

**Minutes of the Florida MPO Advisory Council
Governing Board Meeting
July 26, 2012**

Governing Board Members in Attendance:

Mayor Richard J. Kaplan, Broward MPO, Chair
Deputy Mayor Susan Haynie, Palm Beach MPO, Vice-Chair
Mayor Joe Affronti, Hillsborough County MPO
Commissioner Nat Birdsong, Polk TPO
Commissioner Brandon Arrington, METROPLAN Orlando
Vice-Mayor Lara Bradburn, Hernando County MPO
Commissioner Paula DeLaney, Gainesville MTPO
Commissioner David Garofalo Sr., Sarasota/Manatee MPO
Commissioner James Herston, Charlotte County-Punta Gorda MPO
Mayor Walter T. Kelley, Bay County TPO
Councilmember Thomas Leonardo, Lee County MPO
Councilmember Delores Madison, Capital Region TPA
Mayor Rocky Randels, Space Coast TPO
Councilman Sam Saad II, Collier County MPO
Councilmember James Wood, Okaloosa-Walton TPO

Others in Attendance:

Howard Glassman, MPOAC Executive Director
Brigitte Messina, MPOAC Assistant
Paul Gougelman, MPOAC General Counsel
Jeff Kramer, USF/CUTR
Karen Seggerman, USF/CUTR
Lee Ann Jacobs, FHWA
Karen Brunelle, Federal Highway Administration
Bob Romig, FDOT
Johnny Limbaugh, FDOT District 5
Susan Sadighi, FDOT District 5
Juan Flores, FDOT
Jennifer Hibbert, FTA
Matthew Herston, Herston Engineering
Dick Glaze, Glaze Associates, Inc.
Hal Beardall, FCRC Consensus Center
Mary Beth Washnock, Florida-Alabama, Okaloosa-Walton, Bay County TPOs
Lucie Ayer, Collier County MPO
Lois Bollenback, Volusia TPO
Ray Chiaramonte, Hillsborough County MPO
Tom Deardorff, Polk TPO
Bob Herrington, Charlotte County-Punta Gorda MPO
Michael Howe, Sarasota/Manatee MPO
Phil Matson, Indian River County MPO
Harry Reed, Capital Region TPA
Carlos Roa, Miami-Dade MPO

Others in Attendance continued:

Randy Whitfield, Palm Beach MPO

1. Call to Order

Mayor Richard Kaplan, Broward MPO, Chair, called the meeting to order at 3:35 p.m.

2. Approval of Minutes

A motion was made by Deputy Mayor Susan Haynie, Palm Beach MPO, to approve the April 26, 2012 minutes. A second was received from Mayor Walter T. Kelley, Bay County TPO. The motion was approved unanimously.

3. Executive Director's Report

Mr. Howard Glassman, MPOAC Executive Director, provided a status report on current MPOAC finances, noting that the transportation revenue study was completed on time and on budget.

In response to a member request, the meeting was paused for the Pledge of Allegiance.

Mr. Glassman then discussed a requested increase in statewide MPO dues for the National Association of Regional Councils (NARC) from \$33,000 to \$50,000 annually. This increase was requested by NARC due a decrease in grants that they receive. Both NARC and the Association of Metropolitan Planning Organizations (AMPO) have worked hard over the last two years on behalf of MPOs on the reauthorization of the federal surface transportation bill. In response to a member's question in regard to the source of the funds, Mr. Glassman responded that he would be working with the Florida Department of Transportation (FDOT) on that, and that the increase would hopefully be paid for from the federal transportation planning (PL) reserve account. It was noted that this would require an amendment to the MPOAC Fiscal Years 2012/2013 – 2013/2014 Unified Planning Work Program (UPWP).

Questions arose regarding what the organizations do for the MPOAC. The organizations both advocate on behalf of MPOs with the United States Congress. AMPO is a transportation advocate specifically for metropolitan planning organizations (MPOs) and is committed to enhancing MPOs' abilities to improve metropolitan transportation systems. AMPO offers its member MPOs technical assistance and training, conferences and workshops, frequent print and electronic communications, research, a forum for transportation policy development and coalition building, and a variety of other services.

