



The Florida Metropolitan Planning Organization Advisory Council

Commissioner Nick Maddox
Chair

MPOAC Governing Board Meeting

Date: Wednesday, January 30, 2019
Time: 3:00 p.m. – 5:00 p.m.
Location: Orlando Airport Marriott Lakeside
7499 Augusta National Drive, Orlando, FL 32822

Commissioner Nick Maddox, Presiding

- 1. Call to Order & Pledge of Allegiance**
- 2. Approval of Minutes: November 01, 2018 Meeting**
- 3. Public Comments (non-agenda items)**
- 4. Executive Director's Report**
 - A. UPWP Report**
 - B. Committee Update**
 - C. 2019 Legislative Update**
- 5. Agency Reports**
 - A. Florida Department of Transportation**
 - B. Federal Highway Administration**
- 6. Business Items & Presentations**
 - A. Approval of Legal Services Contract**
 - B. Florida League of Cities Presentation**
 - C. Polk TPO "Pledge to Slow Down" PSA Series**
 - D. Election of Officers for 2019**
- 7. Communications**
- 8. Member Comments**
- 9. Adjournment**

Any person who desires or decides to appeal any decision made by this Council with respect to any matter considered at this meeting will need a record of the proceedings. For such purposes, such person may need to ensure that a verbatim record of the proceedings is made which record includes testimony and evidence upon which appeal is to be based.

The needs of hearing or visually impaired persons shall be met by contacting the Council sponsoring such meeting at least 48 hours prior to the meeting. Please contact Brigitte Messina at (850) 414-4037 or by email to brigitte.messina@mpoac.org.

Item Number 1

Call to Order & Pledge of Allegiance

DISCUSSION:

The Chair will open the meeting and quorum will be determined. All are asked to rise for the Pledge of Allegiance.

REQUESTED ACTION:

None

ATTACHMENT:

None

Item Number 2

Approval of Minutes: November 01, 2018

DISCUSSION:

Review and comments from members.

REQUESTED ACTION:

Approval of Meeting Minutes from the November 01, 2018 meeting of the MPOAC Governing Board Meeting.

ATTACHMENT:

November 01, 2018 MPOAC Governing Board Meeting Minutes.

**Florida MPO Advisory Council
Meeting of the Governing Board
November 01, 2018
Orlando, Florida
Draft Meeting Minutes**

• **ATTENDANCE**

GOVERNING BOARD MEMBERS IN ATTENDANCE:

Chair, Commissioner Nick Maddox, Capital Region TPA
Vice Chair, Councilmember Bryan Caletka, Broward MPO
Commissioner James Herston, Charlotte County-Punta Gorda MPO
Vice Mayor Doreen Caudell, Forward Pinellas
Commissioner Jeff Kinnard, Hernando/Citrus MPO
Commissioner Tim Sullivan, Lake-Sumter MPO
Councilmember Jessica Cosden, Lee County MPO
Commissioner Vinny Barile, Martin MPO
Commissioner Cheryl Grieb, MetroPlan Orlando
Mayor Dick Rynearson, Okaloosa-Walton TPO
Mayor Nat Birdsong, Polk TPO
Commissioner Vanessa Baugh, Sarasota/Manatee MPO
Mayor Kathy Meehan, Space Coast TPO

OTHERS IN ATTENDANCE:

Councilmember, Rocky Randels, Space Coast TPO
Carl Mikyska, MPOAC
Brigitte Messina, MPOAC
Paul Gougelman, MPOAC General Counsel
Jeff Kramer, Center for Urban Transportation Research, USF
Christen Miller, Center for Urban Transportation Research, USF
Karen Brunelle, Florida Division, Federal Highway Administration
Kevin Burgess, Florida Division, Federal Highway Administration
Cathy Kendall, Florida Division, Federal Highway Administration
Khoa Nguyen, Florida Division, Federal Highway Administration
Carmen Monroy, Florida Department of Transportation, Office of Policy Planning
Gary Harrell, Charlotte County - Punta Gorda MPO
Whit Blanton, Forward Pinellas
Michael Escalante, Gainesville MTPO
Pat Steed, Heartland TPO
Marybeth Soderstrom, Heartland TPO
Carlene Riecss, Hernando/Citrus County MPO

Beth Alden, Hillsborough County MPO
Michael Woods, Lake-Sumter MPO
Donald Scott, Lee County MPO
Bolivar Gomez, Martin MPO
Elizabeth Whitton, MetroPlan Orlando
Eric Hill, MetroPlan Orlando
Gary Huttman, MetroPlan Orlando
Nick Uhren, Palm Beach TPA
Valerie Neilson, Palm Beach TPA
Lois Bollenback, River to Sea TPO
Dave Hutchinson, Sarasota/Manatee MPO
Georganna Gillette, Space Coast TPO

• **CALL TO ORDER**

Vice Chair, Councilmember Bryan Caletka, Broward MPO, called the meeting to order at 3:05 pm. The Vice Chair welcomed those in attendance. All stood for the Pledge of Allegiance and self-introductions were made.

• **APPROVAL OF MINUTES: AUGUST 02, 2018 MEETING**

Vice Mayor Doreen Caudell, Forward Pinellas, moved to approve the minutes of the August 02, 2018 MPOAC Governing Board meeting. Commissioner Vanessa Baugh, Sarasota/Manatee MPO, seconded. The motion carried unanimously.

• **PUBLIC COMMENTS**

No public comments were made.

• **EXECUTIVE DIRECTOR'S REPORT**

A. **UPWP REPORT**

Mr. Carl Mikyska, MPOAC Executive Director, presented the Unified Planning Work Program (UPWP) Report showing the expenditures and budget for the first quarter of the state fiscal year 2019, which began on July 01, 2018. His list included activities and accomplishments of the MPOAC from July through September of 2018.

B. 2019 MPOAC WEEKEND INSTITUTE DATES

Since the last meeting of the MPOAC, dates have been set for the 2019 MPOAC Weekend Institute for Elected Officials. Those dates and locations are:

- Florida League of Cities (FLC) University Training Center in Orlando – March 29 to 31, 2019
- Renaissance Hotel International Plaza in Tampa – May 31 to June 02, 2019

Commissioner Vanessa Baugh, Sarasota/Manatee MPO, suggested that the Institute be made mandatory. Councilmember, Rocky Randels, Space Coast TPO, also praised the Institute.

• AGENCY REPORTS

A. FLORIDA DEPARTMENT OF TRANSPORTATION

Ms. Carmen Monroy, Director, Florida Department of Transportation (FDOT), Office of Policy Planning, updated the members on the activities of FDOT as follows:

- B. Ms. Monroy discussed the complexities associated with legislative earmarks. She discussed how if an earmark is vetoed, that FDOT cannot advance the earmarked project in any way for a year. Knowing this, earmarks and understanding the potential issues with earmarks are a top priority for FDOT.
- C. Office of the Inspector General (OIG) Audit: In accordance with Section 20.055, Florida Statutes, the OIG is the "central point for coordination of and responsibility for activities that promote accountability, integrity, and efficiency in government" and is responsible for conducting audits, investigations, and other consulting and technical assistance activities.
 - a. The audit revealed that liaisons are turning over at a 20% rate, which is a higher rate than all other positions. Ms. Monroy is working with FDOT Human Resources officials to develop solutions to address this issue.
 - b. The audit also focused on financial aspects of MPO operations. It looked at the differences between Hosted and Independent MPOs and if the single audit requirement is sufficient to identifying and defining risk.
- D. Ms. Monroy discussed conversations she has had lately with the Florida Division of the Federal Highway Administration, on various issues related to federal Surface Transportation Block Grant Program – Urban Allocation (SU) funds. Discussions have included analysis of how the SU fund are spent, how they are accounted for, what

the challenges have been in the state, and developing a path forward and guidance for the appropriate use of federal SU funds.

- E. Ms. Monroy mentioned that her staff is looking into how transit representation is documented and used by MPOs and how MPOs and transit agencies are coordinating their planning activities.

F. FEDERAL HIGHWAY ADMINISTRATION

Ms. Karen Brunelle, Director, Office of Project Development, Federal Highway Administration (FHWA), Florida Division, brought forward information on the following topics:

- Cathy Kendall was introduced as the new Planning Team Leader.
- An Infrastructure for Rebuilding America (INFRA) program grant was awarded for the PortMiami Truck Gate Innovation project in Miami-Dade County (\$7 million to replace two outdated cargo terminal gates at the Port of Miami with expanded and automated truck gates).
- FDOT received a \$1 million Accelerated Innovation Deployment (AID) Demonstration program grant for Pedestrian-Bicyclist Safety Applications Using Connected Vehicle Technologies.
- The US Department of Transportation (USDOT) released new automated vehicle guidance; Automated Vehicles 3.0 Preparing for the Future of Transportation (AV 3.0): <https://www.transportation.gov/sites/dot.gov/files/docs/policy-initiatives/automated-vehicles/320711/preparing-future-transportation-automated-vehicle-30.pdf>
- FHWA published a new strategic plan
 - Four new goals include safety, infrastructure, innovation and accountability.
 - Six new objectives including saving lives, improving program project decision making by using a data driven approach, asset management in a performance based program, increase freight and people mobility and reliability, enhancing the safety and performance of our nations SIS transportation system through research and accelerating deployments of promising innovative technologies, modernizing or eliminating obsolete unnecessary or duplicate policies and regulations, transform our workforce to ensure that the agency is properly structured, skilled, and equipped to deliver outstanding customer service to our partners in the traveling public.

