) ~~this section~~. If more than one  
182 M.P.O. has authority within a metropolitan planning area or an  
183 area that is designated as a nonattainment area, each M.P.O.  
184 shall consult with other M.P.O.'s designated for such area and  
185 with the state in the coordination of plans and programs  
186 required by this section. A metropolitan planning area boundary  
187 for an M.P.O. serving an urbanized area designated as a  
188 nonattainment area for ozone or carbon monoxide under the Clean  
189 Air Act, 42 U.S.C. ss. 7401 et seq., after August 10, 2005, may  
190 be established to coincide with the designated boundaries of the  
191 ozone or carbon monoxide nonattainment area in accordance with  
192 the requirements of paragraph (a).

193 (e) The governing body of the M.P.O. shall designate, at a  
194 minimum, a chair, vice chair, and agency clerk. The chair and  
195 vice chair shall be selected from among the member delegates  
196 comprising the governing board. The agency clerk shall be

197 | charged with the responsibility of preparing meeting minutes and  
 198 | maintaining agency records. The clerk shall be a member of the  
 199 | M.P.O. governing board, an employee of the M.P.O., or other  
 200 | natural person.

201 |  
 202 | Each M.P.O. required under this section must be fully operative  
 203 | no later than 6 months following its designation.

204 | (6) POWERS, DUTIES, AND RESPONSIBILITIES.—The powers,  
 205 | privileges, and authority of an M.P.O. are those specified in  
 206 | this section or incorporated in an interlocal agreement  
 207 | authorized under s. 163.01. Each M.P.O. shall perform all acts  
 208 | required by federal or state laws or rules, now and subsequently  
 209 | applicable, which are necessary to qualify for federal aid. It  
 210 | is the intent of this section that each M.P.O. shall be involved  
 211 | in the planning and programming of transportation facilities,  
 212 | including, but not limited to, airports, intercity and high-  
 213 | speed rail lines, seaports, and intermodal facilities, to the  
 214 | extent permitted by state or federal law.

215 | (b) The metropolitan transportation planning process must  
 216 | be continuous, cooperative, coordinated, and comprehensive. In  
 217 | developing the long-range transportation plan and the  
 218 | transportation improvement program required under paragraph (a),  
 219 | each M.P.O. shall provide for consideration and implementation  
 220 | of projects, services, and strategies that will address the  
 221 | following factors:

222 | 1. Support the economic vitality of the metropolitan area,  
 223 | especially by enabling global competitiveness, productivity, and  
 224 | efficiency;



225 2. Increase the safety and security of the transportation  
 226 system for motorized and nonmotorized users;

227 3. Increase the accessibility and mobility options for  
 228 ~~available to~~ people and ~~for~~ freight;

229 4. Protect and enhance the environment, promote energy  
 230 conservation, ~~and~~ improve quality of life, and promote  
 231 consistency between transportation improvements and state and  
 232 local planned growth and economic development patterns;

233 5. Enhance the integration and connectivity of the  
 234 transportation system, across and between modes, for people and  
 235 freight;

236 6. Promote efficient system management and operation; and

237 7. Emphasize the preservation of the existing  
 238 transportation system.

239  
 240 The degree of consideration and analysis of the factors  
 241 described in this paragraph shall be based on the scale and  
 242 complexity of transportation system development, land use,  
 243 employment, economic development, human and natural environment,  
 244 and housing and community development. The metropolitan  
 245 transportation planning process must be consistent with the  
 246 Strategic Highway Safety Plan as specified in 23 U.S.C. s. 148,  
 247 as well as other transit safety and security planning and review  
 248 processes, plans, and programs, as appropriate.

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

252 1. Prepare a congestion management process ~~system~~ for the

253 metropolitan area and cooperate with the department in the  
 254 development of all other transportation management systems  
 255 required by state or federal law. Congestion management shall be  
 256 addressed through a process providing for safe and effective  
 257 integrated management and operation of a multimodal  
 258 transportation system of new and existing transportation  
 259 facilities eligible for federal funding through the use of  
 260 travel-demand reduction and operational management strategies.  
 261 The development of the congestion-management process must result  
 262 in multimodal system performance measures and strategies that  
 263 can be reflected in the long-range transportation plan and the  
 264 transportation improvement program plan. Levels of system  
 265 performance deemed acceptable by the department, local  
 266 governments, and local transportation officials may vary by type  
 267 of transportation facility, geographic location such as  
 268 metropolitan area or subarea, or time of day;

