



# The Florida Metropolitan Planning Organization Advisory Council

*Mayor Susan Haynie*  
*Chair*

## **MPOAC Governing Board Meeting**

**Date:** Thursday, February 01, 2018  
**Time:** 2:45 p.m. – 4:30 p.m.  
**Location:** Hilton West Palm Beach, Oceana Room,  
600 Okeechobee Blvd, West Palm Beach, Florida 33401

**Mayor Susan Haynie, Presiding**

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- 1. Call to Order & Pledge of Allegiance**
- 2. Public Comments (non-agenda items)**
- 3. Informational Presentations (Staff Directors are invited to participate)**
  - a. Agency Reports**
    - i. Florida Department of Transportation**
    - ii. Federal Highway Administration**
  - b. Executive Director's Report**
    - i. UPWP Report**
    - ii. Draft 2019-2020 UPWP**
    - iii. Florida Legislative Report**
  - c. Communications**
- 4. Action Items**
  - a. Approval of Minutes: July 19, 2017 and November 07, 2017 Meetings**
  - b. Approval of Performance Measures Responsibilities Agreement**
  - c. 2018 MPOAC Meeting Schedule**
  - d. Freight Committee Project Prioritization Process**
  - e. Approval of Legal Services Contract for MPOAC General Counsel**
  - f. Election of Officers**
- 5. Member Comments**
- 6. 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](mailto: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

#### **ATTACHMENTS:**

None

## **Item Number 2**

### **Public Comments (non-agenda items)**

#### **DISCUSSION:**

Recommendations or comments by the public.

#### **REQUESTED ACTION:**

As may be desired.

#### **ATTACHMENTS:**

None

**Item Number 3.a.i**  
**Informational Items (Staff Directors are invited to participate)**  
**Agency Reports – Florida Department of Transportation**

**DISCUSSION:**

Ms. Carmen Monroy, Director of the Office of Policy Planning and Mr. Mark Reichert, Administrator of Metropolitan Planning will update the members on the activities of FDOT and bring forward information on the following topics:

- Status of Research Projects to benefit MPOs
- MAP-21/FAST Act Performance Measures and Targets/Guiding Principles
- Federal Infrastructure Bill
- Florida Metropolitan Planning Partnership Meeting
- MPOAC Leadership Meeting
- Planning Emphasis Areas
- UPWP and MPO Handbook

**REQUESTED ACTION:**

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

**ATTACHMENTS:**

1. EconWorks Fact Sheet
2. Florida DOT Planning Emphasis Areas for 2018/19-2019/20 MPO UPWPs

## EconWorks – Summary Fact Sheet for MPOs

See for yourself at <https://planningtools.transportation.org/13/econworks.html>

**EconWorks** is designed to help planners in assessing economic impacts and benefits of transportation projects. Its tools include:

- 1) A **Case Study Searchable Database** of 125 highway/intermodal-related projects from across the U.S. and abroad, representing ten project types;
- 2) **Assess My Project** tool for preliminary estimation of economic impacts (EIA) of a project; and
- 3) Wider Economic Benefits (W.E.B.) **Analysis Tools** for measuring benefits related to reliability, (intermodal) connectivity, and accessibility improvements from highway or intermodal investments.

<b><u>Pros</u></b>	<b><u>Limitations</u></b>
<p style="text-align: center;"><i>Case Studies Database, and Assess My Project</i></p> <ul style="list-style-type: none"> <li>- As a potential screening tool, it helps fill a void at an early stage of project planning</li> <li>- A searchable database of related projects that could facilitate further research</li> <li>- Focused on impacts from business retention, expansion, and attraction</li> <li>- Simple, fast, and convenient to use</li> <li>- Estimates both direct and total impacts expressed in jobs, income, and economic output</li> <li>- Potential to improve as more cases are added</li> </ul> <p style="text-align: center;"><i>Wider Economic Benefits Analysis Tools</i></p> <ul style="list-style-type: none"> <li>- Relatively uncommon tools for assisting in capturing non-traditional benefits of highway projects</li> <li>- Available to complement benefit-cost, economic impact, or multi-criteria analyses</li> </ul>	<p style="text-align: center;"><i>Case Studies Database, and Assess My Project</i></p> <ul style="list-style-type: none"> <li>- Highway and limited intermodal projects only</li> <li>- An initial sketch-level project evaluation, which yields an estimated magnitude of economic impacts</li> <li>- Case study database is limited in size and scope, missing some data, and not specific to Florida</li> <li>- Provides a single snapshot in time</li> <li>- Economists may find it most useful</li> <li>- May lead to more detailed analysis of economic impacts or benefits and costs</li> </ul> <p style="text-align: center;"><i>Wider Economic Benefits Analysis Tools</i></p> <ul style="list-style-type: none"> <li>- Potential for overlap/double counting with benefits resulting from changes in travel efficiency</li> <li>- Analysis is based on available research</li> </ul>

The EconWorks toolset entails different trade-off for MPO planners who may utilize it for evaluation purposes. It is simplified and consistent. Deployments of EconWorks’ Case Study Database and Assess My Project tool are relatively light in input data requirements, and are fast and inexpensive to process. These tools may yield relatively crude outcomes. Most likely to be useful in early stages of small project evaluations or to obtain order-of-magnitude screening results. Point based systems may provide an alternative method for screening.