Ms. Cathy Kendall, Planning Team Leader, Office of Project Development, Federal Highway Administration (FHWA), Florida Division, announced:

- In addition to her role as team leader, Ms. Kendall will be temporarily responsible for Districts 1 and 3.
- FHWA will be hiring a new planner for the Orlando office. The position is posted on the USA Jobs website.
- The statewide planning finding including eight recommendations and one corrective action related to the tracking of the Surface Transportation Block Grant Program (STBGP) and other non-Planning Program (PL) federal funding being used for planning purposes. The deadline to resolve the corrective action is June 2019.
- MetroPlan Orlando was awarded a FHWA multimodal network connectivity pilot project.
- FHWA has a new website for Unmanned Aerial Systems (UAS), sometimes referred to as drones, <https://www.fhwa.dot.gov/UAS/>
- Alternative Fuels Corridors recommendations and nominations are due by January 31, 2019.

Ms. Karen Brunelle then provided an update on transportation performance measurement (TPM):

- FDOT set their 2019 safety targets on August 31, 2018.
- New Probe Data Analytics (PDA)/National Performance Management Research Data Set (NPMRDS) tools are available for FDOT and MPOs, including pre-set geographic area pull-downs for each Florida MPA, UZA, and statewide and an advanced data analytics tool to conduct planning and traffic operational analyses. Access includes FDOT, MPOs, researchers, and consultants working on behalf of FDOT. FHWA will host a Florida specific introductory webinar that MPO staff may attend.
- TPM Implementation Plan – June 2018: helps determine levels of stewardship needed and identifies broad goals to be achieved through successful TPM implementation and specific activities aimed at achieving those goals. Two websites were provided: <https://www.fhwa.dot.gov/tpm/plan.pdf> and <https://www.fhwa.dot.gov/tpm/guidance/>
- Important dates:
 - Nov 14, 2018: MPOs must set bridge, pavement and system performance targets (PM-2 and PM-3).
 - Feb 27, 2019: MPOs must set 2019 safety targets.
 - May 20, 2019: Any S/TIP amendments adopted after May 20th must address PM-2 and PM-3 targets.

• BUSINESS ITEMS & PRESENTATIONS

A. MPOAC UPWP AMENDMENT

Mr. Carl Mikyska, MPOAC Executive Director, gave an overview on the proposed amendment to the Unified Planning Work Program (UPWP) that will add funding for statewide memberships for both the National Association of Regional Councils (NARC) and the Association of Metropolitan Planning Organizations (AMPO). In prior years the funds used to pay for memberships in both organizations was shown in the Statewide Planning and Research Plan and a reference was made in the MPOAC UPWP. Since these memberships are directly benefitting the Florida MPOs it is more appropriate to display this information in the MPOAC UPWP.

Mr. Mikyska added that the expenses to the MPOs would be great if they paid for their membership fees individually.

Commissioner Vanessa Baugh, Sarasota/Manatee MPO, moved to approve the motion to amend the MPOAC UPWP to include the annual dues for statewide membership to both NARC and AMPO for State Fiscal Years 2019 and 2020. Vice Mayor Doreen Caudell, Forward Pinellas, seconded. The motion carried unanimously.

B. COMPLETE STREETS WORKING GROUP PRESENTATION

Mr. Carl Mikyska, MPOAC Executive Director, introduced Valerie Neilson of the Palm Beach TPA, who led the Complete Streets Working Group effort to prepare a best practices report. The Complete Streets Working Group was formed in an effort to implement the MPOAC Strategic Plan, which was adopted by the Governing Board in April of 2016. This working group convened for their first meeting in March of 2017 and met quarterly until July of this year with the goal of identifying best practices across the state in various complete street related topic areas.

The Working Group focused on eight Best Practice Topics including:

1. Creating Policies and Building Support
2. Measuring Activity Levels
3. Network Planning
4. Documenting Performance
5. Design Guidelines
6. Project Prioritization and Funding
7. Innovative Projects & Implementation

8. Health and Equity

Data on MPO activities in each topic area was collected through a survey. The Working group then selected 36 best practices across all eight topic areas. These were highlighted in a report which will be distributed to all Florida MPOs and the FDOT. It will also be posted to the MPOAC website.

Nick Uhren, Palm Beach TPA, closed the presentation by adding that the goal of this study was to share ideas. During the study, they learned that a lot of sharing was already taking place within certain geographic limits. The hope is that this document will distribute all the ideas statewide.

Vice Mayor Doreen Caudell, Forward Pinellas, acknowledged and thanked Whit Blanton, Forward Pinellas, for his efforts in Pinellas County with their complete streets program.

C. TRANSPORTATION PERFORMANCE MEASURES

Ms. Carmen Monroy, Director, Florida Department of Transportation (FDOT) Office of Policy Planning, presented on continuing efforts to coordinate transportation performance measurement activities with the twenty-seven MPOs in Florida. Ms. Monroy shared with the membership the FDOT planned future coordination efforts as the state continues to implement performance based planning and programming as required by federal law.

Ms. Monroy gave a brief overview of the MPOAC Leadership meeting discussion that took place during the Staff Director's meeting. Those in attendance included the MPOAC Chair, Vice-Chair, and Past Chair, the MPOAC executive Director, FDOT Central Office staff, and other invited guests. This group meets twice per year and the objective is to discuss topics and issues that affect the Metropolitan Planning Program. This includes optimizing the MPOAC structure to improve communication and coordination of program goals. The meeting also allows MPOAC leadership to gain access to FDOT Central Office staff, providing feedback, and identifying opportunities for efficiencies and innovation.

Mr. Carl Mikyska, MPOAC Executive Director, added that these meetings are a great opportunity for FDOT to collaborate with the MPOAC leadership. He thanked FDOT for their time and efforts taken to host and be a part of these meetings.

D. STIC AND TRB RESOURCES

Ms. Karen Brunelle, Federal Highway Administration, Florida Division, introduced Khoa Nguyen and Kevin Burgess, both also of the FHWA Florida Division who proceeded to present information related to the Florida State Transportation Innovation Council (STIC).

The STIC is a statewide innovation council that FHWA has developed in all the states. The purpose of the STIC is to demonstrate and share information about technologies so that they can be implemented across all of the state. The STIC is a way to share information and a forum to advance innovations.

The Florida STIC was established in 2012 and consists of representatives from a broad range of private organizations and public transportation agencies in Florida. The roles and objectives of the STIC are to determine innovations that will most benefit Florida, to develop an innovations implementation plan, to establish and develop procedures/guidance/specifications for implementing transportation innovations, to provide assistance to interested parties, and to advance and share transportation innovations statewide. The intent of the STIC is taking effective, proven and market-ready technologies and getting them into widespread use. Mr. Nguyen thanked Carl and Beth for their support and engagement on the STIC.

The remainder of Mr. Nguyen's presentation focused on safety innovations. He described the three principles of roadway departures and countermeasures: keep travelers and vehicles on the road; if they leave the road, help them to recover safely, and if they cannot recover, to minimize crash severity. He then discussed countermeasures for addressing these principles.

Mr. Burgess then described his efforts working with the Florida Bike/Ped Coalition to develop a toolbox for the Safe Transportation for Every Pedestrian (STEP) providing implementation assistance to transportation facility designers. STEP is a compilation of pedestrian safety countermeasures including road diets, pedestrian hybrid beacons, crosswalk visibility enhancements and more.

A brief conversation took place about the different technology solutions presented. Commissioner Vanessa Baugh, Sarasota/Manatee MPO, thanked FDOT for the roundabouts on State Road 64 and State Road 70 in her region. Mr. Nguyen added that roundabouts are a long-term cost saving and Mrs. Monroy added that roundabouts work even when there is no power.

E. TSM&O ON THE I-4 CORRIDOR

Commissioner Vanessa Baugh, Sarasota/Manatee MPO, moved to approve the motion to move Item 6E TSM&O on the I-4 Corridor presentation before Item 6A. Vice Mayor Doreen Caudell, Forward Pinellas, seconded. The motion carried unanimously.

Mr. Eric Hill, MetroPlan Orlando, presented an overview of the regional benefits that can be realized through the implementation of a coordinated and cooperative Transportation Systems Management and Operations (TSMO) arrangement in Central Florida. The vision is to create a partnership among the MPOs and FDOT District offices along the I-4 corridor with MetroPlan Orlando serving as the lead agency to address integration of multi-jurisdictional coordination and planning of TSMO strategies into agency practices and procedures. By enhancing the role and presence of TSMO in the corridor, TSMO will become a strategic consideration in meeting mobility demands and safety concerns. It will also cultivate a culture at the MPOs to enable a methodology for implementing TSMO projects. A future presentation to the MPOAC will go into detail about the effort along the I-4 corridor. The presentation today will give members an understanding of what TSMO encompasses.

Residents, daily commuters and visitors traveling in the I-4 corridor are directly impacted by both daily congestion and incident-related congestion on I-4 and surface roadways in the corridor. When incidents occur on I-4, they block through lanes and arterial roadways become flooded with cars and trucks trying to find a way around the delay. This by-passing traffic causes congestion, delay, safety and environmental problems within the entire corridor, including parallel roads and significantly impacting local communities. TSMO addresses operational issues, safety issues and economic issues in an attempt to avoid that kind of negative impact to the roadway network and surrounding communities.

