

By Senator Altman

24-00937A-10

20102324

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

24-00937A-10

20102324

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

24-00937A-10

20102324

59 requiring that an M.P.O. provide certain parties
60 notice and opportunity to comment during the
61 development of a long-range transportation plan or
62 transportation improvement program; specifying
63 prevailing principles to be considered by an M.P.O.
64 during the development of a transportation improvement
65 program; requiring that a transportation improvement
66 program meet certain minimum requirements; requiring
67 that an M.P.O. publish an annual listing of certain
68 projects; requiring that an M.P.O. develop a unified
69 planning work program; providing requirements for such
70 program; requiring that an M.P.O. execute specified
71 types of written agreements; requiring that a single
72 agreement be developed whenever possible; requiring
73 that written agreements contain certain provisions;
74 providing an effective date.

75
76 Be It Enacted by the Legislature of the State of Florida:

77
78 Section 1. Subsection (2), paragraphs (b) and (c) of
79 subsection (6), subsections (7), (8), and (9), and paragraph (a)
80 of subsection (10) of section 339.175, Florida Statutes, are
81 amended, and paragraph (k) is added to subsection (6) of that
82 section, to read:

83 339.175 Metropolitan planning organization.—

84 (2) ~~DESIGNATION~~; REDESIGNATION; JURISDICTIONAL BOUNDARIES.—

85 (a)1. An M.P.O. shall be designated for each urbanized area
86 of the state which has a total population as provided by federal
87 law; however, this does not require that an individual M.P.O. be

24-00937A-10

20102324

88 designated for each such area. Such designation or a
89 redesignation shall be accomplished by agreement between the
90 Governor and units of general-purpose local government
91 representing at least 75 percent of the population of the
92 urbanized area, or in the case of a redesignation, the existing
93 metropolitan planning area, including the largest incorporated
94 municipality, as determined based on population, within the
95 jurisdictional area to be designated; however, the unit of
96 general-purpose local government that represents the central
97 city or cities within the M.P.O. jurisdiction, as defined by the
98 United States Bureau of the Census, must be a party to such
99 agreement. An M.P.O. designation shall remain in effect until an
100 official redesignation has been made in accordance with federal
101 law. Redesignation shall be accomplished in a manner consistent
102 with federal law.

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

105 a. The proportion of voting members of the existing M.P.O.
106 representing the largest incorporated municipality, other units
107 of general-purpose local government served by the M.P.O., and
108 authorities or other agencies created by law to perform
109 transportation functions which are performing transportation
110 functions and are not under the jurisdiction of a general-
111 purpose local government represented on the M.P.O.; or

112 b. The decisionmaking authority or responsibility of the
113 M.P.O., or the decisionmaking procedures established under
114 M.P.O. bylaws.

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

24-00937A-10

20102324

117 a. A new urbanized area is identified, as determined by the
118 Bureau of the Census within an existing metropolitan planning
119 area;

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

123 c. Members are added to satisfy specific membership
124 requirements for an M.P.O. serving as a transportation
125 management area; or

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

129 4.2. To the extent reasonably possible, only one M.P.O. may
130 be designated for each urbanized area. More than one M.P.O. may
131 be designated within an existing metropolitan planning area only
132 if the Governor and the existing M.P.O. determine that the size
133 and complexity of the existing metropolitan planning area makes
134 the designation of more than one M.P.O. for the area
135 appropriate.

136 (b) Each M.P.O. designated in a manner prescribed by Title
137 23 of the United States Code shall be created and operated under
138 the provisions of this section pursuant to an interlocal
139 agreement entered into pursuant to s. 163.01. The signatories to
140 the interlocal agreement shall be the department and the
141 governmental entities designated by the Governor for membership
142 on the M.P.O. Each M.P.O. shall be a corporate body and shall be
143 considered separate from the state or the governing body of a
144 local government that is represented on the governing board of
145 the M.P.O. or that is a signatory to the interlocal agreement

24-00937A-10

20102324

146 creating the M.P.O. and shall have such powers and privileges
147 that are provided under s. 163.01. If there is a conflict
148 between this section and s. 163.01, this section prevails.