For larger projects and LRTP efforts, and fuller economic analyses, other more detailed tools such as MET, TransValU, and mode-specific FDOT tools are available for Benefit-Cost Analyses, and REMI, TREDIS and others are available for EIA assessments. Evaluations using those tools could be supplemented by the W.E.B. Analysis Tools. As additional cases are added to the database, and with further research, the applicability of the EconWorks toolset to both EIAs and as a supplement to BCA of transportation investments in Florida, can improve.

Contact Martin Markovich, [martin.markovich@dot.state.fl.us](mailto:martin.markovich@dot.state.fl.us), (850) 414-4918



## Florida Planning Emphasis Areas-2018

The Florida Department of Transportation Office of Policy Planning develops *Planning Emphasis Areas* on a two-year cycle in coordination with the development of Metropolitan Planning Organizations' respective unified planning work programs. Emphasis areas set planning priorities, support the Florida Transportation Plan, and give importance to topic areas which MPOs are encouraged to address as they develop their planning programs. Implementation of the seven goals of the Florida Transportation Plan requires embracing innovation; extensive collaboration across jurisdictions, modes and disciplines; an emphasis on customer service; data and performance feedback; and strategic investments for the efficient and effective allocation of resources.

Metropolitan Planning Organizations should consider the following topics when updating their Unified Planning Work Plan.

### **Rural Transportation Planning**

MAP-21 defined the structure and responsibilities of designated regional transportation planning organizations in federal regulations for the first time. Florida Statutes include several provisions that require coordination with local governments including those in rural areas. Some rural communities in Florida face significant development pressures and need transportation investments to handle growing populations and economic activities. Others simply struggle to maintain their existing transportation system and with providing services to a spread-out community. MPOs are encouraged to plan for and coordinate with rural governmental entities both within their planning boundaries as well as those areas outside of the current boundaries that are impacted by transportation movements between regions.

### **Transportation Performance Measures**

FHWA has finalized six interrelated performance rules to implement the transportation performance measures framework established by MAP-21 and the FAST Act. Collectively, the rules address challenges facing the transportation system, including: improving safety, maintaining the condition of the infrastructure, reducing traffic congestions, improving the efficiency of the system and freight movement, protecting the environment, and reducing delays in project delivery. The rules established national performance measures. State DOTs and MPOs must establish targets for each measure. Planning documents will identify the strategies and investments used to reach the targets. Progress towards meeting the targets will be reported through new and existing mechanisms. MPOs need to account in their UPWP for the effort necessary to satisfy the federal requirements. As MPOs and Florida DOT venture into this first round of target setting and adopting performance measures into our planning products, more emphasis will be placed on this topic area. The cooperative efforts of Florida's MPOs and DOT to insure this new planning tool will be effective and well-coordinated will need to be shown in the upcoming UPWPs.



## **ACES (Automated/Connected/Electric/Shared-use) Vehicles**

According to the Federal Highway Administration, “Transportation is in the midst of disruptive change from new technologies (automated and connected vehicles); new institutions (shared mobility firms); and changing attitudes (reduced car ownership). Across the nation, transportation planners are under pressure to develop performance-oriented policies, plans, and investment decisions that consider an increasingly complex transportation landscape. In the process, planners need to consider, but cannot yet reliably predict, the potential impact of disruptive and transformational Connected Vehicle (CV) and Automated Vehicle (AV) technologies on safety, vehicle ownership, road capacity, VMT, land-use, roadway design, future investment demands, and economic development, among others. While some forms of CV and AV are already being deployed across the United States, significant unknowns exist regarding the rate of technology adoption, which types of technologies will prevail in the marketplace, the interaction between CV/AV vehicles and various forms of shared mobility services, and the impacts of interim and widespread levels of CV/ AV usage.”

Adopting and supporting innovative technologies and business practices supports all seven goals of the Florida Transportation Plan and the federal planning factors found in the FAST Act. ACES may lead to great improvements in safety, transportation choices, and quality of life for Floridians, our visitors and the Florida economy. Though there is a great deal of speculation and uncertainty of the potential impacts these technologies will have, MPOs need to determine how best to address the challenges and opportunities presented to them by ACES vehicles.