NARC serves a broader role as the national voice for regionalism and agencies that provide regional planning services (regional planning councils, MPOs, etc.) by advocating for regional cooperation as the most effective way to address a variety of community planning and development opportunities and issues. Bob Dallari, Commissioner, Seminole County, FL, METROPLAN Orlando serves on the NARC Board of Directors as the District V (GA, FL) Representative. Harold Barley, Executive Director, METROPLAN Orlando serves on the NARC Executive Directors Council as an at-large representative. It was further noted that, based on the payment of statewide membership dues, each MPO in the state is considered a member of both organizations. Nationally, an MPO may be a member of one organization or the other. Members asked that when organization representatives appear before them in the future, they should report on what they have accomplished for the MPOAC. Several members and staff directors noted that they had signed up for and regularly received valuable email updates from both organizations.

A motion to approve a UPWP Amendment to increase the statewide membership dues to NARC contingent on the availability of funding and also to require the organization to report on what they have accomplished for the MPOAC was made by Vice-Mayor Lara Bradburn, Hernando County MPO, and seconded by Deputy Mayor Susan Haynie, Palm Beach MPO. The motion carried with one “nay” vote by Councilmember James Wood, Okaloosa-Walton TPO.

Mr. Glassman then discussed the status of the MPOAC Transportation Revenue Study. He noted that a lengthy PowerPoint presentation is available for each MPO to use in educating elected officials, citizens, and other stakeholders about the study findings and recommendations. The presentation will be sent out electronically for use by the MPOs. In addition, METROPLAN Orlando is preparing a citizen-friendly version of the presentation to assist MPOs in educating other, less technically knowledgeable audiences. That presentation will also be made available to the MPOAC membership electronically.

Mr. Glassman then highlighted a few slides that best convey the main message of the revenue study. Slide 18 of the MPOAC presentation shows that existing transportation revenue is not sustainable. As vehicle miles traveled (VMT) increases, the current revenue stream stays flat or declines, mainly because motor fuel taxes do not keep up with inflation. Slide 21 illustrates the lost purchasing power of transportation revenue back to the year 2000 –\$12.1 billion. He continued by reviewing slides with the top six revenue options, as approved by the MPOAC Governing Board at their April 2012 meeting in Orlando. Mr. Glassman noted the importance of making people aware of the funding gap and working to find common ground on ways to fill that gap. In a step toward making the State Transportation Trust Fund (STTF) whole, the 2012 Florida Legislature passed legislation redirecting \$200 million of STTF funds back toward transportation purposes in the future.

In response to a question asking if the state would be moving forward on a vehicle mile traveled (VMT) study, it was clarified that only a business plan on how they would go about such a study is being developed. Discussion ensued regarding how mileage would be tracked under a VMT based revenue collection strategy and member concerns regarding the use of GPS tracking remained high.

Councilman Sam Saad, II, Collier County MPO moved to amend the Revenue Study recommendation regarding a VMT study to state that the study should not include any use of GPS as a tracking mechanism. Vice-Mayor Lara Bradburn, Hernando County MPO seconded the motion. The motion carried with Commissioner Paula DeLaney, Gainesville MTPO voting against the motion.

Mr. Glassman next suggested that a MPOAC Statewide Meeting on MPO reapportionment, regional governance and potential incentives be held in the next few months. He stressed that during conversations with the FDOT Secretary it became apparent that the MPOAC would be best served to work with the FDOT to develop potential solutions to these issues rather than wait to respond to suggestions made by the FDOT, the Florida Transportation Commission (FTC) and/or other groups without MPOAC involvement.

One member asked if the solution was to formalize the regional processes in which MPOs are currently involved. Mr. Romig clarified that the goal is better regional planning in light of urbanized boundaries growing together. He added that the FDOT Secretary is seeking ways to incentivize increased regional cooperation. He noted that any consolidation of MPOs must be agreed upon by all parties.

Members generally agreed that a discussion was needed and expressed concerns about the timing. To be effective, it was decided that the meeting should be held before the FTC moves too far forward on their own on this topic. The most likely date would be the day before the next MPOAC meeting –

Wednesday, October 24th. Members also discussed who should attend and determined that representatives from the Federal Highway Administration (FHWA), MPOAC Governing Board members and MPO Staff Directors should be invited.