149 (c)1. The jurisdictional boundaries of an M.P.O. shall be
150 determined by agreement between the Governor and the applicable
151 M.P.O., and the jurisdictional boundaries of the M.P.O. shall be
152 described in any new interlocal agreement entered into after
153 July 1, 2010. The boundaries must include at least the
154 metropolitan planning area, which is the existing urbanized area
155 and the contiguous area expected to become urbanized within a
156 20-year forecast period, and may encompass the entire
157 metropolitan statistical area or the consolidated metropolitan
158 statistical area.

159 2. Metropolitan planning area jurisdictional boundaries may
160 not overlap. If part of an urbanized area served by one M.P.O.
161 extends into an adjacent metropolitan planning area, both
162 organizations shall, at a minimum, establish written agreements
163 clearly identifying areas of coordination and the division of
164 transportation planning responsibilities.

165 3. After each decennial census, the metropolitan planning
166 area boundaries of each M.P.O. shall be reviewed by the M.P.O.
167 in cooperation with the department and public transportation
168 operators operating within the metropolitan planning area or
169 within any areas immediately adjacent to the metropolitan
170 planning area but outside any other M.P.O.'s metropolitan
171 planning area. The purpose of such review is to determine
172 whether the existing metropolitan planning area boundaries meet
173 the minimum federal and state statutory requirements for new and
174 updated urbanized areas and to reflect the most comprehensive

24-00937A-10

20102324

175 boundary for the purpose of fostering an effective planning
176 process that ensures connectivity between modes, reduces access
177 disadvantages experienced by modal systems, and promotes overall
178 efficient transportation investment strategies. Upon completion
179 of the review, the boundaries shall be adjusted as necessary by
180 the M.P.O. and the Governor.

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

200 (e) The governing body of the M.P.O. shall designate, at a
201 minimum, a chair, vice chair, and agency clerk. The chair and
202 vice chair shall be selected from among the member delegates
203 comprising the governing board. The agency clerk shall be

24-00937A-10

20102324

204 charged with the responsibility of preparing meeting minutes and
205 maintaining agency records. The clerk shall be a member of the
206 M.P.O. governing board, an employee of the M.P.O., or other
207 natural person.

208
209 Each M.P.O. required under this section must be fully operative
210 no later than 6 months following its designation.

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

222 (b) The metropolitan transportation planning process must
223 be continuous, cooperative, coordinated, and comprehensive. In
224 developing the long-range transportation plan and the
225 transportation improvement program required under paragraph (a),
226 each M.P.O. shall provide for consideration and implementation
227 of projects, services, and strategies that will address the
228 following factors:

229 1. Support the economic vitality of the metropolitan area,
230 especially by enabling global competitiveness, productivity, and
231 efficiency;

232 2. Increase the safety and security of the transportation

24-00937A-10

20102324

233 system for motorized and nonmotorized users;

234 3. Increase the accessibility and mobility options for
235 ~~available to~~ people and ~~for~~ freight;

236 4. Protect and enhance the environment, promote energy
237 conservation, ~~and~~ improve quality of life, and promote
238 consistency between transportation improvements and state and
239 local planned growth and economic development patterns;

240 5. Enhance the integration and connectivity of the
241 transportation system, across and between modes, for people and
242 freight;

243 6. Promote efficient system management and operation; and

244 7. Emphasize the preservation of the existing
245 transportation system.

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

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

259 1. Prepare a congestion management process ~~system~~ for the
260 metropolitan area and cooperate with the department in the
261 development of all other transportation management systems

24-00937A-10

20102324

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

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

278 3. Assist the department in performing its duties relating
279 to access management, functional classification of roads, and
280 data collection;

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

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

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

288 (k)1. Each M.P.O. shall develop and use a documented
289 participation plan that defines a process for:

290 a. Citizens;

24-00937A-10

20102324

- 291 b. Affected public agencies;
 292 c. Freight shippers;
 293 d. Providers of freight transportation services;
 294 e. Private providers of transportation;
 295 f. Employees of any public transportation system or
 296 authority;
 297 g. Users of public transportation;
 298 h. Pedestrian walkways;
 299 i. Bicycle transportation facilities;
 300 j. The disabled; and
 301 k. Other interested parties.