### **Contact Information:**

**Mark Reichert, FDOT Administrator for Metropolitan Planning**

**850-414-4901**

**[mark.reichert@dot.state.fl.us](mailto:mark.reichert@dot.state.fl.us)**

**Item Number 3.a.ii**  
**Informational Items (Staff Directors are invited to participate)**  
**Agency Reports – Florida Division of Federal Highway Administration**

**DISCUSSION:**

Ms. Karen Brunelle, Director, Office of Project Development and Ms. Lee Ann Jacobs, Planning Team Leader will present several items of interest to the MPOs. Their agenda items include:

- General Announcements
- 2018 Long Range Transportation Plan Expectations Letter
- Transportation Performance Management – Setting and Documenting Targets
- Florida Transportation Management Area (TMA) Certification Process Update.

**REQUESTED ACTION:**

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

**ATTACHMENTS:**

1. 2018 MPO Long Range Transportation Plan Expectations Letter
2. Transportation Performance Management – Setting and Documenting Targets Document
3. Florida Transportation Management Area (TMA) Certification Process Update Document

# Federal Strategies for Implementing Requirements for LRTP Updates for the Florida MPOs

January 2018

The Federal Highway Administration (FHWA), in cooperation with the Federal Transit Administration (FTA), developed this document to provide clarification to the Florida Department of Transportation (FDOT) and Florida's Metropolitan Planning Organizations (MPOs) regarding our expectations for meeting some of the requirements to be addressed in the next cycle of Long Range Transportation Plan (LRTP) updates. 23 CFR 450.306, 316 and 324 describe the basic requirements of the scope of the metropolitan transportation planning process, including a documented public participation plan, and development and content of the LRTPs respectively.

## **Addressing Current Requirements**

The following information is presented to highlight notable areas for improvement, as well as those of potential concern, in order to proactively assist the MPOs in meeting federal planning requirements. These topic areas were selected based on a past history of issues observed with them through our general stewardship responsibilities, or through the oversight responsibilities via the Transportation Management Area (TMA) certification reviews. FHWA and FTA would be pleased to work with FDOT and the MPOs to discuss interpretation examples and/or statewide templates as appropriate to support implementation consistency. Additional areas of concern may be addressed on an individual MPO basis as needed throughout the LRTP development process. Citations noted refer to regulations published in the May 27, 2016 *Federal Register*.

## **Stakeholder Coordination and Input**

**Specific Public Involvement Strategies:** MPOs are required to develop a written plan that documents and explicitly describes the procedures, strategies, and outcomes of stakeholder involvement in the planning process for all the MPOs products and processes, including, but not limited to, the timing of and timeframe for public/stakeholder input on the LRTP and its amendments. The MPOs should take the time to ensure their LRTP outreach strategies in their public participation plan (PPP), whether documented in an overall MPO PPP or one specifically for LRTP outreach, are clear, transparent, and accurately describes when and how their stakeholders can be involved in the process. To this end, having non-transportation professional(s) review the document and provide their understanding of when and how long the public comment periods occur for the various planning products can be helpful to ensure the information is being interpreted as intended. {23 CFR 450.316(a)(1)}

**Public Involvement/Tribal/Resource Agency Consultation:** Consultation on the MPO's planning products (including the LRTP) with the appropriate Indian Tribal governments and Federal land management agencies (when the planning area includes such lands) is required to be documented. The interaction documentation with these stakeholders needs to outline the roles, responsibilities and key decision points for consulting with other governments and agencies. MPOs should ensure that their plans and/or documentation include such procedures.

Additionally, State and local agencies responsible for land use management, natural resources, environmental protection, conservation and historic preservation are required to be consulted during the development of the

L RTP. This consultation consists of comparisons of state conservation plans/maps, and inventories of natural or historical resources with transportation plans, as appropriate and if available. This consultation process is also required to be documented, ideally in the public participation plan. Note that the Tribal governments and resource agencies mentioned above are also required to be involved in the development of the various consultation processes with these agencies. {23 CFR 450.316(a)(1), (c), (d), (e); 23 CFR 450.324(g)}

Measures of Effectiveness: Many MPOs have what appear to be very successful strategies for reaching out and incorporating public comment into their products and processes. However, there is no systematic confirmation or validation that the strategies are indeed working. MPOs are required to periodically review the effectiveness of the procedures and strategies described within the public participation plan (PPP). The PPP is also required to contain the specific measures used, the timing of, and the process used to evaluate the MPO's outreach and PPP strategies. Ideally, once the L RTP is developed, the outreach is evaluated, and then any needed changes to the outreach process are incorporated and documented in the PPP prior to the next L RTP update. {23 CFR 450.316(a)(1)(x)}

### **Fiscal Constraint**

Project Phases: Projects in L RTPs are required to be described in enough detail to develop cost estimates in the L RTP financial plan that show how the projects will be implemented. For a project in the cost feasible plan, the phase(s) being funded and the cost must be documented. Additionally, the source of funding for each phase must be documented in the first 10 years of the L RTP. The phases to be shown in L RTPs include Preliminary Engineering (PE), Right of Way (ROW) and Construction. PE includes both the Project Development and Environment (PD&E) and Design phases. FHWA and FTA support the option of combining the PD&E and Design phases into an overall PE phase for these long range estimates. Boxed funds can be utilized as appropriate to document the financing of smaller projects, such as sidewalks, or early phases of projects, such as PD&E. However, the individual projects utilizing the box need to be listed, or at a minimum, sufficiently described in bulk in the L RTP (i.e. PD&E for projects in Years 2020-2025). {23 CFR 450.324(f)(9), (f)(11); 23 CFR 450.326(h)}