Mr. Glassman also mentioned that a meeting of the MPOAC 2060 FTP Implementation Working Group was held in Tampa on June 15, 2012. The meeting minutes were provided in the agenda package.

4A. FDOT Report

Bob Romig, FDOT State Transportation Development Administrator, presented updates on recent legislation. He discussed the Transportation Regional Incentive Program (TRIP). He also mentioned that the Department would be reviewing state plans and policies for consistency with the recently passed federal transportation authorization bill, Moving Ahead for Progress in the 21st Century (MAP-21). A motion was requested to reaffirm the existing PL funding formula, and to continue to discuss possible future changes.

Noting success with the passage of SB 599 last year, the Department is in the process of putting together its 2013 legislative package. Items to be addressed include the MPO statutes themselves that reference county-wide MPOs and limit the size of the governing board at 19 members. Regional incentives, including some that may come from the MPOAC meeting on the topic, could also be addressed in legislation next year. The Department will be working to ensure consistency with Map-21. The Department will be hosting a statewide webinar focusing on MAP21.

Mr. Romig noted that the Department has been working on the long range revenue forecast and hopes to have it complete by the MPOAC's October meeting. He also noted the state is working to fill the executive director position for the Florida Rail Enterprise (FRE).

He mentioned that the staff directors had voted to reaffirm the planning fund formula. It was clarified that the reaffirmation did not include a \$350,000 set-aside for the two new urbanized areas because PL funds are decreasing. The staff directors felt that seed money for the new areas should come from the statewide PL reserve. Mr. Glassman further explained that statewide FHWA PL funds in 2011 were \$21.6 million and are dropping in 2012 to \$18.9 million before increasing to \$19.5 million in 2013.

4B. FHWA Report

Karen Brunelle, Federal highway Administration (FHWA), Director, Office of Project Development gave the FHWA report. She began with an update on the Transportation Investment Generating Economic Recovery (TIGER) discretionary grant program noting that 2 grants were awarded in Florida. One award was to the City of Tampa for Downtown Multimodal Improvements. These funds will be distributed directly from FHWA to the City rather than through FDOT. The second award was to the South Florida Regional Transportation Authority (SFRTA) for the Fort Lauderdale Wave Streetcar Project. Ms. Brunelle also noted that the Hillsborough County MPO received a Planning Excellence Award for their Countywide Bicycle Safety Action Plan.

Ms. Brunelle discussed the draft LRTP Expectations letter included in the agenda package. She reminded members that all comments on the draft letter must be submitted to FHWA by August 1st.

Ms. Brunelle gave a presentation regarding MAP-21. A copy of the presentation was distributed. She identified the MAP-21 themes. The program provided for the completion of the previous federal transportation authorization bill (SAFETEA-LU) by the end of September with most new provisions going into effect October 1st and going through the end of federal fiscal year 2014. Two years of solvency for the Highway Trust Fund are ensured. Program consolidation resulted in the elimination of most discretionary programs and all earmarks. Approximately \$38 billion will be distributed in accordance with a new funding formula that is broken down into five areas: the National Highway Performance Program, the Surface Transportation Program (FL- \$513 Million), the Highway Safety Improvement Program (FL-\$122 million), the Congestion Mitigation & Air Quality Improvement Program (\$13million), and Transportation Alternatives (\$49 million). There were significant changes to the Transportation Infrastructure Finance and Innovation Act (TIFIA) Program in that lending capacity has increased to \$10 billion per year and provides for TIFIA participation in project costs from 33% to 49%. MAP-21 also provided some changes in tolling requirements affecting toll agreements defined under section 129 of Title 23 of the United State Code (pertaining to the use of federal-aid funds to construct tolled highway facilities).

Additionally, Ms. Brunelle highlighted the new emphasis MAP-21 will place on performance measurement in transportation planning and programming. The US Department of Transportation (USDOT) will establish measures with input from the states and local agencies over the next 18 months. She then described how MAP-21 will be accelerating project delivery in a variety of ways including giving states the ability to grant some categorical exclusions, allowing lump sum payment for purchase of right of way, and accelerating the environmental review process. A hallmark provision of MAP-21 is the introduction of a national freight policy including the development of a national Freight Network and prioritization of projects to improve freight movement.

