

**Minutes of the Florida MPO Advisory Council
Staff Directors' Advisory Committee Meeting
July 26, 2012**

Staff Directors' Advisory Committee Members in Attendance:

Peter Buchwald, St. Lucie TPO, Vice-Chair
Ali Atefi, Pasco County MPO
Lucie Ayer, Collier County MPO
Harold Barley, MetroPlan Orlando
Beth Beltran, Martin 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
Bob Kamm, Space Coast TPO
Harry Reed, Capital Region TPA
Pamela Richmond, Lake-Sumter MPO
Carlos Roa, Miami-Dade MPO
Marly Sanderson, Gainesville MTPO
Don Scott, Lee County MPO
Greg Stuart, Broward MPO
Greg Slay, Ocala-Marion County TPO
Sarah Ward, Pinellas County MPO
Mary Beth Washnock, Florida-Alabama, Okaloosa-Walton, Bay County TPOs
Randy Whitfield, Palm Beach MPO
Phil Matson, Indian River County MPO

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
Jan Davis, USF/CUTR
Karen Brunelle, FHWA
Lee Ann Jacobs, FHWA
Bob Romig, FDOT
Richard Biter, FDOT
Juan Flores, FDOT
Huiwei Shen, FDOT Policy Planning
Rocky Randals, Space Coast TPO Governing Board
Jeff Weidner, FDOT District 4
Nancy Ziegler, FDOT District 4
Billy Hattaway, FDOT District 1 Secretary
Mary Schoelzel, FDOT
Vickie H. Wyche, FDOT

Others in Attendance continued:

Lorena Valencia, FDOT
Frank O’dea, FDOT District 5
Tricia Fantinato, TKDA
Gary Huttman, METROPLAN Orlando
Ned Baier, Jacobs Engineering
Charley Williams, GEC
Dick Glaze, Glaze Associates, Inc.
Bob Wallace, Tindale-Oliver & Associates
Jessica Josselyn, Kittleson & Associates
John Kaliski, Cambridge Systematics
Hal Beardall, FCRC Consensus Center

1. Call to Order

Peter Buchwald, St. Lucie TPO, Vice-Chair, called the meeting to order at 12:15 p.m. The Chair acknowledged Billy Hattaway, FDOT District 1 Secretary, and thanked him for attending the meeting. Self-introductions were made.

2. Approval of Minutes

A motion was made by Randy Whitfield, Palm Beach MPO, to approve the April 26, 2012 minutes. A second was received from Greg Stuart, Broward MPO. The motion was approved unanimously.

3. Executive Director’s Report

Mr. Howard Glassman, MPOAC Executive Director, provided a status report on current MPOAC finances. He noted the budget was closed out for the previous fiscal year. A key feature of activities was the completion of the transportation revenue study.

Mr. Glassman then discussed proposed changes to the MPOAC Fiscal Years 2012/2013 – 2013/2014 Unified Planning Work Program (UPWP). The amendment would reflect an increase in statewide MPO dues for the National Association of Regional Councils (NARC) from \$33,000 to \$50,000 annually due to a loss of federal grants. A motion to approve UPWP Amendment to increase the statewide membership dues to NARC was made by Harry Barley, MetroPlan Orlando, and seconded by Michael Howe, Sarasota/Manatee MPO. A member voiced a concern regarding the amount of the increase. The motion carried.

Mr. Glassman then discussed the status of the MPOAC Transportation Revenue Study. Each staff director will receive the final report, a PowerPoint with detailed speaker notes, and more detail on the recommend actions. METROPLAN Orlando is working on a citizen-friendly PowerPoint presentation that will also be made available. He further noted that the effort for change in transportation revenue needs to come from local organizations and citizen groups and these tools will help MPOs convey the message.