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

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

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

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

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

281           (k)1. Each M.P.O. shall develop and use a documented  
 282 participation plan that defines a process for:  
 283           a. Citizens;  
 284           b. Affected public agencies;  
 285           c. Freight shippers;  
 286           d. Providers of freight transportation services;  
 287           e. Private providers of transportation;  
 288           f. Employees of any public transportation system or  
 289 authority;  
 290           g. Users of public transportation;  
 291           h. Pedestrian walkways;  
 292           i. Bicycle transportation facilities;  
 293           j. The disabled; and  
 294           k. Other interested parties.  
 295           2. The participation plan shall be developed by the M.P.O.  
 296 in consultation with interested parties, and the M.P.O. shall  
 297 provide each interested party with a reasonable opportunity to  
 298 be involved in the metropolitan transportation planning process.  
 299           3. The participation plan shall, at a minimum, be  
 300 developed in a manner consistent with the requirements of  
 301 federal law and rules.  
 302           (7) LONG-RANGE TRANSPORTATION PLAN.—  
 303           (a)1. Each M.P.O. must develop a long-range transportation  
 304 plan that addresses at least a 20-year planning horizon. The  
 305 plan must include both long-range and short-range strategies and  
 306 actions leading to an integrated multimodal transportation  
 307 system that facilitates the safe and efficient movement of  
 308 people and goods, addresses current and future transportation

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309 demand, and complies ~~must comply~~ with all other state and  
310 federal requirements.

311 2. The air quality nonattainment and maintenance aspects  
312 of each long-range transportation plan shall be reviewed and  
313 updated at least every 4 years and the attainment aspect of each  
314 long-range transportation plan shall be reviewed and updated at  
315 least every 5 years. The purpose of such review and any  
316 resulting updates is to confirm each long-range transportation  
317 plan's validity and consistency with current and forecasted  
318 transportation and land use conditions or trends and to extend  
319 the forecast period to at least a 20-year planning horizon. The  
320 M.P.O. may also revise a long-range transportation plan at any  
321 time using the procedures described in this subsection without  
322 extending the time of the planning horizon. The plan and any  
323 revisions are subject to approval by the M.P.O.'s governing  
324 board. The metropolitan long-range transportation plan shall be  
325 published or otherwise made readily available by the M.P.O. for  
326 public review. The available formats for such public review  
327 shall include, to the maximum extent practicable, any  
328 electronically accessible formats such as the Internet.

329 3. The M.P.O. shall base updates to the long-range  
330 transportation plan on the latest available estimates and  
331 assumptions for population, land use, travel, employment,  
332 congestion, and economic activity. The governing board of the  
333 M.P.O. shall approve the long-range transportation contents and  
334 supporting analyses produced by a plan update.

335 (b)1. The prevailing principles to be considered in the  
336 long-range transportation plan are the same factors as set forth

337 in paragraph (6) (b): ~~preserving the existing transportation~~  
 338 ~~infrastructure; enhancing Florida's economic competitiveness;~~  
 339 ~~and improving travel choices to ensure mobility.~~

340 2. The long-range transportation plan must be consistent,  
 341 to the maximum extent feasible, with future land use elements  
 342 and the goals, objectives, and policies of the approved local  
 343 government comprehensive plans of the units of local government  
 344 located within the jurisdiction of the M.P.O. Each M.P.O. is  
 345 encouraged to consider strategies that integrate transportation  
 346 and land use planning to provide for sustainable development and  
 347 reduce greenhouse gas emissions. The approved long-range  
 348 transportation plan must be considered by local governments in  
 349 the development of the transportation elements in local  
 350 government comprehensive plans and any amendments thereto.

351 3. The long-range transportation plan shall have a cost-  
 352 feasibility element that includes a listing of projects for  
 353 which funding has been identified and is available and a needs  
 354 element containing a listing of projects for which funding has  
 355 not been identified or is unavailable. The cost-feasibility  
 356 element may list projects not fully funded if the unfunded  
 357 phases of a project are identified in the needs element. If a  
 358 project is to be constructed by the department or another entity  
 359 using state or federal funds, the project must be identified in  
 360 the long-range transportation plan and the transportation-  
 361 improvement program.

362 (c) The long-range transportation plan shall include ~~must~~,  
 363 at a minimum:

364 1. The projected transportation demand of persons and

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365 goods in the metropolitan planning area over the duration of the  
366 long-range transportation plan.