A member asked if performance measures would be required as part of the long range transportation plan and, if so, when. Ms. Brunelle replied that the process would be developed at the federal level, then the state level, and then the MPO level and she will clarify this for the MPOAC as more is known. Another member suggested that national policy should include policy on the use of natural gas and the development of infrastructure to distribute natural gas so that it has a chance to compete with fossil fuels.

4C. FTA Report

Jennifer Hibbert, Director, Federal Transit Administration (FTA) Office of Planning & Program Development for Region IV, provided the FTA report. Directing attention to the slides provided in the agenda packet, Ms. Hibbert noted several organizational updates including that she is the new Region IV Director. Valencia Williams is taking over grants previously managed by Darryl Davis, while Tonya LaShore will manage grants for Jacksonville, Miami, Orlando, and Tampa. The new civil rights contact is Carlos Gonzalez.

Ms. Hibbert stated that there is an additional \$900 million in discretionary funding this year. She noted that this may be the last year for discretionary programs because none were included in MAP-21. Existing programs will be combined into formula programs. There will be a webinar scheduled in August that will provide information on MAP-21 effects on FTA programs. She also mentioned that the Fort Lauderdale Wave Streetcar Project was a TIGER Grant Recipient.

Ms. Hibbert stressed that those agencies that have been noticed of lapsing balances, carryover balances, or use of fuel provision should turn in their grant ASAP. Once the team system is shut down in mid-September, those funds cannot be recovered. She outlined the process that the grant applications go through in the FTA office. Planning certifications in 2012 include the North Florida TPO (completed), the Capitol Region TPA (underway), and the Collier County MPO (coming up in August).

Ms. Hibbert announced that FTA sent letters to urbanized areas (UZAs) and governors in Region IV regarding 2010 Census UZA designations noting that Florida's new Transportation Management Areas (TMAs - UZAs over 200,000) are Lakeland and Winter Haven and that the new small UZAs in Florida are Homosassa Springs-Beverly Hills-Citrus Springs and Sebring-Avon Park. She noted that the 2013 formula allocations will be based on the 2010 census and that the annual apportionment has been released. She suggested that grant recipients update an existing grant rather than create a new grant application whenever possible. Ms. Hibbert noted that FTA has a new small business component and reminded members of the increased focus on civil rights and the Civil Rights ADA Assistance Line. Finally, she mentioned procurement reminders including the emphasis on the Buy America requirement.

5. State Freight Planning

Richard Biter, FDOT, Assistant Secretary for Intermodal Systems Development, left early to attend a meeting in Miami. In his place, Mr. Juan Flores, FDOT, State Freight and Logistics Administrator, presented on freight planning for the State of Florida. Mr. Flores directed attention to the agenda packet, which included pertinent legislation summaries on the Freight Mobility and Trade Plan, the Intermodal Logistic Center Infrastructure Program, and the Statewide Seaport and Waterway System Plan. MAP-21 now addresses freight at the national level and Florida is already ahead with its State Freight Office and freight coordinators in each district office.

Mr. Flores shared his personal experience prior to his position with Florida including work with the Mississippi Department of Transportation and American Association of State Highway and Transportation Officials (AASHTO) and Mr. Biter's work with the U.S. Department of Transportation in the Office of Intermodalism. He noted the MAP-21 focus on freight and that each FDOT District now has a freight coordinator. The state is also focusing on collecting data related to freight.

Mr. Flores discussed the focus on institutionalizing the program within the Department and stressed the need to build relationships with both the private and public sectors to determine what is needed for improved freight movement in the state. He emphasized the need for the Department to work with MPOs on freight planning and highlighted upcoming Regional Listening Sessions, scheduled as follows: Miami – August 8, Orlando/Tampa – August 9, Jacksonville – August 16, Panama City – August 17, and August 29th – Southwest Florida Airport. The goal is to capture what is happening within the individual regions. Data will be collected and shared with the private sector to get their input.