Transportation Systems Management and Operations has become a vital discipline in transportation planning, and an effective alternative for mitigating the adverse effects of traffic congestion caused by crashes, special events, theme park activities, and weather. This is a result of the application of information and communication technologies (ICT) to manage and operate transportation systems. With the rise of connected and autonomous vehicles, ICT applications will expand and evolve as more innovative solutions and strategies appear in transportation operations and planning. Moreover, for transportation systems in the 21st Century, MPOs will need to further their capacity in this area through staff's learned knowledge and understanding of its applications to improve the safety, efficiency and performance of a transportation system.

Commissioner Vanessa Baugh, Sarasota/Manatee MPO, thanked him for the presentation.

- **COMMUNICATIONS**

Mr. Carl Mikyska, MPOAC Executive Director, announced that the next meeting is during legislative pre-session committee weeks. He will be sending out weekly newsletters on the weekends during the legislative session in 2019 that summarize the activities of the legislature that impact or otherwise relate to the work of MPOs.

- **MEMBER COMMENTS**

None.

- **ADJOURNMENT**

The meeting was adjourned at 4:44 pm. The next meeting of the MPOAC Governing Board will be held on January 30, 2019 at the Orlando Airport Marriot Lakeside, 7499 Augusta National Drive, Orlando, FL 32822. MPOAC has reserved a block. The Marriot's phone number is (407) 851-9000.

Item Number 3

Public Comments (non-agenda items)

DISCUSSION:

Recommendations or comments by the public.

REQUESTED ACTION:

As may be desired.

ATTACHMENT:

None

Item Number 4A

Executive Director's Report UPWP Report

DISCUSSION:

Mr. Carl Mikyska, MPOAC Executive Director, will be presenting the UPWP Report showing expenditures and budget for the second quarter of state fiscal year 2019 as well as a list of activities and accomplishments of the MPOAC from October 2018 through January 2019.

REQUESTED ACTION:

None requested. For discussion and action as may be desired.

ATTACHMENTS:

1. UPWP Activities Report – October 2018 through January 2019
2. MPOAC Budget Report – Second Quarter of State Fiscal Year 2019

MPOAC Quarterly UPWP Report

October 2018 – January 2019

Task 1.1 – Administration

- Quarterly reports are on track.
- Met with the FHWA Planning Team Leader multiple times.
- Coordinating with CUTR, developed January MPOAC meeting content and materials.
- Prepared meeting minutes of the November MPOAC Governing Board and Staff Director's Committee Meetings.
- CUTR represented MPOAC at the November quarterly meeting of the MPOAC Governing Board and Staff Director's Committee Meetings.
- Ongoing task, payment of invoices, requisitions, travel vouchers and expenses of MPOAC – occurring quarterly.
- Participated in the Florida Greenways and Trails Foundation Meetings.
- Attended the CRTPA LRTP kick-off workshop
- Attended, and reported at, the quarterly meeting of the Florida Public Transportation Association.
- Spoke with FDOT personnel about pursuing a Consolidated Planning Grant program for the Florida MPOs.
- Coordinated a conference call with Tennessee about their experience with Consolidated Planning Grants.
- Participated in a conference call with FHWA about the MPO Certification Reviews completed in 2018.
- Continue working with FHWA and FDOT to finalize the federally required Consensus Document for Transportation Performance Measures responsibilities.
- Attended and presented at the Hillsborough MPO and Martin MPO Governing Board meetings.
- Hosted the November 01, 2018 meetings of the MPOAC Staff Director's Committee and the MPOAC Governing Board meetings.
- Participated in the NPMRDS webinar hosted by FHWA.
- Developed and arranged the 2019 calendar year meeting topics for the Noteworthy Practices Working Group.
- Produced the agenda packages for the January 30, 2019 MPOAC Freight Committee, Noteworthy Practices Working Group, Staff Director's Committee and Governing Board meetings.
- Maintained and updated as necessary the MPOAC.org website.
- Participated in the FDOT/MPOAC Leadership Meetings held at FDOT.
- Attended the Florida Automated Vehicles Summit in Tampa, FL.

Task 2.1 – MPOAC Policy Positions

- Printed glossy brochures of the policy positions to be used in the 2019 legislative session by the MPOAC Membership.
- Participated in an AMPO Policy Committee phone call and several email requests.
- Presented twice to the Florida League of Cities representing the MPOAC legislative policy positions.

Task 2.2 – MPOAC Institute Training Activities

- Started updating the training materials.
- Coordinated with FAC for the training we conducted in January as part of their CCC and updated our FAC mini-presentation (and submitted to FAC in December)
- Created and distributed save-the-date postcards to MPOs
- Created and posted online the Institute informational brochure along with a draft agenda
- Started accepting registrations from MPOs

Task 3.1 – Assessment of Documents, Regulations, Policies and Legislation

- Continued working with FHWA, Florida DOT and MPOs on the “Roles and Responsibilities” document.
- Participated in an AMPO Policy Committee phone call and several email requests.
- Have regularly met with, and coordinated with, the Florida DOT Forecasting and Trends Office regarding MPO customized performance measures.
- Met with staff from Florida League of Cities and Florida Association of Counties on multiple occasions.
- Joined the Florida Association of Intergovernmental Relations (FAIR) legislative group.
- Participated in the Census Transportation Planning Package presentation which reviewed Participant Statistical Areas Program block group and tract delineation criteria.

Task 3.2 – Statewide Plans, Programs, and Performance Measures Implementation

- Attended, and participated in, FTP/SIS Implementation Committee Meeting at Florida DOT.
- Met multiple times with Florida DOT staff and contractors to work on transportation mobility measures and transportation performance measures for Florida’s MPOs.

Task 3.3 – Public Transportation, Environment & Community Planning

- Met with Florida Transportation Commission staff multiple times and attended their quarterly meeting as well as their meeting to select candidates for Transportation Secretary in Tallahassee, FL.
- Attended, and participated in, the Florida Greenways and Trails Foundation quarterly meeting and Executive Committee meeting. Met with the Treasurer and Executive Director several times.
- Met with the Deputy Secretary of the Florida Department of Environmental Protection.
- Attended and participated in the quarterly meeting of the Florida Association of Regional Planning Councils.

Task 3.4 – Safety, Operations and Management

- Met with FDOT contractors and CRTPA staff to review a proposed short-term non-motorized count program pilot.
- Coordinated with Florida DOT to plan and shape the upcoming Florida Metropolitan Planning Partnership meeting.
- Attended the Intermodal Systems Development Managers meeting at FDOT.
- Participated in the STIC Quarterly meeting with FDOT, FHWA and partners
- Attended the Every Day Counts 5 conference to represent Florida.
- Attended the Florida Automated Vehicles Conference in Tampa, FL.
- Coordinated with FDOT staff on the HPMS pavement data for MPO use.

Task 3.5 – MPOAC Strategic Plan and Implementation

- Produced the agenda and meeting materials for the January 30, 2019 meeting of the Noteworthy Practices Committee.
- Established a full calendar year work plan for the Noteworthy Practices Working Group
- Updated the Share Point site for the MPOAC Noteworthy Practices Committee
- Completed the work of the Complete Streets Working Group.
- Developed initial plans to launch additional working groups in coordination with the Chair of the Staff Directors Committee.

**Florida Metropolitan Planning Organization Advisory Council
FY 2018/2019 Budget
July 1, 2018 to June 30, 2019**

Category	Annual Allocation	1st Qtr Expenditures 7/1/18-9/30/18	2nd Qtr Expenditures 10/1/18-12/31/18	3rd Qtr Expenditures 1/1/19-3/31/19	4th Quarter Expenditures 4/1/19-6/30/19	Expenditures to Date	Remaining Balance
Salaries/Benefits	\$ 173,922	\$ 43,481	\$ 44,850			\$ 88,331	\$ 85,591
Expense	\$ 50,022						
Travel	\$ 20,000	\$ 4,694	\$ 5,648			\$ 10,342	\$ 9,658
Meetings	\$ 22,635	\$ 8,251	\$ 9,526			\$ 17,777	\$ 4,858
Administrative	\$ 5,887	\$ 209	\$ 2,285			\$ 2,494	\$ 3,393
Membership Dues *	\$ 1,500	\$ -	\$ 500			\$ 500	\$ 1,000
Contracted Services							
General Counsel	\$ 22,000	\$ 3,348	\$ 205			\$ 3,553	\$ 18,447
Transportation Planning							
Univ. South FL (CUTR)	\$ 92,500	\$ 13,750	\$ 13,750			\$ 27,500	\$ 65,000
MPOAC Institute	\$ 85,000	\$ 12,750	\$ 8,500			\$ 21,250	\$ 63,750
Strategic Plan							
Florida State University	\$ 5,000	\$ -	\$ -			\$ -	\$ 5,000
Total Federal Funds	\$ 478,466	\$ 86,483	\$ 85,264			\$ 171,747	\$ 306,719
Advocacy Activities Local Funds	\$ 10,500	\$ -	\$ 453			453	\$ 10,047
Total Budget	\$ 488,966	\$ 86,483	\$ 85,717			\$ 172,200	\$ 316,766

* FBT, FPTA

Item Number 4B

Executive Director's Report Committee Update

DISCUSSION:

The Florida MPO Advisory Committee adopted a Strategic Plan in April of 2016 and the plan directed staff of MPOAC to undertake a number of activities. Specifically named in the plan were four working groups which are:

- Complete Streets
- Best Practices
- Training
- Communications

MPOAC has launched the Complete Streets Working Group and the Best Practices Working Group (renamed the Noteworthy Practices Working Group). The Complete Streets Working Group established a work plan and completed their work plan last calendar year. A close-out presentation occurred at the last MPOAC quarterly meeting. The 2019 work plan for the Noteworthy Practices Working Group will be presented. Additionally, the MPOAC has held regular meetings of the Freight Committee and an overview of their work to date will be presented.