Mr. Glassman next suggested that a MPOAC Statewide Meeting on MPO reapportionment, regional governance and potential incentives be held in the next few months. The concept for the meeting came out of discussion at the Policy Committee meeting held during June in Tampa as well as a meeting with

Florida Department of Transportation (FDOT) Secretary Ananth Prasad. The state believes that the MPOAC needs to show that they are working to avoid duplicity within the current structure as well as making strides to improve coordination. The policy committee believes that it is important to get out ahead of this issue before some decision is made in the Governor's office. In Mr. Glassman's tenure, there has never been a meeting or dialogue to discuss MPO structure and address how many MPOs there are, how they coordinate, how to improve coordination, and what incentives might be considered.

He suggested the meeting would be for staff directors and interested members of the Governing Board and facilitated by Hal Beardall with the FCRC Consensus Center. After the meeting, any decisions would be left to individual MPOs and FDOT Districts. Discussion ensued regarding the particulars of the meeting. It was suggested that representatives from the Federal Highway Administration (FHWA) be asked to attend and that MPO Board members be invited. Such discussions are being held by the staff directors in District 4 and including the Miami-Dade MPO. Specifically, they are looking at integration, cost-savings, and avoiding duplication. Mr. Glassman was asked to verify if the Florida Transportation Commission (FTC) had released an RFP regarding the consolidation of MPOs and other regional authorities. Members stressed the need for urgency on this matter. If combining together would be of value, we need some parameters. The members identified a need for research on what are the problems with the current structure – real or perceived, the benefits of consolidation, who in the country has merged and how was it done. Clear direction from Tallahassee is needed regarding the Governor's and the FDOT Secretary's interests.

A motion to schedule such a meeting as early as possible was made by Bob Herrington, Charlotte County-Punta Gorda MPO and seconded by Harold Barley, METROPLAN Orlando. Meeting invitees would include MPO governing board members, staff directors, FDOT representatives and FHWA representatives.

Mr. Glassman also reviewed minutes of the MPOAC 2060 FTP Implementation Working Group meeting that was held in Tampa on June 15, 2012. The meeting minutes were provided in the agenda package. The five implementation areas along with action items were identified.

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). In response to a question regarding a letter that the MPOAC sent the Department regarding the TRIP program, Mr. Romig said that there would likely be no change made for the current fiscal year.

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 to 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 and will be hosting a statewide webinar on the topic.

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

Huiwei Shen, FDOT Policy Planning, directed attention to the packet materials and explained that the Department is analyzing the current PL funding formula and considering possible future changes. She requested that the staff directors reaffirm the existing PL funding formula. She stated that with this reaffirmation, the Department would set aside \$350,000 for each new urbanized area plus the formula funding allocations in FY 2013/2014. This money would be for a new MPO or an existing one that would extend its boundaries to include a new urbanized area.

Members expressed concerns regarding continuing the past practice of starting new MPOs that seems to be an issue with the state and also that approving the set-aside would cause a lowering of the apportionment to each existing MPO. Ms. Shen further noted that MAP-21 lowered the amount of PL funding for 2012 which would further impact each MPOs apportionment. Ms. Shen clarified that the 2011/2012 apportionment was lower than expected and it would continue to be lower in coming years. She said the Department was looking for ways to help close the funding gap and more information would be available on the August 2nd conference call. MPOs should work with their District liaisons if the funding gap is expected to impact operations.

Karen Brunelle clarified that the purpose of this action will guide FHWA regarding the programming of funds on October 1. One member asked what the effect was of Palm Coast being absorbed into the Volusia MPO. It appears that the second part of the formula would go into effect with another \$350,000 one-time allocation. Ms. Brunelle clarified that the 2011/2012 PL apportionment would be approximately \$21.6 million, for 2012/2013 - \$18,984,725, 2013/2014 - \$19,599,096, and 2014/2015 - \$19,764,252.

Lucie Ayer, Collier County MPO, moved for approval of the existing formula except for the \$350,000 set-aside for new urbanized areas. This money is needed due to the lower funding allocation and new UZAs should be funded with statewide PL reserves. Harry Reed, Capital Region TPA, seconded the motion. The motion carried unanimously.