302 2. The participation plan shall be developed by the M.P.O.
 303 in consultation with interested parties, and the M.P.O shall
 304 provide each interested party with a reasonable opportunity to
 305 be involved in the metropolitan transportation planning process.

306 3. The participation plan shall, at a minimum, be developed
 307 in a manner consistent with the requirements of federal law and
 308 rules.

309 (7) LONG-RANGE TRANSPORTATION PLAN.—

310 (a)1. Each M.P.O. must develop a long-range transportation
 311 plan that addresses at least a 20-year planning horizon. The
 312 plan must include both long-range and short-range strategies and
 313 actions leading to an integrated multimodal transportation
 314 system that facilitates the safe and efficient movement of
 315 people and goods, addresses current and future transportation
 316 demand, and complies ~~must comply~~ with all other state and
 317 federal requirements.

318 2. The air quality nonattainment and maintenance aspects of
 319 each long-range transportation plan shall be reviewed and

24-00937A-10

20102324

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

336 3. The M.P.O. shall base updates to the long-range
337 transportation plan on the latest available estimates and
338 assumptions for population, land use, travel, employment,
339 congestion, and economic activity. The governing board of the
340 M.P.O. shall approve the long-range transportation contents and
341 supporting analyses produced by a plan update.

342 (b)1. The prevailing principles to be considered in the
343 long-range transportation plan are the same factors as set forth
344 in paragraph (6) (b): ~~preserving the existing transportation~~
345 ~~infrastructure; enhancing Florida's economic competitiveness;~~
346 ~~and improving travel choices to ensure mobility.~~

347 2. The long-range transportation plan must be consistent,
348 to the maximum extent feasible, with future land use elements

24-00937A-10

20102324

349 and the goals, objectives, and policies of the approved local
350 government comprehensive plans of the units of local government
351 located within the jurisdiction of the M.P.O. Each M.P.O. is
352 encouraged to consider strategies that integrate transportation
353 and land use planning to provide for sustainable development and
354 reduce greenhouse gas emissions. In developing the long-range
355 transportation plan, an M.P.O. shall consider applicable
356 strategies in local government comprehensive plans to reduce
357 greenhouse gas emissions developed pursuant to s. 163.3177(6)(b)
358 and (j). The approved long-range transportation plan must be
359 considered by local governments in the development of the
360 transportation elements in local government comprehensive plans
361 and any amendments thereto.

362 3. The long-range transportation plan shall have a cost-
363 feasibility element that includes a listing of projects for
364 which funding has been identified and is available and a needs
365 element containing a listing of projects for which funding has
366 not been identified or is unavailable. The cost-feasibility
367 element may list projects not fully funded if the unfunded
368 phases of a project are identified in the needs element. If a
369 project is to be constructed by the department or another entity
370 using state or federal funds, the project must be identified in
371 the long-range transportation plan and the transportation-
372 improvement program.

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

375 1. The projected transportation demand of persons and goods
376 in the metropolitan planning area over the duration of the long-
377 range transportation plan.

24-00937A-10

20102324

378 2. Existing and proposed transportation facilities,
379 including major roadways, transit, multimodal and intermodal
380 facilities, pedestrian walkways and bicycle facilities, and
381 intermodal connectors, which should function as an integrated
382 metropolitan transportation system, giving emphasis to those
383 facilities that serve important national, state, or regional
384 transportation functions over the duration of the long-range
385 transportation plan. The plan

386 ~~(a) Identify transportation facilities, including, but not~~
387 ~~limited to, major roadways, airports, seaports, spaceports,~~
388 ~~commuter rail systems, transit systems, and intermodal or~~
389 ~~multimodal terminals that will function as an integrated~~
390 ~~metropolitan transportation system. The long-range~~
391 ~~transportation plan must give emphasis to those transportation~~
392 ~~facilities that serve national, statewide, or regional~~
393 ~~functions, and must consider the goals and objectives identified~~
394 ~~in the Florida Transportation Plan as provided in s. 339.155. If~~
395 ~~a project is located within the boundaries of more than one~~
396 ~~M.P.O., the M.P.O.'s must coordinate plans regarding the project~~
397 ~~in the long-range transportation plan.~~

398 3. Operational and management strategies to improve the
399 performance of existing transportation facilities for the
400 purpose of maximizing the safety and mobility of people and
401 goods.