Full Time Span of L RTP (1<sup>st</sup> 5 Years): Plans are required to have at least a 20-year horizon. The effective date of the L RTP is the date of the MPO adoption of the plan. As such, the MPO is required to have an L RTP that includes projects from the date of adoption projected out at least 20 years from that date. The L RTP is a planning document that describes how the proposed projects will help achieve the regional vision. The Transportation Improvement Program (TIP), however, is a reflection of the investment priorities which are established in the L RTP. When adopting an updated L RTP, the projects in the previous L RTP are assessed and revised to acknowledge projects that have: 1) moved forward (these are typically removed from the updated L RTP), 2) shifted in time (these could be moved forward or back in implementation in the updated L RTP), and 3) been added or deleted based on the MPO's current priorities. The TIP is only a resource for determining which projects have moved forward. **The TIP, which is based on the previous L RTP, is not a substitute for the first 5 years of the updated L RTP.** Additionally, the TIP is a 4-year programming document that, in Florida, is adopted every year and thus expires annually. When L RTPs "include the TIP", it is a reference to a static and outdated document once the next TIP is incorporated into the Statewide Transportation Improvement Program (STIP), which occurs annually in Florida. Therefore, the MPOs will need to show all of the projects, phases, and

estimates from the adoption date through the horizon year of the LRTP, which is considered the entire time period of the LRTP. In addition, funding sources need to be shown for all projects from the adoption date through the first 10 years. {23 CFR 450.324(a); 23 CFR 450.326(a)}

### **Technical Topics**

**SHSP Consistency:** We have come a long way from “What is the Strategic Highway Safety Plan (SHSP)?” to having LRTPs address the safety of all users throughout the planning process. We have proactively and successfully encouraged the MPOs to include a safety element in their LRTPs and be consistent with the Florida SHSP. The changes to the planning regulations now require the goals, objectives, performance measures and targets of the Highway Safety Improvement Program (HSIP), which includes the SHSP, to be integrated into the LRTPs either directly or by reference. However, the specific priorities, strategies, countermeasures and projects of the HSIP are not required to be integrated. We continue to strongly encourage their incorporation where appropriate. {23 CFR 450.306(b)(2), (d)(4)(ii); 23 CFR 324(h)}

The link to FDOT’s 2016 SHSP is: [http://www.fdot.gov/safety/SHSP2012/FDOT\\_2016SHSP\\_Final.pdf](http://www.fdot.gov/safety/SHSP2012/FDOT_2016SHSP_Final.pdf)

**Freight:** Florida’s MPOs have been proactive in assessing and incorporating their freight needs. Freight shippers and providers of freight transportation services have been required to be incorporated into the stakeholder outreach that the MPO uses throughout the planning process and the LRTP to address the projected demand of goods transportation on the network. Changes to the planning requirements now also encourage the consultation of agencies and officials planning for freight movements. With the National Highway Freight Program a core funding category of federal funds, having a solid basis for incorporating freight needs and projecting the freight demands will be key to the LRTP’s success for meeting its regional vision for the goods movement throughout the area. Additionally, the planning regulations now require the goals, objectives performance measures and targets of the State Freight Plan to be integrated into the LRTPs either directly or by reference. While freight is one of the planning factors, it deserves special emphasis, and will need to play a more prominent role in future LRTPs. The MPOs need to show a concerted effort to incorporate freight stakeholders and strategies into the next LRTP. {23 CFR 450.306(b)(4), (b)(6); 23 CFR 450.316(a); 23 CFR 450.324 (b), (f)(1), (f)(5)}

**Environmental Mitigation/Consultation:** For highway projects, the LRTP must include a discussion on the types of potential environmental mitigation activities and potential areas to carry out these activities. The environmental mitigation discussion in the LRTP must be developed in consultation with Federal, State and Tribal wildlife, land management and regulatory agencies. The LRTP discussion can be at a system-wide level to identify areas where mitigation may be undertaken (perhaps illustrated on a map) and what kinds of mitigation strategies, policies and/or programs may be used when these environmental areas are affected by projects in the LRTP. This discussion in the LRTP would identify broader environmental mitigation needs and opportunities that individual transportation projects might take advantage of later. MPOs should be aware that the use of ETDM alone is not environmental mitigation. The use of ETDM is considered project screening and is not a system-wide review of the planning area. Documentation of the consultation with the relevant agencies should be maintained by the MPO. {23 CFR 450.324(f)(10)}