367 2. Existing and proposed transportation facilities,  
368 including major roadways, transit, multimodal and intermodal  
369 facilities, pedestrian walkways and bicycle facilities, and  
370 intermodal connectors, which should function as an integrated  
371 metropolitan transportation system, giving emphasis to those  
372 facilities that serve important national, state, or regional  
373 transportation functions over the duration of the long-range  
374 transportation plan. The plan

375 ~~(a) Identify transportation facilities, including, but not~~  
376 ~~limited to, major roadways, airports, seaports, spaceports,~~  
377 ~~commuter rail systems, transit systems, and intermodal or~~  
378 ~~multimodal terminals that will function as an integrated~~  
379 ~~metropolitan transportation system. The long-range~~  
380 ~~transportation plan must give emphasis to those transportation~~  
381 ~~facilities that serve national, statewide, or regional~~  
382 ~~functions, and must consider the goals and objectives identified~~  
383 ~~in the Florida Transportation Plan as provided in s. 339.155. If~~  
384 ~~a project is located within the boundaries of more than one~~  
385 ~~M.P.O., the M.P.O.'s must coordinate plans regarding the project~~  
386 ~~in the long-range transportation plan.~~

387 3. Operational and management strategies to improve the  
388 performance of existing transportation facilities for the  
389 purpose of maximizing the safety and mobility of people and  
390 goods.

391 4. Assessment of capital investment and other strategies  
392 to preserve the existing and projected future metropolitan

393 transportation infrastructure.

394 5. Transportation and transit enhancement activities, as  
 395 appropriate, including, but not limited to, pedestrian walkway  
 396 and bicycle transportation facilities in accordance with 23  
 397 U.S.C. s. 217(g), scenic easements, landscaping, historic  
 398 preservation, mitigation of water pollution due to highway  
 399 runoff, and control of outdoor advertising.

400 6. ~~(b) Include~~ A financial plan that demonstrates how the  
 401 plan can be implemented, indicating resources from public and  
 402 private sources which are reasonably expected to be available to  
 403 carry out the plan, and recommends any additional financing  
 404 strategies to fund for needed projects and programs included in  
 405 the metropolitan long-range transportation plan. For purposes of  
 406 transportation system operations and maintenance, the financial  
 407 plan shall contain system-level estimates of costs and revenue  
 408 sources reasonably expected to be available to adequately  
 409 operate and maintain federal-aid highways and public  
 410 transportation. The financial plan may include, for illustrative  
 411 purposes, additional projects that would be included in the  
 412 adopted long-range transportation plan if reasonable additional  
 413 resources beyond those identified in the financial plan were  
 414 available. The M.P.O. is not required to select any project from  
 415 the illustrative list of additional projects included in the  
 416 financial plan pursuant to this subparagraph. For the purpose of  
 417 developing the metropolitan long-range transportation plan, the  
 418 M.P.O., public transportation operators, and the department  
 419 shall cooperatively develop estimates of funds that will be  
 420 available to support the plan implementation. Innovative

421 financing techniques may be used to fund needed projects and  
 422 programs. ~~Such techniques may include the assessment of tolls,~~  
 423 ~~the use of value capture financing, or the use of value pricing.~~

424 (d) The metropolitan long-range transportation plan shall  
 425 include a safety element that incorporates or summarizes the  
 426 priorities, goals, countermeasures, or projects for the  
 427 metropolitan planning area contained in the Strategic Highway  
 428 Safety Plan required under 23 U.S.C. s. 148, as well as  
 429 appropriate emergency relief and disaster preparedness plans,  
 430 and strategies or policies supporting homeland security as  
 431 appropriate and safeguarding the personal security of all  
 432 motorized and nonmotorized users.

433 ~~(c) Assess capital investment and other measures necessary~~  
 434 ~~to:~~

435 ~~1. Ensure the preservation of the existing metropolitan~~  
 436 ~~transportation system including requirements for the operation,~~  
 437 ~~resurfacing, restoration, and rehabilitation of major roadways~~  
 438 ~~and requirements for the operation, maintenance, modernization,~~  
 439 ~~and rehabilitation of public transportation facilities; and~~

440 ~~2. Make the most efficient use of existing transportation~~  
 441 ~~facilities to relieve vehicular congestion and maximize the~~  
 442 ~~mobility of people and goods.~~

443 ~~(d) Indicate, as appropriate, proposed transportation~~  
 444 ~~enhancement activities, including, but not limited to,~~  
 445 ~~pedestrian and bicycle facilities, scenic easements,~~  
 446 ~~landscaping, historic preservation, mitigation of water~~  
 447 ~~pollution due to highway runoff, and control of outdoor~~  
 448 ~~advertising.~~



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449           (e) ~~In addition to the requirements of paragraphs (a)–(d),~~  
450 ~~in~~ metropolitan areas that are classified as nonattainment areas  
451 for ozone or carbon monoxide, the M.P.O. must coordinate the  
452 development of the long-range transportation plan with the  
453 process for developing transportation control measures in the  
454 State Implementation Plan developed pursuant to the requirements  
455 of the federal Clean Air Act.