402 4. Assessment of capital investment and other strategies to
403 preserve the existing and projected future metropolitan
404 transportation infrastructure.

405 5. Transportation and transit enhancement activities, as
406 appropriate, including, but not limited to, pedestrian walkway

24-00937A-10

20102324

407 and bicycle transportation facilities in accordance with 23
408 U.S.C. 217(g), scenic easements, landscaping, historic
409 preservation, mitigation of water pollution due to highway
410 runoff, and control of outdoor advertising.

411 ~~6.(b) Include~~ A financial plan that demonstrates how the
412 plan can be implemented, indicating resources from public and
413 private sources which are reasonably expected to be available to
414 carry out the plan, and recommends any additional financing
415 strategies to fund ~~for needed~~ projects and programs included in
416 the metropolitan long-range transportation plan. For purposes of
417 transportation system operations and maintenance, the financial
418 plan shall contain system-level estimates of costs and revenue
419 sources reasonably expected to be available to adequately
420 operate and maintain federal-aid highways and public
421 transportation. The financial plan may include, for illustrative
422 purposes, additional projects that would be included in the
423 adopted long-range transportation plan if reasonable additional
424 resources beyond those identified in the financial plan were
425 available. The M.P.O. is not required to select any project from
426 the illustrative list of additional projects included in the
427 financial plan pursuant to this subparagraph. For the purpose of
428 developing the metropolitan long-range transportation plan, the
429 M.P.O., public transportation operators, and the department
430 shall cooperatively develop estimates of funds that will be
431 available to support the plan implementation. Innovative
432 financing techniques may be used to fund needed projects and
433 programs. ~~Such techniques may include the assessment of tolls,~~
434 ~~the use of value capture financing, or the use of value pricing.~~

435 (d) The metropolitan long-range transportation plan shall

24-00937A-10

20102324

436 include a safety element that incorporates or summarizes the
437 priorities, goals, countermeasures, or projects for the
438 metropolitan planning area contained in the Strategic Highway
439 Safety Plan required under 23 U.S.C. 148, as well as appropriate
440 emergency relief and disaster preparedness plans, and strategies
441 or policies supporting homeland security as appropriate and
442 safeguarding the personal security of all motorized and
443 nonmotorized users.

444 ~~(c) Assess capital investment and other measures necessary~~
445 ~~to:~~

446 ~~1. Ensure the preservation of the existing metropolitan~~
447 ~~transportation system including requirements for the operation,~~
448 ~~resurfacing, restoration, and rehabilitation of major roadways~~
449 ~~and requirements for the operation, maintenance, modernization,~~
450 ~~and rehabilitation of public transportation facilities; and~~

451 ~~2. Make the most efficient use of existing transportation~~
452 ~~facilities to relieve vehicular congestion and maximize the~~
453 ~~mobility of people and goods.~~

454 ~~(d) Indicate, as appropriate, proposed transportation~~
455 ~~enhancement activities, including, but not limited to,~~
456 ~~pedestrian and bicycle facilities, scenic easements,~~
457 ~~landscaping, historic preservation, mitigation of water~~
458 ~~pollution due to highway runoff, and control of outdoor~~
459 ~~advertising.~~

460 ~~(e) In addition to the requirements of paragraphs (a)-(d),~~
461 ~~in metropolitan areas that are classified as nonattainment areas~~
462 ~~for ozone or carbon monoxide, the M.P.O. must coordinate the~~
463 ~~development of the long-range transportation plan with the~~
464 process for developing transportation control measures in the