Congestion Management Process: The management of congestion has played an increasing role in the operations of transportation networks. One of the key activities of the process is to evaluate the effectiveness of the strategies the process produces. The MPO must demonstrate that the congestion management process is incorporated into the planning process. The process the MPO uses can be documented separately or in conjunction with the LRTP. The process is required to: 1) provide for the safe and effective integrated management and operations of the transportation network; 2) identify the acceptable level of performance; 3) identify methods to monitor and evaluate performance; 4) define objectives; 5) establish a coordinated data collection program; 6) identify and evaluate strategy benefits; 7) identify an implementation schedule; and 8) periodically assess the effectiveness of the strategies. The congestion management process should result in multimodal system measures and strategies that are reflected in the LRTP and TIP. The new planning requirements provide for the optional development of a Congestion Management Plan (CMP) that includes projects and strategies that will be considered in the TIP. This optional plan is different than documenting the processes that the MPO uses to address the congestion management. The CMP, if used, needs to 1) develop regional goals, 2) identify existing transportation services and commuter programs, 3) identify proposed projects, and 4) be developed in consultation with entities that provide job access reverse commute or job-related services to low-income individuals. {23 CFR 450.322}

Americans with Disabilities Act (ADA) Transition Plans: Government agencies with 50 or more employees that have control over pedestrian rights of way (PROW) must have transition plans for ADA. Agencies with less than 50 employees that have control over PROW must have an ADA Program Access Plan, describing how they provide access for those with disabilities to programs, services and activities. MPOs that are a part of a public agency that has these responsibilities need to have a heightened awareness for these responsibilities and plans. However, all MPOs play an important role in ADA compliance by assisting agencies with sidewalk inventories, gap studies, etc. MPOs can also go a good deal further, but should at a minimum serve as a resource for information and technical assistance in local government compliance with ADA. {28 CFR 35.105; 28 CFR 35.150(d)}

## **Administrative Topics**

LRTP Documentation/Final Board Approval: The date the MPO Board adopts the LRTP is the effective date of the plan. The contents of the product that the MPO adopts on that date includes at a minimum: 1) the current and projected demand of persons and goods; 2) existing and proposed facilities that serve transportation functions; 3) a description of performance measures and targets; 4) a system performance report; 5) operational and management strategies; 6) consideration of the results of the congestion management process; 7) assessment of capital investment and other strategies to preserve existing and future infrastructure; 8) transportation and transit enhancement activities; 9) description of proposed improvements in sufficient detail to develop cost estimates; 10) discussion of potential environmental mitigation strategies and areas to carry out the activities; 11) a cost feasible financial plan that demonstrates how the proposed projects can be implemented and includes system level operation and maintenance revenues and costs; and 12) pedestrian walkway and bicycle transportation facilities which are required to be considered, where appropriate, in conjunction with all new construction and reconstruction of transportation facilities, except where bicycle and pedestrian use are not permitted. FHWA and FTA expect that at the time the MPO Board adopts the LRTP, a

substantial amount of LRTP analysis and documentation will have been completed, and all final documentation will be available for distribution no later than 90 days after the plan's adoption. The Board and its advisory committees, as well as the public, should have periodically had opportunities to review and comment on products from interim tasks and reports that culminated into what is referred to as the final Plan. Finalizing the LRTP and its supporting documentation is the last activity in a lengthy process. All final documents are required to be made readily available for public review and to be made available electronically. The final document(s) should be posted online and available through the MPO office no later than 90 days after adoption date. The MPOs' schedules for this round of LRTP development are expected to allow ample time for the Board to adopt the final LRTP product no later than 5 years from the MPOs' adoption of the previous LRTP. These adoption dates have recently been confirmed with each MPO. {23 CFR 450.324 (a), (c), (f), (k)}

LRTP & STIP/TIP Consistency: The STIP and TIPs must be consistent with the relevant LRTPs as they are developed. FHWA and FTA staff will be checking for this consistency during the STIP approval process. The results of previous reviews indicate that emphasis is still needed to ensure that projects are accurately reflected in both the TIP and STIP and that these projects are flowing from and are found to be consistent with the MPO's LRTP. Additionally, when amendments to the STIP/TIP are made, the projects must also be consistent with the LRTP from which they are derived. When STIP/TIP amendments are received by FHWA and FTA, they will be reviewed for consistency with the applicable LRTP. Projects with inconsistencies between the STIP/TIP and the respective LRTP will not be approved for use of federal funds or federal action until the issue is addressed. {23 CFR 450.330; 23 CFR 450.218(b)}.

### **New Requirements**

This section describes topics that may not currently be required by federal laws and rules to be addressed in LRTPs. As such, MPOs are not required to include these considerations in their current planning processes and plans. However, they will be required to be addressed for the next LRTP.