456           (f) In the development of its long-range transportation  
457 plan, each M.P.O. must provide the public, affected public  
458 agencies, representatives of transportation agency employees,  
459 freight shippers, providers of freight transportation services,  
460 private providers of transportation, representatives of users of  
461 public transit, and other interested parties with a reasonable  
462 opportunity to comment on the long-range transportation plan  
463 using the public participation plan developed pursuant to s.  
464 paragraph (6) (k). During development of the long-range  
465 transportation plan and amendments thereto, the M.P.O. shall  
466 provide notice of the plan and amendments in an electronically  
467 accessible format on the Internet as described in the public  
468 participation plan. The long-range transportation plan must be  
469 ~~approved by the M.P.O.~~

470           (8) TRANSPORTATION IMPROVEMENT PROGRAM.—Each M.P.O. shall,  
471 in cooperation with the state and affected public transportation  
472 operators, develop a transportation improvement program for the  
473 area within the jurisdiction of the M.P.O. In the development of  
474 the transportation improvement program, each M.P.O. must provide  
475 the public, affected public agencies, representatives of  
476 transportation agency employees, freight shippers, providers of

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477 freight transportation services, private providers of  
478 transportation, representatives of users of public transit, and  
479 other interested parties with a reasonable opportunity to  
480 participate in the development of and comment on the proposed  
481 transportation improvement program consistent with the  
482 provisions of the public participation plan described in s.  
483 paragraph (6) (k).

484 (a) Each M.P.O. is responsible for developing, annually, a  
485 list of project priorities and a transportation improvement  
486 program. The prevailing principles to be considered by each  
487 M.P.O. when developing a list of project priorities and a  
488 transportation improvement program are the factors set forth in  
489 paragraph (6) (b): ~~preserving the existing transportation~~  
490 ~~infrastructure; enhancing Florida's economic competitiveness;~~  
491 ~~and improving travel choices to ensure mobility.~~ The  
492 transportation improvement program will be used to initiate  
493 federally aided transportation facilities and improvements as  
494 well as other transportation facilities and improvements  
495 including transit, rail, aviation, spaceport, and port  
496 facilities to be funded from the State Transportation Trust Fund  
497 within its metropolitan area in accordance with existing and  
498 subsequent federal and state laws and rules and regulations  
499 related thereto. The transportation improvement program shall be  
500 consistent, to the maximum extent feasible, with the approved  
501 local government comprehensive plans of the units of local  
502 government whose boundaries are within the metropolitan area of  
503 the M.P.O. and include those projects programmed pursuant to s.  
504 339.2819(4).

505 (b) Each M.P.O. annually shall prepare a list of project  
 506 priorities and shall submit the list to the appropriate district  
 507 of the department by October 1 of each year; however, the  
 508 department and a metropolitan planning organization may, in  
 509 writing, agree to vary this submittal date. The list of project  
 510 priorities must be formally reviewed by the technical and  
 511 citizens' advisory committees, and approved by the M.P.O.,  
 512 before it is transmitted to the district. The approved list of  
 513 project priorities must be used by the district in developing  
 514 the district work program and must be used by the M.P.O. in  
 515 developing its transportation improvement program. The annual  
 516 list of project priorities must be based upon project selection  
 517 criteria that, at a minimum, consider the following:

- 518 1. The approved M.P.O. long-range transportation plan;
- 519 2. The Strategic Intermodal System Plan developed under s.  
 520 339.64.
- 521 3. The priorities developed pursuant to s. 339.2819(4).
- 522 4. The results of the transportation management systems;  
 523 and
- 524 5. The M.P.O.'s public-involvement procedures.