24-00937A-10

20102324

465 State Implementation Plan developed pursuant to the requirements
466 of the federal Clean Air Act.

467 (f) In the development of its long-range transportation
468 plan, each M.P.O. must provide the public, affected public
469 agencies, representatives of transportation agency employees,
470 freight shippers, providers of freight transportation services,
471 private providers of transportation, representatives of users of
472 public transit, and other interested parties with a reasonable
473 opportunity to comment on the long-range transportation plan
474 using the public participation plan developed pursuant to s.
475 paragraph (6) (k). During development of the long-range
476 transportation plan and amendments thereto, the M.P.O. shall
477 provide notice of the plan and amendments in an electronically
478 accessible format on the Internet as described in the public
479 participation plan. ~~The long-range transportation plan must be~~
480 ~~approved by the M.P.O.~~

481 (8) TRANSPORTATION IMPROVEMENT PROGRAM.—Each M.P.O. shall,
482 in cooperation with the state and affected public transportation
483 operators, develop a transportation improvement program for the
484 area within the jurisdiction of the M.P.O. In the development of
485 the transportation improvement program, each M.P.O. must provide
486 the public, affected public agencies, representatives of
487 transportation agency employees, freight shippers, providers of
488 freight transportation services, private providers of
489 transportation, representatives of users of public transit, and
490 other interested parties with a reasonable opportunity to
491 participate in the development of and comment on the proposed
492 transportation improvement program consistent with the
493 provisions of the public participation plan described in s.

24-00937A-10

20102324

494 paragraph (6)(k).

495 (a) Each M.P.O. is responsible for developing, annually, a
496 list of project priorities and a transportation improvement
497 program. The prevailing principles to be considered by each
498 M.P.O. when developing a list of project priorities and a
499 transportation improvement program are the factors set forth in
500 paragraph (6)(b): ~~preserving the existing transportation~~
501 ~~infrastructure; enhancing Florida's economic competitiveness;~~
502 ~~and improving travel choices to ensure mobility.~~ The
503 transportation improvement program will be used to initiate
504 federally aided transportation facilities and improvements as
505 well as other transportation facilities and improvements
506 including transit, rail, aviation, spaceport, and port
507 facilities to be funded from the State Transportation Trust Fund
508 within its metropolitan area in accordance with existing and
509 subsequent federal and state laws and rules and regulations
510 related thereto. The transportation improvement program shall be
511 consistent, to the maximum extent feasible, with the approved
512 local government comprehensive plans of the units of local
513 government whose boundaries are within the metropolitan area of
514 the M.P.O. and include those projects programmed pursuant to s.
515 339.2819(4).

516 (b) Each M.P.O. annually shall prepare a list of project
517 priorities and shall submit the list to the appropriate district
518 of the department by October 1 of each year; however, the
519 department and a metropolitan planning organization may, in
520 writing, agree to vary this submittal date. The list of project
521 priorities must be formally reviewed by the technical and
522 citizens' advisory committees, and approved by the M.P.O.,

24-00937A-10

20102324

523 before it is transmitted to the district. The approved list of
524 project priorities must be used by the district in developing
525 the district work program and must be used by the M.P.O. in
526 developing its transportation improvement program. The annual
527 list of project priorities must be based upon project selection
528 criteria that, at a minimum, consider the following:

- 529 1. The approved M.P.O. long-range transportation plan;
- 530 2. The Strategic Intermodal System Plan developed under s.
531 339.64.
- 532 3. The priorities developed pursuant to s. 339.2819(4).
- 533 4. The results of the transportation management systems;
- 534 and
- 535 5. The M.P.O.'s public-involvement procedures.