New Planning Factors: The MPO is required to address several planning factors as a part of its planning processes. The degree of consideration and analysis of the factors should be based on the scale and complexity of the area's issues and will vary depending on the unique conditions of the area. Efforts should be made to think through and carefully consider how to address each factor. There are two new planning factors that need to be considered in the next LRTPs: 1) improving the resiliency and reliability of the transportation system and reducing or mitigating stormwater impacts of surface transportation; and 2) enhancing travel and tourism. Florida has a strong history of proactively addressing these transportation areas. These experiences can be drawn upon to incorporate the new factors into the planning processes. {23 CFR 450.306(b)9, (b)(10), (c)}

Transportation Performance Management: As funding for transportation capacity projects becomes more limited, increasing emphasis will be placed on maximizing the efficiency and effectiveness of our current transportation system and the resources that build and maintain the system. As such, a performance-based approach to transportation decision making will be required for the FDOT and MPOs. As the MPOs and FDOT are aware, the performance measures required to be addressed in the LRTPs are documented in final rules that were published in the Federal Register on March 15, 2016 and January 18, 2017. The MPOs will set their targets

in accordance with the schedule established in these final rules. FDOT and the MPOs have flexibility as to the documentation and process used for setting the targets, as long as the targets are made publicly available once they are set. The next LRTPs (when updated or amended after May 27, 2018) will be required to describe the performance measures and the targets the MPO has selected for assessing the performance of the transportation system.

A system performance report will also be required to be included in the LRTPs. The report is a tool that evaluates and updates the condition of the transportation system in relation to the performance measures and targets. While guidance is still being developed, the report would include for each performance measure information such as: the target set; the baseline condition at the start of the evaluation cycle; the progress achieved in meeting the targets; and a trend-type comparison of progress with previous performance reports. Depending on the timing of the LRTP, the date of the target setting, and length of the evaluation cycle, the LRTPs initially amended/updated after May 27, 2018 may not have a full cycle of specific information to include. However, the LRTPs need to include the data that is available and discuss how the MPO plans to use the full information once it does become available. We recognize that these initial LRTPs will be developed during a transition period, and commit to working with the MPOs to ensure that the regulations are reasonably being addressed. {23 CFR 450.306(d)(4); 23 CFR 450.324(f)(3), (f)(4)}

For more TPM information and the tools tailored for Florida partners, please go to:

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

**Multimodal Feasibility:** The transportation plan shall include both long-range and short-range strategies/actions that provide for the development of an integrated multimodal transportation system (including accessible pedestrian walkways and bicycle transportation facilities) to facilitate the safe and efficient movement of people and goods in addressing current and future transportation demand. {23 CFR 450.324}

**Transit Asset Management:** The MPO is required to set performance targets for each performance measure, per 23 CFR 450.306(d). Those performance targets must be established 180 days after the transit agency established their performance targets. Transit agencies are required to set their performance targets by January 1, 2017. If there are multiple asset classes offered in the metropolitan planning area, the MPO should set targets for each asset class. Planning for TAM/Roles and Responsibilities for MPOs and State DOTs can be found on the FTA website: <https://cms.fta.dot.gov/sites/fta.dot.gov/files/planning-tam-fact-sheet.pdf>

### **Emerging Issues**

This section describes topics that may not currently be required by federal laws and rules to be addressed in LRTPs. As such, MPOs are not required to include these considerations in their current planning processes and plans. These issues are receiving considerable attention in national discussions. Each MPO has the discretion to determine whether to address these emerging topics in their LRTP at this time and the appropriate level of detail. Beginning to address these issues early on may potentially minimize the level of effort needed to achieve future compliance.

Mobility on Demand (MOD): Mobility on Demand (MOD) is an innovative, user-focused approach which leverages emerging mobility services, integrated transit networks and operations, real-time data, connected travelers, and cooperative Intelligent Transportation Systems (ITS) to allow for a more traveler-centric, transportation system- of-systems approach, providing improved mobility options to all travelers and users of the system in an efficient and safe manner. Automated vehicles (AV), now being called Automated Driving Systems (ADS) and Connected Vehicles (CV) are two components of the overall MOD model.

ADS (also known as self-driving, driverless, or robotic) are vehicles in which some aspect of vehicle control is automated by the car. For example, adaptive cruise control, where the vehicle automatically speeds up, slows down, or stops in response to other vehicle movements in the traffic stream is an automated vehicle function. Connectivity is an important input to realizing the full potential benefits and broad-scale implementation of automated vehicles. The preliminary five-part formal classification system for ADS is:

- Level 0: The human driver is in complete control of all functions of the car.
- Level 1: A single vehicle function is automated.
- Level 2: More than one function is automated at the same time (e.g., steering and acceleration), but the driver must remain constantly attentive.
- Level 3: The driving functions are sufficiently automated that the driver can safely engage in other activities.
- Level 4: The car can drive itself without a human driver

CV includes technology that will enable cars, buses, trucks, trains, roads and other infrastructure, and our smartphones and other devices to “talk” to one another. Cars on the highway, for example, would use short-range radio signals to communicate with each other so every vehicle on the road would be aware of where other nearby vehicles are. Drivers would receive notifications and alerts of dangerous situations, such as someone about to run a red light as they’re nearing an intersection or an oncoming car, out of sight beyond a curve, swerving into their lane to avoid an object on the road.