REQUESTED ACTION:

None requested. For discussion and action as may be desired.

ATTACHMENT:

2019 Work Plan Overview for the Noteworthy Practices Working Group.

Work Plan and Presentations to the MPOAC Noteworthy Practices Working Group
in 2019

January 30th

State of the System Report by Space Coast TPO

Vision Zero Action Plan by Hillsborough MPO

April 30th

Tactical Urbanism by Palm Beach TPA

Travel Study/Origin-Destination Survey by North Florida TPO

Performance Measures in the LRTP by Sarasota/Manatee MPO

July 30th

Think Like a Planner by Broward MPO

SMART Plan by Miami-Dade TPO

October 29th

Complete Streets Roll-Out by Forward Pinellas

TIGER Grant for Complete Streets by Lee County MPO

Vote for 2020 Projects to be presented

Item Number 4C

Executive Director's Report 2019 Legislative Update

DISCUSSION:

The Florida Legislative Session officially begins on March 05, 2019. Prior to their 60-day session, committees meet and bills are advanced through these committees. These pre-session meetings have begun and an update of meetings as well as transportation related bills will be presented.

REQUESTED ACTION:

None requested. For discussion and action as may be desired.

ATTACHMENT:

Important Dates for the 2019 Florida Legislative Session.

2019 SESSION DATES

August	1, 2018	Deadline for filing claim bills (Rule 4.81(2))
January	25, 2019	Friday, 5:00 p.m., deadline for submitting requests for drafts of general bills and joint resolutions, <u>including requests for companion bills</u>
March	1, 2019	Friday, 5:00 p.m., deadline for approving final drafts of general bills and joint resolutions, <u>including companion bills</u>
March	5, 2019	Regular Session convenes (Article III, section 3(b), Constitution) 12:00 noon, deadline for filing bills for introduction (Rule 3.7(1))
April	20, 2019	All bills are immediately certified (Rule 6.8) Motion to reconsider made and considered the same day (Rule 6.4(4))
April	23, 2019	50th day—last day for regularly scheduled committee meetings (Rule 2.9(2))
May	3, 2019	60th day—last day of Regular Session (Article III, section 3(d), Constitution)

Item Number 5A

Agency Reports – Florida Department of Transportation

DISCUSSION:

Ms. Carmen Monroy, Director, Office of Policy Planning will update the members on the activities of Florida DOT and bring forward information of importance to the membership about Florida DOT efforts.

REQUESTED ACTION:

None requested. For discussion and action as may be desired.

ATTACHMENT:

None

Item Number 5B

Agency Reports – Florida Division of Federal Highway Administration

DISCUSSION:

Ms. Karen Brunelle, Director, Office of Project Development and Ms. Cathy Kendall, Team Leader of the Planning Team will bring forward information on the following topics:

- General Announcements
- Funding Opportunities
- TMA Certification Review Updates
- Transportation Performance Measures Updates

REQUESTED ACTION:

None requested. For discussion and action as may be desired.

ATTACHMENTS:

1. FHWA TMA Certification Review Updates
2. Transportation Performance Measures Update



FHWA/FTA

TMA Certifications

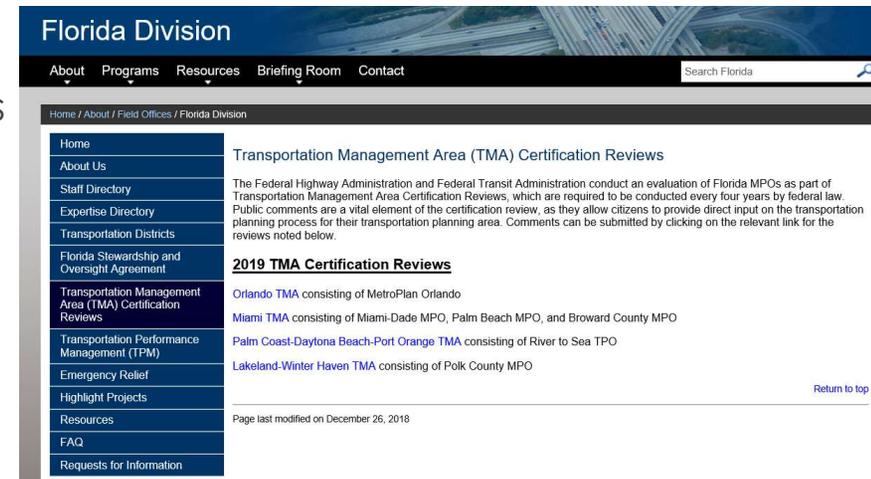
MPOAC

JANUARY 2019

Dec 2018 Updates for TMA Certifications

- ▶ Issued Tips for TMA Certification Social Media Outreach
 - ▶ Social Media In Lieu of Public Meeting
 - ▶ Depends on each MPO and their typical Outreach Practices
- ▶ New Website for TMA Certification Public Comments
 - ▶ Email will go directly to the FHWA Planners
 - ▶ Method is In Addition to Other Outreach Methods

<https://www.fhwa.dot.gov/fldiv/tma.cfm>



The screenshot shows the Florida Division website page for TMA Certification Reviews. The page has a blue header with the text "Florida Division" and a navigation menu with links for "About", "Programs", "Resources", "Briefing Room", and "Contact". A search bar is located in the top right corner. The main content area is titled "Transportation Management Area (TMA) Certification Reviews" and includes a brief description of the process. Below this, there is a section for "2019 TMA Certification Reviews" with links to "Orlando TMA", "Miami TMA", "Palm Coast-Daytona Beach-Port Orange TMA", and "Lakeland-Winter Haven TMA". A sidebar on the left contains a list of navigation links including "Home", "About Us", "Staff Directory", "Expertise Directory", "Transportation Districts", "Florida Stewardship and Oversight Agreement", "Transportation Management Area (TMA) Certification Reviews", "Transportation Performance Management (TPM)", "Emergency Relief", "Highlight Projects", "Resources", "FAQ", and "Requests for Information". The page footer indicates it was last modified on December 26, 2018, and includes a "Return to top" link.



Results of the 2018 FL TMA Certification Risk Assessment Process

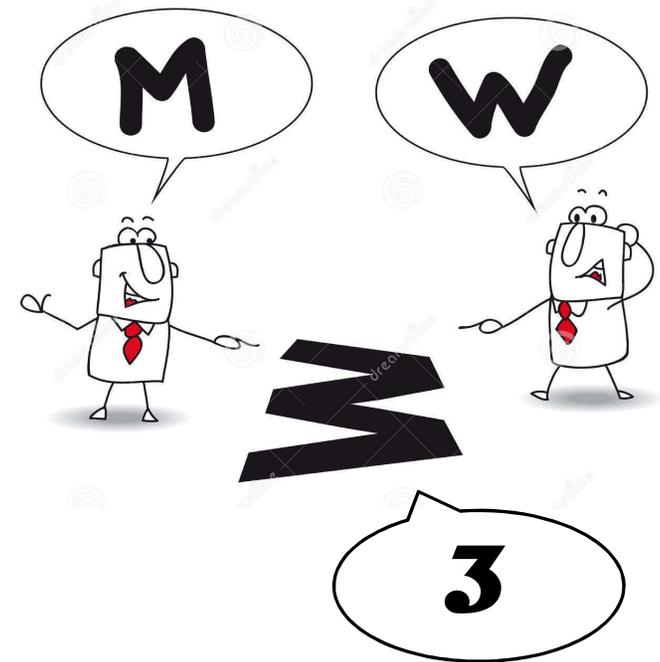
AN ADAPTATION OF FHWA'S RISK BASED STEWARDSHIP AND OVERSIGHT
IMPLEMENTATION GUIDANCE

Risk Based Stewardship and Oversight (RBSO)

- ▶ FHWA Florida Has Been Using Risk in Construction Project Oversight for Over 10 years
- ▶ Formalized Business Practices Through Internal Division Procedures and 2014 FHWA RBSO Implementation Memo
- ▶ RBSO Applied at the Project level
- ▶ Manifested through:
 - ▶ Review of projects by location/funding level
 - ▶ Review of a topic area for selected projects through the state
 - ▶ PoDIs and PoCIs (Projects of Division or Corporate Interest)

Who's Risk is Being Assessed?

- ▶ Depends on Perspective
 - ▶ Risk to Each Agency
 - ▶ Shared Risks
- ▶ FL TMA Certification Risk Assessment focuses on the Federal Risk



FL TMA Certification Risk Assessment

- ▶ Addresses Risk at the Program Level vs Project Level
- ▶ Individualizes Certification Reviews vs One Size Fits All
- ▶ Shapes the Way FHWA Approaches Responsibilities
- ▶ Consistent Approach to Risk Tolerance
- ▶ Works With Traditional Stewardship and Oversight Practices
- ▶ Still Providing Technical Assistance, Required Approvals

What Changes Did the MPOs See?