536 (c) The transportation improvement program must, at a
537 minimum:

- 538 1. Include projects and project phases to be funded with
539 state or federal funds within the time period of the
540 transportation improvement program and which are recommended for
541 advancement as a part of the department's work program during
542 the next fiscal year as defined in s. 339.135(1)(a) and 4
543 subsequent fiscal years. The transportation improvement program
544 shall include a project, or an identified phase of a project,
545 only if full funding can reasonably be anticipated to be
546 available for the project or the identified phase within the
547 period contemplated for completion of the project or the
548 identified phase. Such projects and project phases must be
549 consistent, to the maximum extent feasible, with the approved
550 local government comprehensive plans of the units of local
551 government located within the jurisdiction of the M.P.O. For

24-00937A-10

20102324

552 informational purposes, the transportation improvement program
553 shall also include a list of projects to be funded from local or
554 private revenues.

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

561 3. Provide a financial plan that demonstrates how the
562 transportation improvement program can be implemented; indicates
563 the resources, both public and private, that are reasonably
564 expected to be available to accomplish the program; identifies
565 any innovative financing techniques that may be used to fund
566 needed projects and programs; and may include, for illustrative
567 purposes, additional projects that would be included in the
568 approved transportation improvement program if reasonable
569 additional resources beyond those identified in the financial
570 plan were available. Innovative financing techniques may include
571 the assessment of tolls, the use of value capture financing, or
572 the use of value pricing. In developing the transportation
573 improvement program, the M.P.O., the department, and public
574 transportation operators shall work cooperatively to develop
575 estimates of funds reasonably expected to be available to
576 support implementation of the transportation improvement
577 program. The transportation improvement program shall ~~may~~
578 include a project or project phase only if full funding can
579 reasonably be anticipated to be available for the project or
580 project phase within the time period contemplated for completion

24-00937A-10

20102324

581 of the project or project phase.

582 4. Group projects and project phases of similar urgency and
583 anticipated staging into appropriate staging periods.

584 5. Indicate how the transportation improvement program
585 relates to the long-range transportation plan developed under
586 subsection (7), including providing examples of specific
587 projects or project phases that further the goals and policies
588 of the long-range transportation plan.

589 6. Indicate whether any project or project phase is
590 inconsistent with an approved comprehensive plan of a unit of
591 local government located within the jurisdiction of the M.P.O.
592 If a project is inconsistent with an affected comprehensive
593 plan, the M.P.O. must provide justification for including the
594 project in the transportation improvement program.

595 7. Indicate how the improvements are consistent, to the
596 maximum extent feasible, with affected seaport, airport, and
597 spaceport master plans and with public transit development plans
598 of the units of local government located within the jurisdiction
599 of the M.P.O. If a project is located within the boundaries of
600 more than one M.P.O., the M.P.O.'s must coordinate plans
601 regarding the project in the transportation improvement program.

602 8. Include descriptive material, including, but not limited
603 to, type of work, termini, and length for the purpose of
604 identifying the project or project phase and the estimated total
605 project cost, which may extend beyond the duration of the
606 transportation improvement program. The program shall also
607 identify the agencies responsible for carrying out the project
608 or project phase.

609 9. Identify the amount of federal funds proposed to be

24-00937A-10

20102324

610 obligated during each fiscal year of the project or project
611 phase, including the category or likely category of federal
612 funds and the source of any nonfederal funds to be used or
613 likely to be used.

614 (d) Projects included in the transportation improvement
615 program and that have advanced to the design stage of
616 preliminary engineering may be removed from or rescheduled in a
617 subsequent transportation improvement program only by the joint
618 action of the M.P.O. and the department. Except when recommended
619 in writing by the district secretary for good cause, any project
620 removed from or rescheduled in a subsequent transportation
621 improvement program shall not be rescheduled by the M.P.O. in
622 that subsequent program earlier than the 5th year of such
623 program.

624 (e) During the development of the transportation
625 improvement program and any amendments thereto, the M.P.O.
626 shall, in cooperation with the department and any affected
627 public transit operation, provide citizens, affected public
628 agencies, representatives of transportation agency employees,
629 freight shippers, providers of freight transportation services,
630 private providers of transportation, representatives of users of
631 public transit, and other interested parties with reasonable
632 notice of and an opportunity to comment on the proposed program,
633 consistent with the public participation plan adopted pursuant
634 to paragraph (6) (k). During development of the transportation
635 improvement program and amendments to the program, the M.P.O.
636 shall provide notice of the program and amendments thereto in an
637 electronically accessible format on the Internet as described in
638 the public participation plan.