Rapid advances in technology mean that these types of systems may be coming on line during the horizon of the next LRTPs. While these technologies when fully implemented will provide more opportunities to operate the transportation system better, the infrastructure needed to do so and the transition time for implementation is an area that the MPO can start to address in this next round of LRTP updates.

Resources for additional information:

**Mobility on Demand:** <https://www.its.dot.gov/factsheets/pdf/MobilityonDemand.pdf>

**Autonomous Vehicles:** [https://www.its.dot.gov/research\\_areas/pdf/WhitePaper\\_automation.pdf](https://www.its.dot.gov/research_areas/pdf/WhitePaper_automation.pdf)

**Connected Vehicles:** [https://www.its.dot.gov/cv\\_basics/index.htm](https://www.its.dot.gov/cv_basics/index.htm)

**Transportation Planning Capacity Building Connected Vehicle Focus Area:**

[https://planning.dot.gov/focus\\_connectedVehicle.asp](https://planning.dot.gov/focus_connectedVehicle.asp)

## **Proactive Improvements**

This section describes topics that are not currently required by federal laws and rules to be addressed in LRTPs nor are they required by the May 27, 2016 regulation changes. As such, MPOs are not required to include these considerations in their current planning processes and plans. These areas are intended to be a proactive change in the LRTPs to help Florida continue to make positive strides in long range planning.

New Consultation: There are two new types of agencies that the MPO should consult with when developing the LRTPs: agencies that are responsible for tourism and those that are responsible for natural disaster risk reduction. These consultations are a natural evolution of implementing the new planning factors for which Florida has experience in doing. {23 CFR 450.316(b)}

Summary of Public Involvement Strategies: Seeking out and considering the needs of traditionally underserved populations is a key part of any public involvement process. When the MPO carries out stakeholder involvement, they may use a variety of strategies. These strategies ultimately demonstrate that their planning process is consistent with Title VI and other federal anti-discrimination provisions in the development of the LRTP. In order to clearly demonstrate this consistency, the MPOs should summarize the outreach information. This information should be derived from the MPO's public involvement plan elements. The public involvement summary should be supported by more detailed information, such as the specific strategies used, feedback received and feedback responses, findings, etc. The detailed information should then be referenced and included in the form of a technical memorandum or report that can be appended to the LRTP, or included in a separate, standalone document that is also available for public review in support of the LRTP. {23 CFR 450.316(a)(1)(vii)}

Impact Analysis/Data Validation: In accordance with Title VI, MPOs need to have and document a proactive, effective public involvement process that includes outreach to low income, minorities and traditionally underserved populations, as well as all other citizens of the metropolitan area, throughout the transportation planning process. Using this process, the LRTP needs to document the overall transportation needs of the metropolitan area and be able to demonstrate how public feedback and input helped shape the resulting plan. Where some MPOs struggle in using data to assess likely impacts, other MPOs attempt to use data to assess the needs. Some look at a dollar spread among minority/non-minority areas to determine equity. This approach is probably not the best method to use, since higher dollar amounts might indicate capacity projects when the community needs more pedestrian connectivity, for example. We suggest using the data tools found at [https://www.fhwa.dot.gov/environment/environmental\\_justice/resources/data\\_tools/](https://www.fhwa.dot.gov/environment/environmental_justice/resources/data_tools/). Additionally, as time passes it becomes more important to validate the 2010 census data being used. School Boards, emergency service agencies, tax rolls and staff knowledge are all good sources to ensure data quality. {23 CFR 450.316(a)(1)(vii); 23 CFR 420.324(e)}

FDOT Revenue Forecast: To help stakeholders understand the financial information and analysis that goes into identifying the revenues for the MPO, we recommend the MPO include FDOT's Revenue Forecast in the appendices that support the LRTP. {23 CFR 450.324(f)(11)(ii)}

Sustainability and Livability in Context: We encourage the MPO to implement strategies that contribute to comprehensive livability programs and advance projects with multimodal connectivity. MPO policies and practices that support an integrated surface transportation system for all users that is efficient, equitable, safe, and environmentally sustainable will improve transportation choices and connectivity for all users especially those walking and bicycling. Building partnerships with traditional and nontraditional stakeholders will facilitate the development and implementation of transportation projects that improve integration, connectivity, accessibility, safety and convenience for all users. The MPOs are encouraged to identify and suggest contextual solutions for appropriate transportation corridors within their area and utilize the flexibilities provided in the federal funding programs to improve the transportation network for all users. {23 CFR 450.306(b)}