525 (c) The transportation improvement program must, at a  
 526 minimum:

- 527 1. Include projects and project phases to be funded with  
 528 state or federal funds within the time period of the  
 529 transportation improvement program and which are recommended for  
 530 advancement as a part of the department's work program during  
 531 the next fiscal year as defined in s. 339.135(1)(a) and 4  
 532 subsequent fiscal years. The transportation improvement program

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533 shall include a project, or an identified phase of a project,  
534 only if full funding can reasonably be anticipated to be  
535 available for the project or the identified phase within the  
536 period contemplated for completion of the project or the  
537 identified phase. Such projects and project phases must be  
538 consistent, to the maximum extent feasible, with the approved  
539 local government comprehensive plans of the units of local  
540 government located within the jurisdiction of the M.P.O. For  
541 informational purposes, the transportation improvement program  
542 shall also include a list of projects to be funded from local or  
543 private revenues.

544 2. Include projects within the metropolitan area which are  
545 proposed for funding under Title 23 or chapter 53 of Title 49 of  
546 the United States Code. Each project and project phase must be  
547 ~~U.S.C. s. 134 of the Federal Transit Act and which are~~  
548 consistent with the long-range transportation plan developed  
549 under subsection (7).

550 3. Provide a financial plan that demonstrates how the  
551 transportation improvement program can be implemented; indicates  
552 the resources, both public and private, that are reasonably  
553 expected to be available to accomplish the program; identifies  
554 any innovative financing techniques that may be used to fund  
555 needed projects and programs; and may include, for illustrative  
556 purposes, additional projects that would be included in the  
557 approved transportation improvement program if reasonable  
558 additional resources beyond those identified in the financial  
559 plan were available. Innovative financing techniques may include  
560 the assessment of tolls, the use of value capture financing, or

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561 the use of value pricing. In developing the transportation  
562 improvement program, the M.P.O., the department, and public  
563 transportation operators shall work cooperatively to develop  
564 estimates of funds reasonably expected to be available to  
565 support implementation of the transportation improvement  
566 program. The transportation improvement program shall ~~may~~  
567 include a project or project phase only if full funding can  
568 reasonably be anticipated to be available for the project or  
569 project phase within the time period contemplated for completion  
570 of the project or project phase.

571 4. Group projects and project phases of similar urgency  
572 and anticipated staging into appropriate staging periods.

573 5. Indicate how the transportation improvement program  
574 relates to the long-range transportation plan developed under  
575 subsection (7), including providing examples of specific  
576 projects or project phases that further the goals and policies  
577 of the long-range transportation plan.

578 6. Indicate whether any project or project phase is  
579 inconsistent with an approved comprehensive plan of a unit of  
580 local government located within the jurisdiction of the M.P.O.  
581 If a project is inconsistent with an affected comprehensive  
582 plan, the M.P.O. must provide justification for including the  
583 project in the transportation improvement program.

584 7. Indicate how the improvements are consistent, to the  
585 maximum extent feasible, with affected seaport, airport, and  
586 spaceport master plans and with public transit development plans  
587 of the units of local government located within the jurisdiction  
588 of the M.P.O. If a project is located within the boundaries of

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589 more than one M.P.O., the M.P.O.'s must coordinate plans  
590 regarding the project in the transportation improvement program.

591 8. Include descriptive material, including, but not  
592 limited to, type of work, termini, and length for the purpose of  
593 identifying the project or project phase and the estimated total  
594 project cost, which may extend beyond the duration of the  
595 transportation improvement program. The program shall also  
596 identify the agencies responsible for carrying out the project  
597 or project phase.

598 9. Identify the amount of federal funds proposed to be  
599 obligated during each fiscal year of the project or project  
600 phase, including the category or likely category of federal  
601 funds and the source of any nonfederal funds to be used or  
602 likely to be used.

603 (d) Projects included in the transportation improvement  
604 program and that have advanced to the design stage of  
605 preliminary engineering may be removed from or rescheduled in a  
606 subsequent transportation improvement program only by the joint  
607 action of the M.P.O. and the department. Except when recommended  
608 in writing by the district secretary for good cause, any project  
609 removed from or rescheduled in a subsequent transportation  
610 improvement program shall not be rescheduled by the M.P.O. in  
611 that subsequent program earlier than the 5th year of such  
612 program.

613 (e) During the development of the transportation  
614 improvement program and any amendments thereto, the M.P.O.  
615 shall, in cooperation with the department and any affected  
616 public transit operation, provide citizens, affected public

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617 agencies, representatives of transportation agency employees,  
618 freight shippers, providers of freight transportation services,  
619 private providers of transportation, representatives of users of  
620 public transit, and other interested parties with reasonable  
621 notice of and an opportunity to comment on the proposed program,  
622 consistent with the public participation plan adopted pursuant  
623 to paragraph (6) (k). During development of the transportation  
624 improvement program and amendments to the program, the M.P.O.  
625 shall provide notice of the program and amendments thereto in an  
626 electronically accessible format on the Internet as described in  
627 the public participation plan.