24-00937A-10

20102324

639 (f) The adopted annual transportation improvement program
640 for M.P.O.'s in nonattainment or maintenance areas must be
641 submitted to the district secretary and the Department of
642 Community Affairs at least 90 days before the submission of the
643 state transportation improvement program by the department to
644 the appropriate federal agencies. The annual transportation
645 improvement program for M.P.O.'s in attainment areas must be
646 submitted to the district secretary and the Department of
647 Community Affairs at least 45 days before the department submits
648 the state transportation improvement program to the appropriate
649 federal agencies; however, the department, the Department of
650 Community Affairs, and a metropolitan planning organization may,
651 in writing, agree to vary this submittal date. The Governor or
652 the Governor's designee shall review and approve each
653 transportation improvement program and any amendments thereto.

654 (g) The Department of Community Affairs shall review the
655 annual transportation improvement program of each M.P.O. for
656 consistency with the approved local government comprehensive
657 plans of the units of local government whose boundaries are
658 within the metropolitan area of each M.P.O. and shall identify
659 those projects that are inconsistent with such comprehensive
660 plans. The Department of Community Affairs shall notify an
661 M.P.O. of any transportation projects contained in its
662 transportation improvement program which are inconsistent with
663 the approved local government comprehensive plans of the units
664 of local government whose boundaries are within the metropolitan
665 area of the M.P.O.

666 (h) The M.P.O. shall continuously ~~annually~~ publish by
667 electronically accessible means on the Internet and ~~or~~ otherwise

24-00937A-10

20102324

668 make available for public review the annual listing of projects
669 for which federal funds have been obligated in the preceding
670 year. The M.P.O. shall also publish an annual listing of
671 projects, including investments in pedestrian walkways and
672 bicycle transportation facilities, for which federal funds have
673 been obligated in the preceding year. The listing shall be
674 consistent with the categories identified in the transportation
675 improvement program. Project monitoring systems must be
676 maintained by those agencies responsible for obligating federal
677 funds and made accessible to the M.P.O.'s.

678 (9) UNIFIED PLANNING WORK PROGRAM.—Each M.P.O. shall
679 develop, in cooperation with the department and public
680 transportation providers, a unified planning work program
681 covering a 1-year or 2-year period which ~~that~~ lists major
682 activities and all planning tasks, including activities
683 addressing the planning factors described in paragraph (6) (b),
684 to be undertaken during the program year. The unified planning
685 work program must provide a complete description of each
686 planning task, the parties performing the work, the resulting
687 products, and an estimated budget therefor itemized by activity
688 or task, and a summary of the total amounts and sources of
689 federal or matching funds. The work program ~~and~~ must comply with
690 applicable state and federal law.

691 (10) AGREEMENTS.—

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

695 1. An agreement with the department clearly defining any
696 mutual responsibilities and establishing the cooperative

24-00937A-10

20102324

697 relationship essential to accomplish the transportation planning
698 requirements of state and federal law.

699 2. An agreement with the metropolitan and regional
700 intergovernmental coordination and review agencies serving the
701 metropolitan areas, specifying the means by which activities
702 will be coordinated and how transportation planning and
703 programming will be part of the comprehensive planned
704 development of the area.

705 3. An agreement with operators of public transportation
706 systems, including transit systems, commuter rail systems,
707 airports, seaports, and spaceports, defining any mutual
708 responsibilities and describing the means by which activities
709 will be coordinated and specifying how public transit, commuter
710 rail, aviation, seaport, and aerospace planning and programming
711 will be part of the comprehensive planned development of the
712 metropolitan area.

713
714 To the extent reasonably possible, an M.P.O. shall develop a
715 single agreement between all responsible parties described in
716 subparagraphs (a)1. and 3. Written agreements shall include
717 provisions for cooperatively developing and sharing information
718 related to the development of financial plans that support the
719 long-range transportation plan and the transportation
720 improvement program.

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