He mentioned that sixty percent of the freight moving through Florida is from South America, primarily through the seaports. Mr. Flores noted that MAP-21 provides an increased share for freight projects in states that have developed a freight plan. And that Florida has 15 seaports to focus on in the freight plan – a lot of locations to invest in compared to other states that may only have one seaport. It has not been determined how the state will allocate investment among the seaports. He closed by noting that the Port of Miami is being dredged to fifty feet to accommodate the larger ships that will be coming through the Panama Canal as a result of significant investments there.

In response to a question regarding intermodal logistics centers, Mr. Flores responded that such centers provide connectivity from one mode to another primarily serving a seaport or airport. The Department is currently working on definition and thresholds for intermodal logistics centers. One member mentioned the recent focus on freight has significantly affected passenger mobility which may lead to problems in the future. Mr. Flores noted that the bulk of freight movement in Florida will always be by truck and it was noted that ports such as Miami, Jacksonville, Tampa, and Manatee are gearing up to receive larger ships and a variety of goods as the Panama Canal is enlarged. Local governments on the periphery of major urban areas where current seaports are located questioned how they could benefit from funding. He noted that areas throughout the state will have to compete for funding based on their role in freight logistics and movement.

6. Government-in-the-Sunshine Law and Non-Voting Advisers

Paul Gougelman, MPOAC General Counsel, reviewed legal research he conducted on the applicability of the Florida Government-in-the-Sunshine Law on non-voting advisers. A summary of the findings were included in the member agenda packets.

Mr. Gougelman highlighted the fact that the Sunshine Law does not apply to non-voting *advisers* on MPO governing boards, noting the difference between *members* and *advisers*. In 2012, the Florida Legislature amended Section 339.175(4)(a), Florida statutes, stating that "...Representatives of the department shall serve as nonvoting advisers to the M.P.O. governing board..." Mr. Gougelman clarified that:

- FDOT staff serving on an MPO governing board do not have a vote;
- FDOT staff serving on an MPO governing board are not "members" of the board. They are advisers; and
- Advisers are not to be considered as members of an MPO governing board.

In regard to when a staff member is subject to the Sunshine Law as a member of a committee, even if it is as a member of an advisory committee, "a staff person that serves on an appointive decision-making board is subject to the Sunshine law with regard to actions relating to the Board's activities."

In response to questions, Mr. Gougelman stated that public works directors who serve on a MPO technical advisory committee (TAC) may only discuss matters that may come before the TAC for a vote in a noticed public meeting.

7. Communications

The Chair directed attention to the communications in the agenda packet.

In other communication, Mayor Kaplan expressed concern about pedestrians not following basic street-crossing rules. He described an instance of seeing a woman leading several children across 6 lanes of traffic in the middle of a block. Noting the problem of unsafe pedestrian activity in Florida, he suggested that the MPOAC consider implementing a program teaching people how to cross the street safely.

Discussion ensued regarding the issue of pedestrian safety. Other members shared that they had witnessed similar unsafe pedestrian behavior. One member indicated that land use planning, as well as facility planning, plays a part in where pedestrians choose to cross. For example, residential

development on one side of the road and a playground on the other led to an unsafe crossing situation for children in one area. Members also discussed personal responsibility versus the role of government including enforcement. Apparently Tallahassee charges an \$85 per instance fine for unlawful pedestrian crossing. It was suggested that the solution is educational rather than legislative.

Representatives from the Center for Urban Transportation Research (CUTR) at the University of South Florida (USF) mentioned Walk Wise Tampa Bay, a pedestrian safety education program that is managed by CUTR and funded by FDOT District 7. It is a part of FDOT District 7's Pedestrian Safety Program that incorporates Engineering, Education, Enforcement, and Emergency Medical Services (EMS). More information will be provided to MPOAC staff for their consideration.

8. Member Comments

Delegates from South Florida invited the MPOAC to hold a future meeting of the MPOAC in Southeast Florida.

9. Public Comments

There were no public comments.

10. Adjourn

The Chair declared the meeting adjourned at 6:15 p.m. The next meeting is scheduled for October 25, 2012. It was also suggested that members keep October 24th open as a potential workshop date.