Bob Romig noted a budget transfer from the economic global transportation fund to the Department of Economic Opportunity. Procedures and forms are being developed and applications will be accepted through Enterprise Florida. More information on this program to incentivize the creation of jobs will be forthcoming.

Ms. Shen reminded those that received corrective action on total project cost that the total project cost needs to be addressed in their individual transportation improvement program (TIP) and the statewide transportation improvement program (STIP). Information should not just be in an appendix. FHWA and the Department have developed a methodology to be followed to avoid future problems. Yvonne Arens, FDOT Office of Policy Planning, has the methodology and some boilerplate language for MPO use that involves giving an explanation to the public regarding project cost. Members questioned whether there were issues with any MPOs using the DTS interactive TIP. Ms. Shen stated that she would check on that concern with Yvonne Arens and clarified that if there was a concern, the MPO would be notified. A member questioned what would happen if changes were not made in time. The response was that the last TIP is valid for four years and would be used until the updated TIP was accepted.

A member was pleased to hear that the Florida Rail Enterprise is still alive and would soon have a new executive director. A future presentation on how the funds will be invested was requested.

4B. FHWA Report

Lee Ann Jacobs, FHWA, began with some announcements. Tamara Christian has moved to Atlanta so Lee Ann will be the contact for Districts 4 and 6. The long range transportation plan (LRTP) expectations letter was released in June and comments are needed by August 1. Howard Glassman said the letter was discussed during the policy committee meeting and several issues were noted. Specific issues include how operations and maintenance should be addressed and how to break out projects in the second ten-year window. Individual MPOs were encouraged to review the letter and send comments directly to FHWA and copy the MPOAC. One member expressed concern and frustration regarding the expectations letter and when it will be finalized because some MPOs have started their next LRTPs. In addition, it was asked if the expectations letter was a requirement or guidance. Ms. Jacobs commented that the requirements are in the regulations and the expectations letter highlights areas where there have been issues of compliance in the past, including some related to specific requirements. Although changes will have to be made to accommodate MAP-21, the letter should be finalized before the end of the year.

Ms. Karen Brunelle, FHWA, Director, Office of Project Development 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 gave a presentation regarding the federal surface transportation reauthorization, Moving Ahead for Progress in the 21st Century (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. Members sought clarification on the timing of the performance measure requirements. This will be clarified in the coming months. 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.

In response to a question, Ms. Brunelle clarified that the National Highway System (NHS) is expanded to include all principal arterials. She will get back to the MPOAC regarding whether the categorical exclusion was applicable to projects under \$5 million as stated on the AMPO conference call the previous day.

A member expressed that the freight advisory committee concepts works well at the large MPO level, but not as well for smaller MPOs and suggested that a threshold be considered before requiring everyone to have such a committee. Ms. Brunelle responded that each MPO should have some way of incorporating freight interests into the MPO process. In response to a question, Ms. Brunelle clarified that because all Florida MPOs are in attainment, the CMAQ money is allocated by the state. If some area becomes a non-attainment area, the funds would have to be spent there.

4C. FTA Report

Jennifer Hibbert, Director, Federal Transit Administration (FTA) Office of Planning & Program Development for Region IV, was experiencing travel difficulties and, therefore, was not in attendance.

5. State Freight Planning

Richard Biter, FDOT, Assistant Secretary for Intermodal Systems Development, presented on freight planning for the State of Florida and directed attention to the agenda packet, which includes pertinent summaries on the Freight Mobility and Trade Plan, the Intermodal Logistic Center Infrastructure Program, and the Statewide Seaport and Waterway System Plan. Mr. Biter, noting the MAP-21 requirement for the U.S DOT to develop freight plan, stated that Florida is ahead of the curve and is currently developing a freight mobility and trade plan for the state. His goal is to make freight planning an institutional piece of Florida's planning efforts. He noted that facilitated Regional Listening Sessions are scheduled to receive both public and private sector input as follows: Miami – August 8, Orlando/Tampa – August 9, Jacksonville – August 16, Panama City – August 17, and August 29th – Southwest Florida Airport. The results from these facilitated discussions will be distilled into a framework guiding the next steps.