628 (f) The adopted annual transportation improvement program  
629 for M.P.O.'s in nonattainment or maintenance areas must be  
630 submitted to the district secretary and the Department of  
631 Community Affairs at least 90 days before the submission of the  
632 state transportation improvement program by the department to  
633 the appropriate federal agencies. The annual transportation  
634 improvement program for M.P.O.'s in attainment areas must be  
635 submitted to the district secretary and the Department of  
636 Community Affairs at least 45 days before the department submits  
637 the state transportation improvement program to the appropriate  
638 federal agencies; however, the department, the Department of  
639 Community Affairs, and a metropolitan planning organization may,  
640 in writing, agree to vary this submittal date. The Governor or  
641 the Governor's designee shall review and approve each  
642 transportation improvement program and any amendments thereto.

643 (g) The Department of Community Affairs shall review the  
644 annual transportation improvement program of each M.P.O. for

645 consistency with the approved local government comprehensive  
 646 plans of the units of local government whose boundaries are  
 647 within the metropolitan area of each M.P.O. and shall identify  
 648 those projects that are inconsistent with such comprehensive  
 649 plans. The Department of Community Affairs shall notify an  
 650 M.P.O. of any transportation projects contained in its  
 651 transportation improvement program which are inconsistent with  
 652 the approved local government comprehensive plans of the units  
 653 of local government whose boundaries are within the metropolitan  
 654 area of the M.P.O.

655 (h) The M.P.O. shall continuously ~~annually~~ publish by  
 656 electronically accessible means on the Internet and ~~or~~ otherwise  
 657 make available for public review the annual listing of projects  
 658 for which federal funds have been obligated in the preceding  
 659 year. The M.P.O. shall also publish an annual listing of  
 660 projects, including investments in pedestrian walkways and  
 661 bicycle transportation facilities, for which federal funds have  
 662 been obligated in the preceding year. The listing shall be  
 663 consistent with the categories identified in the transportation  
 664 improvement program. Project monitoring systems must be  
 665 maintained by those agencies responsible for obligating federal  
 666 funds and made accessible to the M.P.O.'s.

667 (9) UNIFIED PLANNING WORK PROGRAM.—Each M.P.O. shall  
 668 develop, in cooperation with the department and public  
 669 transportation providers, a unified planning work program  
 670 covering a 1-year or 2-year period which ~~that~~ lists major  
 671 activities and all planning tasks, including activities  
 672 addressing the planning factors described in paragraph (6) (b),



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673 to be undertaken during the program year. The unified planning  
674 work program must provide a complete description of each  
675 planning task, the parties performing the work, the resulting  
676 products, and an estimated budget therefor itemized by activity  
677 or task, and a summary of the total amounts and sources of  
678 federal or matching funds. The work program ~~and~~ must comply with  
679 applicable state and federal law.

680 (10) AGREEMENTS.—

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

684 1. An agreement with the department clearly defining any  
685 mutual responsibilities and establishing the cooperative  
686 relationship essential to accomplish the transportation planning  
687 requirements of state and federal law.

688 2. An agreement with the metropolitan and regional  
689 intergovernmental coordination and review agencies serving the  
690 metropolitan areas, specifying the means by which activities  
691 will be coordinated and how transportation planning and  
692 programming will be part of the comprehensive planned  
693 development of the area.

694 3. An agreement with operators of public transportation  
695 systems, including transit systems, commuter rail systems,  
696 airports, seaports, and spaceports, defining any mutual  
697 responsibilities and describing the means by which activities  
698 will be coordinated and specifying how public transit, commuter  
699 rail, aviation, seaport, and aerospace planning and programming  
700 will be part of the comprehensive planned development of the

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701 metropolitan area.

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703 To the extent reasonably possible, an M.P.O. shall develop a  
704 single agreement between all responsible parties described in  
705 subparagraphs (a)1. and 3. Written agreements shall include  
706 provisions for cooperatively developing and sharing information  
707 related to the development of financial plans that support the  
708 long-range transportation plan and the transportation  
709 improvement program.

710 Section 2. This act shall take effect July 1, 2010.