- ▶ Invisible:
 - ▶ Several Internal FHWA Changes
- ▶ Visible:
 - ▶ New Appendix in the Certification Report
 - ▶ Certification Report Sections Streamlined
 - ▶ Timing and Quantity of Certification Review Questions
 - ▶ Shortened Site Visits

2018 Results

MPO:	Conventional Approach Average (N=8 MPOs)	Risk Assessment Approach Average (N=3 MPOs)	% Reduction
Total Hours:	227.0	102.2	55%
Subtotal - Tech Staff Hours:	207.8	88.7	57%
Subtotal - Mgmt Staff Hours:	19.2	13.5	30%
Number of MPO Questions:	124	9.7	92%
Site Visit Length:	1.5	0.8	47%
Report Length:	24.0	13.0	46%

2018 MPO Feedback

- ▶ Lee County, Space Coast, Florida-Alabama
- ▶ Concerns were with the General TMA process (vs Risk Approach)
- ▶ Risk Approach Comments Positive
 - ▶ Better focused
 - ▶ Significantly Reduced the Level of Effort and Time Needed for MPO Cert Preparation
 - ▶ Streamlining Allowed Better Access and Participation for Multiple Stakeholders
 - ▶ Reduced FDOT Travel Costs

2018 MPO Feedback

- ▶ Opportunities for Improvement
 - ▶ Better and Earlier Communication Regarding Corrective Actions and Expected Resolution
 - ▶ Closer Timing between Site Visit and Draft Report
 - ▶ Providing Opportunity for Each MPO Staff Member to discuss their Responsibilities and Current Activities (this was done at some site visits, but not all)
 - ▶ Clarify Expectations for Recommendation Implementation when Asking for Previous Certification Status Update
- ▶ FHWA and FTA Reviewing Opportunities and Setting up Follow Up Action Items as Appropriate

Questions?



Transportation Performance Measurement

Updates

January 2019



U.S. Department of Transportation
Federal Highway Administration

Recent Milestones



- Nov 14: MPO Set Bridge, Pavement and System Performance Targets
- Nov 23: FDOT completed first evaluation of facilities repeatedly requiring repair and reconstruction due to emergency events (23 CFR 667)



What's New for FL?

- Provided Feedback on draft TIP Templates for PM1, PM2 and PM3 (Dec)
- Provided Feedback on draft System Performance Report Framework (Dec)
- Reviewing STIP TPM TAM Language



What's New for FL?

- Updated TPM Website with Division Presentations

Home
About Us
Staff Directory
Expertise Directory
Transportation Districts
Florida Stewardship and Oversight Agreement
Transportation Performance Management (TPM)
Emergency Relief
Highlight Projects
Resources
FAQ
Requests for Information
Traffic & Road Closure Information
Florida Department of Transportation

Transportation Performance Management (TPM)

The documents below have been developed for FHWA Florida Division's partners to assist them with the implementation of transportation performance measures and other strategies for transforming their planning processes into a performance based process.

- FHWA's Overall TPM Website (includes links to *Federal Register* notices)
- Timing of TPM Requirement Implementation for Florida MPO Long Range Transportation Plans (LRTP), Statewide/Transportation Improvement Programs (S/TIP), and related Amendments **Updated!**
- Listing of All Performance Measures – Includes FDOT and MPO Due Dates for Setting Targets
- FTA Performance Based Planning Requirements

FDOT Specific

- Summary of Planning Regulation Changes as they apply to FDOT
- Summary of the Safety Performance Measure Requirements (PM 1) as they apply to FDOT **New!**
- Summary of the Pavement Performance Measure Requirements (PM 2) as they apply to FDOT **New!**
- Summary of the Bridge Performance Measure Requirements (PM 3) as they apply to FDOT **New!**
- Summary of the System Performance (Includes Freight/CMAQ) Performance Measure Requirements (PM3) as they apply to FDOT
- Summary of Asset Management Requirements as they apply to FDOT **Updated!**

MPO Specific

- Summary of Planning Regulation Changes as they apply to MPOs
- Summary of the Safety Performance Measure Requirements (PM 1) as they apply to MPOs
- Summary of the Pavement Performance Measure Requirements (PM 2) as they apply to MPOs
- Summary of the Bridge Performance Measure Requirements (PM 3) as they apply to MPOs
- Summary of the System Performance (Includes Freight/CMAQ) Performance Measure Requirements (PM3) as they apply to MPOs
- FAQs from MPO One on One Sessions, Fall 2017 **New!**

* [Click Here for Presentations made by FHWA FL Division](#)

[Return to top](#)



What's New in Guidance?

- Clarifying Implementation Requirements Associated with 23 CFR 667
- Form of Q&As
<https://www.fhwa.dot.gov/tpm/faq.cfm>

Other FAQs

- [Asset Management](#)
- [Asset Management Initial Plans](#)
- [Q & A on Safety Performance Measures Final Rule](#)
- [Q&A on 23 CFR 667](#)

<https://www.fhwa.dot.gov/tpm/guidance/>



23 CFR 667 Highlights

- 1st Evaluation Completed – Nov 2018
- Covers 20 years – 1997 through 2017
- Evaluation Determines If There are Reasonable Alternatives
- Includes NHS Roads, Highways and Bridges that required Repair and Reconstruction due to Two or more Emergency Events
- FDOT Must Update Every 4 Years and after Every Event



23 CFR 667 Highlights

- FDOT Required to Consider Results during Project Development
- FDOT Encouraged to Consider the Evaluation during FTP, STIP development and Environmental Review Process
- MPOs are also Encouraged to Consider the Evaluation during LRTP and TIP development
- Beginning Nov 23, 2020, Evaluation must Include All Roads, Highways and Bridges Eligible for Assistance under 23 USC (except on Federal or Tribal lands)



23 CFR 667 Highlights

- FHWA will Periodically Review FDOT Compliance:
 - Evaluation Performance
 - Consideration of Evaluation Results during Project Development
 - Overall Results Achieved



23 CFR 667 Highlights

- FHWA Also Considers Compliance During:
 - Planning Finding
 - Environmental Approval Actions (Retained projects)
 - Project Funding Approvals (FMIS)
- FDOT Must Make Evaluations Available to FHWA Upon Request



Final TAMP and MPO Coordination

- Coordination Required With All NHS Asset Owners:

- How FDOT will Collect and Share NHS data with all NHS owners

- NHS Asset Values

- Financial Plans and Investment Strategies for the Assets along with Processes for Project Selection and Priorities

- MPO Could Facilitate Coordination

Each MPO has member jurisdictions with locally owned NHS assets (Non-Interstate NHS off the State Highway System)



On the Horizon



- Currently: S/TIP Amendments Include TAM (Transit Asset Management) Targets, TAM Plans and Transit Related PBPP metrics. 1st Amendment request for each MPO – include copies of relevant TIP pages
- Feb 27: MPO Sets 2019 Safety Target
- May 20, 2019: Any S/TIP Amendments After May 20th Address Bridge, Pavement and System Performance Targets
- June 30, 2019: FDOT submits final TAMP.



For Additional Information



- Cathy Kendall – Districts 1, 3 – cathy.kendall@dot.gov
- Teresa Parker – Districts 2, 5, 7 - teresa.parker@dot.gov
- Stacie Blizzard – Districts 4, 6 – stacie.blizzard@dot.gov
- FHWA FL Division Website: www.fhwa.dot.gov/fldiv/tpm.cfm



Item Number 6A

Business Items & Presentations Approval of Legal Services Contract

DISCUSSION:

Carl Mikyska will present the proposed Legal Services Agreement to the membership. Paul Gougelman serves as the legal counsel to MPOAC and his one-year contract is renewed annually. The contract, if approved by the MPOAC Governing Board, would be effective July 01, 2019.

Paul has presented a contract which is similar to his previous contract.

REQUESTED ACTION:

Approval of the contract for legal services provided by Paul Gougelman for the coming state fiscal year.

ATTACHMENT:

Draft Contract for legal services to be provided by Paul Gougelman.

AGREEMENT FOR LEGAL SERVICES

THIS AGREEMENT FOR LEGAL SERVICES is entered into this ____ day of _____, 2019, in the City of Tallahassee, Leon County, Florida, by an between the State of Florida, Florida Metropolitan Planning Organization Advisory Council, a Council of the State of Florida organized and existing pursuant to Section 339.175(11), Florida Statutes (hereinafter alternatively: the "MPOAC" or "AGENCY"), 605 Suwannee Street - MS-28B, Tallahassee, Florida 32399-0450; and Weiss Serota Helfman Cole & Bierman, P.L., a Florida Professional Limited Liability Company (hereinafter: the "CONTRACTOR"), 200 East Broward Blvd. - Suite 1900, Ft. Lauderdale, Florida 33301. This Agreement shall bind the parties upon its execution by their representatives.