An Executive Freight Symposium will be held in September with fifty to sixty of the top transportation and logistics professionals, such as CEOs of maritime lines and ports, in to speak. The FDOT is seeking to identify companies that will be game changers for Florida and are working with Representative Lake Ray who is supportive of this effort. Another round of listening sessions may be held in November after the elections. The FDOT also wants to go to the MPOs and take what they have learned from the Listening Sessions and Symposium and determine how to incorporate industry needs into the transportation planning process. The Freight Mobility and Trade Plan must be submitted to the Florida Legislature by July 2013 and FDOT plans to have to have a working document by the first quarter of 2013.

Mr. Biter referred to Florida as "America's Port" noting the advantage Florida has with 14 out of 15 deep water ports. He further discussed the need to develop intermodal logistics centers (ILCs) to enable the

movement of containers off and on the ports as quickly as possible. Landowners across the state are seeking to develop properties ranging from 4 to 12,000 acres into ILCs with access to rail and the Interstate Highway System. This year, the Legislature established a \$5 million intermodal logistics center support program. Feedback will be sought from the public regarding how the program should work.

Mr. Biter also noted that the state Seaport and Waterways System Plan was codified this year with thirty-five percent of Strategic Intermodal System (SIS) funding being set aside for port and waterways projects.

Mr. Juan Flores, FDOT, State Freight and Logistics Administrator, noted the importance of the District freight coordinators to implement the freight emphasis at the District level. He ranked Florida among the big-tier agencies in the country - California, Texas, Florida, Pennsylvania, New York/New Jersey, and Virginia - and stated that Florida has the most comprehensive freight program in the country. The Office of Freight, Logistics, and Passenger Operations 2012-2013 Organization & Activities Guide is available on the FDOT website and contains the District freight coordinators contact information. Mr. Flores has been making the rounds of MPOs and noted that innovation comes from district offices.

A member requested a listening session in Southwest Florida and Mr. Biter noted that one has now been scheduled for August 29th. A member also noted that technical information, particularly from the private sector, is the most useful thing that can be provided to MPOs for use in modeling efforts. Mr. Biter noted that the Office of Transportation Statistics is being expanded and that the Central Office is developing modeling tools to analyze how port changes and ILCs will affect the highway system. In response to how the state would be using port master plans, Mr. Biter replied that they would not constitute the whole plan but would be used as input and that they would be looking at both ends of the intermodal connectors. Another member suggested that the state's entire freight planning effort incorporate sustainability including energy alternatives to sustain this industry in which great investment is being made. Finally, a member suggested that programs be cross-cutting so that this latest focus – freight – is also incorporated in past focus areas such as safety and public involvement.

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."

The staff person is not subject to the Sunshine Law in normal day to day activities, but if they are serving on some decision-making committee, they may be. One member noted that they are revising their technical advisory committee bylaws to make the FDOT MPO Liaison an adviser. Questions also came up in regard to citizens advisory committees and the concern of committee members who perform such functions as highway cleanup that they are subject to Sunshine Laws and may not speak outside of publicly noticed meetings. Is it possible that Sunshine Laws would be changed as it pertains to citizens? Mr. Gougelman responded that public distrust of government was so high that it is highly unlikely that Sunshine Laws will be loosened.

7. Communications

Mr. Glassman directed attention to the communications in the agenda packet. He noted that he has not heard if funding for the American Community Survey had been restored.

8. Member Comments

There were no member comments.

9. Public Comments

There were no public comments.

10. Adjourn

The Chair announced that the next meeting would be held at the same location on October 25th. Harry Reed, Capital Region TPA moved to adjourn the meeting and the motion was seconded by Lucie Ayer, Collier County MPO who complimented the Chair for closing fifteen minutes ahead of schedule. The Chair declared the meeting adjourned at 2:44 p.m.