RECITALS:

WHEREAS, this Agreement is entered into pursuant to Section 287.059, Florida Statutes, and Chapter 2-37, Florida Administrative Code, and for the purposes of setting forth the duties and responsibilities of the CONTRACTOR and compensation to be paid for performance of said duties;

WHEREAS, appended hereto is ATTACHMENT A FOR PRIVATE ATTORNEY SERVICES, which is hereby incorporated herein by this reference;

WHEREAS, this Agreement is brought about, because the MPOAC needs an attorney who understands procedures under the Florida Administrative Procedure, Chapter 120, Florida Statutes; has a working knowledge in local government/municipal law; has knowledge with regard to provisions of Federal transportation-related law under the U.S. Code and Code of Federal Regulations; has a working knowledge in Florida planning, zoning, and transportation law; and is knowledgeable with regard to Federal-State-Local transportation funding, planning, and general requirements of law; and

WHEREAS, the CONTRACTOR, and CONTRACTOR's lead counsel, has the expertise necessary to perform the duties and responsibilities outlined in this Agreement and the lead counsel under this Agreement will be Paul Gougelman, who has competently represented the MPOAC for over twenty (20) years.

NOW, THEREFORE, in consideration of the mutual covenants and promises set forth herein, the parties agree as follows:

ARTICLE 1. ENGAGEMENT OF THE CONTRACTOR. The MPOAC hereby agrees to engage the CONTRACTOR, and the CONTRACTOR agrees to perform the services set forth below. The CONTRACTOR understands and agrees that all services contracted for are to be performed solely by the CONTRACTOR and may not be

subcontracted for or assigned without the prior written consent of the MPOAC Governing Board or the MPOAC Executive Director.

ARTICLE 2. SCOPE OF SERVICES.

A. The CONTRACTOR agrees under the direction of the MPOAC Chairman or MPOAC Executive Director to perform certain professional legal services as follows:

1. Draft proposed rules and rule amendments, resolutions, contracts, and correspondence;
2. Review and analyze AGENCY legal files, data, documents and other materials concerning the above matter and advise on a recommended legal course of action;
3. Prepare and file pleadings, motions, or briefs which may be required and represent the AGENCY in any related litigation;
4. Initiate and conduct discovery including depositions on behalf of the AGENCY and represent the AGENCY in discovery initiated by opposing parties;
5. Represent the AGENCY at trial or on appeal;
6. Attend and participate in meetings, conference calls, field trips or the like and report on the status of the legal matters;
7. Perform legal research and render legal advice;

8. Review and analyze MPOAC legal files, data, documents and other materials concerning the matters referenced in this paragraph A. and advise on a recommended legal course of action;

9. Act as an intermediary between the MPOAC and counsel for other agencies or legal entities; and

10. Perform other legal services as directed by the MPOAC Governing Board.

B. As CONTRACTOR deems appropriate and in specialized matters, the CONTRACTOR may recommend to the MPOAC use of special legal counsel for defined purposes. Generally, legal services under this Agreement will be performed by CONTRACTOR's lead counsel, Paul Gougelman.

C. The CONTRACTOR shall be bound by the requirements of Section 287.059, Florida Statutes, and Chapter 2-37, Florida Administrative Code. The CONTRACTOR shall represent no private individual or legal entity before the MPOAC in any proceeding or matter.

ARTICLE 3. TIME OF PERFORMANCE. This Agreement shall begin on July 1, 2019 and shall continue until June 30, 2020.

ARTICLE 4. CONSIDERATION.

A. Compensation - Fees and Expenses. Fees and expenses shall be paid in accordance with the provisions of ATTACHMENT A FOR PRIVATE ATTORNEY SERVICES.

B. Travel. Justified and reasonable travel expenses which are directly and exclusively related to the professional services rendered under this contract will be reimbursed in accordance with Section 112.061, Florida Statutes. For the purpose of computing travel expenses, the CONTRACTOR's place of business shall be that listed in the preamble to this Agreement and all travel expenses shall be computed on that basis. Pursuant to Section 112.061, Florida Statutes, attorneys of the CONTRACTOR's firm, or as are named in this Agreement are approved counsel, and are designated as authorized travelers during the life of this Agreement.

C. Sales Tax. The MPOAC is exempted from payment of Florida state sales and use taxes and Federal Excise tax. The CONTRACTOR, however, shall not be exempted from paying Florida state sales and use taxes to the appropriate governmental agencies or for payment by the CONTRACTOR to suppliers for taxes on materials used to fulfill its contractual obligations with the MPOAC. The CONTRACTOR shall not use the MPOAC's exemption number in securing such materials or services. The CONTRACTOR shall be responsible and liable for the payment of all its FICA/Social Security and other taxes resulting from this Agreement.

D. The CONTRACTOR shall not pledge the MPOAC's credit or make the MPOAC a guarantor of payment or surety for any contract, debt, obligation, judgment, lien, or any form of indebtedness.

E. Payment for services shall be issued in accordance with Section 215.422, Florida Statutes. Pursuant to Section 215.422(5), Florida Statutes (2019), the Department of Banking and Finance has established a Vendor Ombudsman to act as an advocate for vendors. The Vendor Ombudsman may be reached at (850) 410-9724 or by calling the State Comptroller Hotline, 1-800-848-3792. In accordance with the provisions of Section 287.0582, Florida Statutes, the State of Florida, MPOAC's performance and obligation to pay under this contract is contingent upon an annual appropriation by the Legislature, if the terms of this Agreement extend beyond the current fiscal year.

ARTICLE 5. DOCUMENTATION.

A. The CONTRACTOR shall submit monthly written invoices, in accordance with the requirements of Attachment A for Private Attorney Services, paragraph D, Format for Invoices, for all fees or other compensation for services or expenses in detail sufficient for a proper pre-audit and post-audit. All

invoices shall be submitted to the Executive Director at the MPOAC office as set forth in the preamble to this Agreement.

B. The CONTRACTOR shall maintain a file(s), available for inspection by the MPOAC, containing documentation of all costs and fees incurred in connection with this Agreement. The file(s) shall be maintained for a period of two years after the cost or fee is incurred by the CONTRACTOR, unless otherwise notified in writing by the MPOAC specifying the document which may be exempted from being maintained.

ARTICLE 6. PUBLIC RECORDS. All documents prepared pursuant to this Agreement are subject to Florida's Public Record Law. Refusal of the CONTRACTOR to allow public access to such records as required by such law shall constitute ground for unilateral cancellation of this Agreement by the MPOAC; provided, however that this Agreement shall not be terminated if the CONTRACTOR, pursuant to direction of the MPOAC governing board or the MPOAC Executive Director, withholds access to said public record, because it is confidential or exempt from disclosure pursuant to Federal or Florida law.

ARTICLE 7. TERMINATION OF AGREEMENT. The MPOAC governing board may terminate this Agreement for its convenience or cause by giving five (5) days written notice by certified mail to the CONTRACTOR, specifying the effective date of termination. If

this Agreement is terminated, the CONTRACTOR shall be reimbursed for services satisfactorily performed subject to any damages sustained by the MPOAC. All finished or unfinished documents, data, studies, correspondence, reports and other products prepared by or for the CONTRACTOR under this Agreement shall be made available to and for the exclusive use of the MPOAC. Notwithstanding the above, the CONTRACTOR shall not be relieved of liability to the MPOAC for damages sustained by the Agency by virtue of any termination or breach of this Agreement by the CONTRACTOR. The CONTRACTOR may terminate this Agreement upon thirty (30) days written notice.

ARTICLE 8. AMENDMENTS. Either party may, from time to time request changes to this Agreement, but this shall not bind the other party to agree to said amendment. Any changes must be mutually agreed upon and shall be incorporated in written amendments to this Agreement.

ARTICLE 9. INDEPENDENT CONTRACTOR. Consistent with the Code of Professional Responsibility, the CONTRACTOR, and any of its employees, agents, or assigns, are independent contractors and not employees or agents of the MPOAC. Nothing in this Agreement shall be interpreted to establish any relationship other than that of an independent contractor, between the MPOAC

and the CONTRACTOR, its employees, agents, subcontractors, or assigns, during or after the performance of this Agreement.

ARTICLE 10. LIABILITY. The CONTRACTOR maintains a professional liability insurance policy or policies affording professional liability coverage for the professional services to be rendered under this Agreement.

ARTICLE 11. NONDISCRIMINATION AND COMPLIANCE. The CONTRACTOR shall comply with all Federal, state and local laws and ordinances applicable to the work and shall not discriminate on the grounds of race, color, religion, sex, or national origin in the performance of work.

ARTICLE 12. ADMINISTRATION OF AGREEMENT.

A. The MPOAC contract administration is the MPOAC Executive Director. The CONTRACTOR contract administrator is Paul R. Gougelman. All written and verbal approvals referenced in this Agreement (unless otherwise specified as being required to be obtained from the MPOAC) must be obtained from the parties' contract administrators or their designees. All notices must be given to the parties' contract administrator. From time to time either party may notify the other, making a unilateral change in the person named by said party as the contract administrator for said party. This contract shall be

governed by and construed under the laws of the State of Florida.

B. Any attorney of the firm with whom the CONTRACTOR is affiliated may provide legal representation under this Agreement to the MPOAC, its officers and employees. The CONTRACTOR may refer work under this contract to attorneys in the CONTRACTOR's law firm.

C. The names of the addresses of the parties or their Contract Administrators may be unilaterally changed from time to time by giving notice to the other party to this Agreement.

ARTICLE 13. AGREEMENT AS INCLUDING ENTIRE AGREEMENT. This instrument, including any attachments, embodies the entire Agreement of the parties. There are no other provisions, terms, conditions, or obligations. This Agreement supersedes all previous oral or written communications, representations, or agreements on this subject.

ARTICLE 14. SPECIAL CONDITIONS. The CONTRACTOR agrees to permanently refrain from using or mentioning its association with the MPOAC in advertisements, letterhead, business cards, etc. The MPOAC's services to the MPOAC may be generally described in the CONTRACTOR's professional resume. The CONTRACTOR may not give the impression in any manner, that the MPOAC recommends or endorses the CONTRACTOR. All contracts with

the news media pertaining to the subject of this Agreement shall be referred to the MPOAC contract administrator. Anything, by whatsoever designation it may be known, that is produced by or developed in connection with this Agreement shall remain the exclusive property of the MPOAC and may not be copyrighted, patented, or otherwise restricted as provided by law. Neither the CONTRACTOR nor any other individual employed under this Agreement shall have any proprietary interest in any product(s) developed or delivered under this Agreement.

IN WITNESS WHEREOF, the undersigned parties have executed this Agreement on the date set forth below.

MPOAC:

FLORIDA METROPOLITAN PLANNING
ORGANIZATION ADVISORY
COUNCIL, a Council of the
State of Florida organized
and existing pursuant to
Section 339.175(10), Florida
Statutes

By: _____
Nick Maddox, its
Chair

ATTEST: _____
Carl Mikyska,
Agency Clerk

CONTRACTOR:

WEISS SEROTA HELFMAN
COLE & BIERMAN, P.L., a
Florida Professional
Limited Liability Company

By: _____
Joseph H. Serota, Member

OFFICE OF THE ATTORNEY GENERAL
ATTACHMENT A FOR
PRIVATE ATTORNEY SERVICES

A. SCOPE OF SERVICES.

The CONTRACTOR shall:

1. Draft proposed rules and rule amendments, resolutions, contracts, and correspondence;
2. Review and analyze AGENCY legal files, data, documents and other materials concerning the above matter and advise on a recommended legal course of action;
3. Prepare and file pleadings, motions, or briefs which may be required and represent the AGENCY in any related litigation;
4. Initiate and conduct discovery including depositions on behalf of the AGENCY and represent the AGENCY in discovery initiated by opposing parties;
5. Represent the AGENCY at trial or on appeal;
6. Attend and participate in meetings, conference calls, field trips or the like and report on the status of the legal matters;
7. Perform legal research and render legal advice;
8. Review and analyze MPOAC legal files, data, documents and other materials concerning the matters referenced in this paragraph A. and advise on a recommended legal course of action;
9. Act as an intermediary between the MPOAC and counsel for other agencies or legal entities; and
10. Perform other legal services as directed by the MPOAC Governing Board.

B. COMPENSATION-FEES.

1. The AGENCY shall be billed in accordance with the rate set forth below. Fees shall not exceed \$227.00 per hour for

work by the CONTRACTOR or attorneys named in this Agreement, and fees in excess of such amount shall not be compensable. The CONTRACTOR shall notify the AGENCY, in writing, when fees for billable services reach \$22,000.00, including costs. Said notification shall be made as soon as is practical and prior to the next monthly invoice. Failure to comply with these provisions will result in non-payment.

2. Billable hours shall be measured in one-tenth hour increments. For example, a telephone conversation lasting 6 minutes shall be recorded on billings to the AGENCY as .1 hours. All time shall be rounded up to the next highest one-tenth hour increment. For example, a telephone call lasting 8 minutes would be rounded up to .2 hours, and the billings to the AGENCY would depict the telephone call as being billed for .2 hours. Except as provided above, compensation of attorney hours will be for actual time spent providing attorney services to the AGENCY.

3. Premium rates will not be paid for overtime work.

4. Attorney time while traveling will be compensated at 75 percent of the hourly rates reflected in Attachment A. This compensation does not include the compensation for cost of travel.

5. Telephone conversations will be billed as follows. For a telephone call made by the CONTRACTOR but not reaching the person called or leaving a message to call back, no charge shall be made. For a short telephone conversation, a minimum charge of .2 hours or two-tenths of an hour time will be made. For a long telephone conversation, a minimum charge of .3 hours or three-tenths of an hour time will be made. For telephone conversations lasting in excess of .3 hours or 18 minutes, the call will be charged based on the actual time spent on the telephone conversation, expressed in tenths of an hour as provided in paragraph B.2. above.

C. COMPENSATION-COSTS.

1. Reimbursement of costs for such items as exhibits, transcripts and witness fees requires prior oral authorization by the MPOAC and shall be reimbursed based upon documented third party vendor charges. The MPOAC shall not pay for firm surcharges added to third party vendor charges.

2. Routine expenses such as local (Ft. Lauderdale) phone calls, local (Ft. Lauderdale) facsimile transmissions, routine postage, copy work, local (Ft. Lauderdale) travel expenses, printed library materials and local (Ft. Lauderdale) courier, word processing, computer assisted legal research, and clerical or secretarial services are overhead and will not be separately compensated. However, the MPOAC shall be billed a flat charge of 2.5% for each billing for these types of expenses.

3. Non-routine office overhead expenses such as long distance phone calls, long distance facsimile transmissions, long distance courier services, bulk mailings, bulk third party copying, blueprints, x-rays, photographs must be justified to the MPOAC and shall be reimbursed based on documented third party vendor charges. If these charges exceed \$ 1,000.00, prior written approval from the MPOAC's contract administrator must be obtained. In-house bulk mailings and bulk copying expenses must be supported by usage logs or similar documentation. Firm surcharges are not reimbursable.

3. The CONTRACTOR shall only bill the MPOAC for a proportionate share of the cost of legal research, attending hearings or engaging in client representation of any type, which is applicable to other clients.

4. The CONTRACTOR shall only bill the MPOAC for a proportionate share of the cost of legal research, attending hearings or engaging in client representation of any type, which is applicable to other clients.

5. Reimbursable costs shall not exceed \$3,000.00 under this AGREEMENT. The CONTRACTOR shall notify the AGENCY contract administrator when costs reach \$2,500.00. Said notification shall be made as soon as is practicable and prior to the next monthly invoice.

D. FORMAT FOR INVOICES.

1. Generally, the MPOAC will be billed on a monthly basis, unless a billing for any one month is less than \$100. Each statement for fees and costs shall be submitted in one copy, after the services have been rendered, in a format that includes, at a minimum, the following information:

- a. Case name and number, if applicable, or other legal matter reference;
- b. Invoice number for the particular bill;
- c. CONTRACTOR taxpayer identification number;
- d. CONTRACTOR and MPOAC contract administrators' names;
- e. Inclusive dates of the month covered by the invoice;
- f. Itemization of the date; hours billed (if hourly); a concise, meaningful description of the services rendered, with sufficient detail to enable the AGENCY to evaluate the services rendered and costs; the person(s) who performed the services for each day during which the CONTRACTOR performed work; their hourly rate (if hourly) as specified in Attachment A, and any billing rate that is for some reason different from the one furnished in Attachment A, e.g., travel at a reduced hourly rate.
- g. A listing of all invoiced costs to be accompanied by copies of actual receipts.
- h. The total of only the current bill. Prior balances or payment history should be shown separately, if at all.
- i. Any other information as may be requested by the AGENCY's contract administrator.

E. ADMINISTRATION OF AGREEMENT.

1. The AGENCY contract administrator is the AGENCY Executive Director.

2. The CONTRACTOR contract administrator is Paul Gougelman.

3. All oral approvals referenced in this AGREEMENT must be obtained from the parties' contract administrators or their designees. All notices must be given to the parties' contract administrators.

4. This contract shall be governed by and construed under the laws of the State of Florida.

F. OTHER AVAILABLE SERVICES.

Upon receiving approval from the MPOAC, the CONTRACTOR shall use existing MPOAC agreements, when available and cost effective, to acquire services (e.g., computer assisted legal research) and the assistance of professionals (e. g., court reporters, expert witnesses) at reduced rates.

G. PUBLIC RECORDS.

All documents prepared pursuant to the Agreement are subject to Florida's Public Record Law. Refusal of the CONTRACTOR to allow public access to such records as required by such law shall constitute ground for unilateral cancellation of this Agreement by the MPOAC; provided, however that this Agreement shall not be terminated if the CONTRACTOR, pursuant to direction of the MPOAC governing board or the MPOAC Executive Director, withholds access to said public record, because it is confidential or exempt from disclosure pursuant to Federal or Florida law.

1. The CONTRACTOR agrees to keep and maintain public records in the CONTRACTOR's possession or control in connection with the CONTRACTOR's performance under this Agreement. The CONTRACTOR additionally agrees to comply specifically with the provisions of Section 119.0701, Florida Statutes. The CONTRACTOR shall ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed, except as authorized by law, for the duration of the Agreement, and following completion of the Agreement until the records are transferred to the MPOAC.

2. Upon request from the MPOAC's custodian of public records, the CONTRACTOR shall provide the MPOAC with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided by Chapter 119, Florida Statutes, or as otherwise provided by law.

3. Unless otherwise provided by law, any and all records,

including but not limited to reports, surveys, and other data and documents provided or created in connection with this Agreement are and shall remain the property of the MPOAC.

4. Upon completion of this Agreement or in the event of termination by either party, any and all public records relating to the Agreement in the possession of the CONTRACTOR shall be delivered by the CONTRACTOR to the MPOAC, at no cost to the MPOAC, within seven (7) days (unless the MPOAC already has copies of those public records). Unless the MPOAC already has copies of those public records, all such records stored electronically by the CONTRACTOR shall be delivered to the MPOAC in a format that is compatible with the MPOAC's information technology systems. Once the public records have been delivered upon completion or termination of this Agreement, the CONTRACTOR shall destroy any and all duplicate public records that are exempt or confidential and exempt from public records disclosure requirements.

5. Any compensation due to the CONTRACTOR shall be withheld until all records are received as provided herein.

6. The CONTRACTOR's failure or refusal to comply with the provisions of this section shall result in the immediate termination of this Agreement by the MPOAC.

7. **Section 119.0701(2)(a), Florida Statutes**

IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS.

Custodian of Records: Carl Mikyska, MPOAC Executive Director

Mailing address: 605 Suwannee Street - MS-28B, Tallahassee, Florida 32399-0450.

H. SPECIAL CONDITIONS.

1. The CONTRACTOR will make affirmative efforts to achieve cost effectiveness by consolidating court hearings, limiting travel, streamlining case processing, using printed forms, using the appropriate level of attorney or staff

experience required by task, and taking other actions to improve efficiency.

2. Multiple staffing at meetings, hearings, depositions, trials, etc., by the CONTRACTOR will not be compensated unless prior written approval from the MPOAC has been obtained.

3. The CONTRACTOR agrees that all documents shall be promptly returned at the termination of the CONTRACTOR's involvement in the case or matter at hand.

4. MPOAC in-house staff shall be used in the legal matter to the maximum extent possible.

5. The CONTRACTOR will provide immediate notice by facsimile transmission or telephone regarding significant case developments which will likely result in media inquiries.

6. The CONTRACTOR shall provide the MPOAC immediate notice of any representation undertaken by the CONTRACTOR in matters where the client is suing or being sued by the state or state entities in any civil or adversarial administrative action.

Fee Schedule

I. HOURLY BILLING SCHEDULE:

A. The CONTRACTOR's attorney and paralegal staff to be used under this contract include the following individuals at the hourly rates indicated:

NAME	Hourly Rate
1. Paul Gougelman (lead counsel)	\$227.00
2. Alan Gabriel (alternate)	\$227.00
3. Ryan Abrams (general work)	\$227.00
4. Daniel Abbott (litigation)	\$227.00
5. Brett Schneider (labor)	\$227.00
6. Milton Collins (labor)	\$227.00
7. Robert Meyers (ethics and procurement)	\$227.00

The above rates may be adjusted if both parties agree, and shall be documented in writing by amendment to this Agreement.

ALTERNATE BILLING SCHEDULE: NONE.

Item Number 6B

Business Items & Presentations Florida League of Cities Presentation

DISCUSSION:

Mr. Jeff Branch, Legislative Advocate for Transportation and Intergovernmental Relations at the Florida League of Cities, will present an overview of issues the FLC are following and what concerns have been brought forward by their membership. During past legislative sessions, MPOAC and FLC worked closely together on a number of legislative issues.

The Florida League of Cities Transportation and Intergovernmental Relations Committee addresses concerns relating to transportation and highway safety, as well as aviation, affordable housing (and homelessness), billboards, building codes, charter schools, rights-of-way and veterans affairs

REQUESTED ACTION:

None

ATTACHMENT:

None

Item Number 6C

Business Items & Presentations Polk TPO

DISCUSSION:

The Polk TPO initiated the Pledge to Slow Down Campaign to further its goal of a future with zero traffic-related fatalities. Over 650 citizens have taken the pledge to date, and local outreach efforts continue.

The public service announcements include a series of five short (30 second) videos on the following topics:

- Local Dignitaries Taking the Pledge;
- Speed Kills;
- Everyone is Someone's Love One;
- Time to See and Stop; and
- Getting There Safe.

The pledge campaign was designed to be portable to other communities. The Polk TPO and Polk Government Television will give a brief presentation on how campaign material can be tailored to other communities for their use.

REQUESTED ACTIONS:

None

ATTACHMENTS:

Press Release on PGTV Award for Pledge to Slow Down PSAs
Pledge to Slow Down Tear Off Form



FOR IMMEDIATE RELEASE

Contact: Mianne Nelson, Communications Director
(863) 534-6083 (office) (863) 232-6653 (cell)

PGTV awarded Best Promotional Video Campaign by NATOA

Bartow, Fla. (January 18, 2019) — Polk Government Television (PGTV) captured awards in several categories at this year's National Association of Telecommunications Officers and Advisors (NATOA) annual conference. The highest honor for PGTV was its "Pledge to Slow Down" public service announcement (PSA) series winning first place as the Best Promotional Video Campaign in 2018.

The Pledge to Slow Down PSA series features messages informing residents as to the time and distance that it takes to stop your vehicle to avoid hitting pedestrians, bicyclists and other vehicles when you are driving at faster speeds. It was a collaborative effort, involving Polk County Government, the Transportation Planning Organization (TPO) and Polk Vision. Polk County Sheriff Grady Judd, Polk Schools Superintendent Jacqueline Byrd, Polk County Fire Rescue Chief Tony Stravino and several community leaders participated as spokespersons throughout the series, urging motorists to "just slow down."

PGTV received honorable mention in other categories for excellence in government television programming. These included:

- Profile of a City/County Department – "Polk County Government" for a kiosk at the History Center
- Public Education Program – "Polk Waste Wise" (Waste & Recycling Division)
- Community Awareness – "The Big Stink", Utilities' video to encourage residents to not pour fats, oils and grease down drains that would cause them to clog
- Use of Humor – "It Won't Snow" – A holiday musical short feature video for younger viewers.

NATOA is the professional association representing cities, towns, counties and commissions across the country. The NATOA awards program honors excellence in broadcast, cable, multimedia and electronic programming produced by local government agencies.

PGTV can be viewed on Spectrum channel 644, Frontier 20 and Comcast 5, streaming live on the website at polk-county.net and on its YouTube channel.

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msn

Pledge to **SLOW DOWN**

www.pledgetoslowdown.com

I pledge to **SLOW DOWN** and drive safely because...



To avoid crashes, I need time to **SEE AND STOP** for bicyclists, walkers and other vehicles.



SPEED KILLS - Driving slower can make the difference between life and death.



GETTING THERE SAFE > not getting there.



Every driver, passenger, pedestrian and bicyclist is someone's **LOVED ONE**.



I want to protect my loved ones and **COME HOME SAFELY**.

Please encourage your family and friends to take the Pledge to Slow Down.

For videos and other information, visit www.pledgetoslowdown.com.

Polk Transportation Planning Organization • 330 W. Church St., Bartow • (863) 534-6486 • polktpo.com



Polk Transportation
Planning Organization



POLK
COUNTY



Please detach along line above and return this portion.

SIGN THE PLEDGE: _____

Please print clearly: Name: _____

Email: _____ **ZIP Code:** _____

I would like to: (Check all that apply)

- Receive campaign updates
- Help distribute promotional materials
- Schedule a group presentation
- Become a sponsor



Polk Transportation Planning Organization • 330 W. Church St., Bartow • (863) 534-6486 • polktpo.com

Pledge to SLOW DOWN



Driving slower can make the **difference** between **life** and **death**.

Hit by a vehicle traveling at:

30
MPH



8 out of 10 pedestrians survive

50
MPH



2 out of 10 pedestrians survive



Give yourself time to **see** and **stop** for bicyclists, walkers and other vehicles.

30
MPH



50
MPH



Item Number 6D

Business Items & Presentations Election of Officers for 2019

DISCUSSION:

The MPOAC bylaws require at the first meeting of each calendar year, the election of officers. The Chair, Vice-Chair and representative to the Executive Committee each serve a term of one year. MPOAC will be seeking nominations of members to serve in each of these roles for 2019. The MPOAC Executive Committee is comprised of the Chair and Vice-Chair of the Staff Directors' Advisory Committee, the Chair and Vice-Chair of the MPOAC Governing Board and a third member of the Governing Board to create a five-member committee with the majority of the votes coming from the MPOAC Governing Board.

REQUESTED ACTIONS:

1. Nomination and approval of a candidate to serve as MPOAC Governing Board **Chair** for calendar year 2019.
2. Nomination and approval of a candidate to serve as MPOAC Governing Board **Vice-Chair** for calendar year 2019.
3. Nomination and approval of a candidate to serve on the **MPOAC Executive Committee** for calendar year 2019.

ATTACHMENT:

None

Item Number 7
Communications

DISCUSSION:

For information only.

REQUESTED ACTION:

As may be desired.

ATTACHMENT:

None

Item Number 8
Member Comments

DISCUSSION:

Comments or recommendations by MPOAC members.

REQUESTED ACTION:

As may be desired.

ATTACHMENT:

None

Item Number 9

Adjournment

The next meeting of the MPOAC Governing Board will be held at 3:00PM on April 30, 2019 at the Orlando Airport Marriott Lakeside Hotel, 7499 Augusta National Drive, Orlando, FL 32822. MPOAC has arranged for a room block at a rate of \$135 per night. A meeting notice will be sent out at least one month prior to the meeting date.