Scenario Planning: The new planning requirements describe using multiple scenarios for consideration by the MPO in the development of the LRTP. If the MPO chooses to develop these scenarios, they are encouraged to consider a number of factors including potential regional investment strategies, assumed distribution of population and employment, a scenario that maintains baseline conditions for identified performance measures, a scenario that improves the baseline conditions, revenue constrained scenarios, and include estimated costs and potential revenue available to support each scenario. {23 CFR 450.324(i)}



# Setting and Documenting Performance Targets

*Safety, Bridge, Pavement, and System  
Performance Measures*

January 2018



U.S. Department of Transportation  
Federal Highway Administration

## Establishment and Reporting of Targets

- Following Slides Apply to:
  - Safety Measures (PM1)
  - Bridge Measures (PM2)
  - Pavement Measures (PM2)
  - System Performance Measures (PM3)
- Uniqueness of Each Measure Highlighted



U.S. Department of Transportation  
Federal Highway Administration

## Supporting State Target vs Adopting MPO Target

- MPO Supporting State Target
  - Agree to support the target number that FDOT establishes for a measure based on knowledge of MPO area baseline data
  - State target number = MPO target number
  - Plan and program projects that contribute to this number



## Supporting State Target vs Adopting MPO Target

- Adopting MPO Target
  - MPO evaluates the data and sets a number for their planning area
  - State target number  $\neq$  MPO target number
  - Plan and program projects that contribute to the MPO number



## Supporting vs Adopting - Safety

- FDOT Targets for 2018:
  - # Fatalities: 0
  - Rate of Fatalities per 100M VMT: 0
  - # Serious Injuries: 0
  - Rate of Serious Injuries per 100M VMT: 0
  - # of Non-motorized Fatalities and Non-motorized Serious Injuries: 0
- Support: MPO number = 0 for each of the above measures
- Adopt: MPO number = Defined by Data for each measure
- There are NO Interim Targets
- Targets are for all public roads
- If a rate target is developed, must report VMT estimate and methodology

MPO 2018 Target  
Due: Feb 27, 2018



## Supporting vs Adopting – Bridge, Pavement and System Performance

- Supporting Relevant FDOT Targets:
  - FDOT Statewide targets; or
  - Additional Urbanized area targets FDOT may establish
  - FDOT allowed to adjust 4-year targets (after 2 years)
    - » MPOs can continue to support or choose to adopt their own target

MPO Target Due Based on  
FDOT's Set Date:  
May 20, 2018 → Nov 16, 2018



## Supporting vs Adopting – Bridge, Pavement and System Performance

- Adopting MPO Target:
  - Target is for planning area regardless of roadway ownership
  - MPO Target can be set even if FDOT does not set Urbanized target
  - MPO allowed to adjust 4-year targets (as needed per manner agreed upon with FDOT)
    - » MPOs can continue with their own target and adjust target in the manner agreed upon with FDOT; or
    - » MPOs can choose to support State target



## Time Period of Target - Safety

- Annual target
- Targets established every year
  - FDOT sets target every Aug 31
  - MPO sets target every Feb 27
- Target period is for a 5-year period based on a rolling average
- For 2018 target: based on CY 2014-2018 data (17/18 are projections)
- FHWA discourages aspirational numbers or “0” for annual target since that represents a long term vision



### **Time Period of Target – Bridge, Pavement, and System Performance**

- Performance period is 4 years
- 1<sup>st</sup> performance period is Jan 2018 - Dec 2021
- FDOT sets 2-year and 4-year targets
- MPO only sets 4-year targets
- Condition in Dec 2021 becomes baseline for 2<sup>nd</sup> performance period



### **Agreement Between FDOT, MPO, and Public Transportation Providers (23 CFR 450.314(h))**

- To ensure consistency and understanding of methodologies:
  - When FDOT sets targets, FDOT is required to coordinate with MPOs
  - When MPO sets targets, the MPO is required to coordinate with FDOT
- Coordination with Public Transportation Providers is also necessary



### **Agreement Between FDOT, MPO, and Public Transportation Providers (23 CFR 450.314(h))**

- Documentation among the 3 entities must:
  - Be jointly agreed upon and jointly developed
  - Specifically cover:
    - » Cooperatively developing and sharing information on performance data
    - » Selection of targets
    - » Reporting of targets
    - » Reporting of performance to be used in tracking progress toward attainment of critical MPO outcomes
    - » Collection of data for the state asset management plan for the NHS



### **Agreement Between FDOT, MPO, and Public Transportation Providers (23 CFR 450.314(h))**

- Is one of the underlying planning requirements
- Must be in place by May 27, 2018 or by the first LRTP or S/TIP amendment after that date
- Could be a phased agreement
  - Initial Agreement (in place by May 27, 2018) can just cover Safety measures
  - Updated agreement in place for remaining measures would be needed by May 20, 2019 or by first amendment after that date



### Agreement – Bridge, Pavement and System Performance Measures

- Between FDOT and MPO
- Document in a mutually agreed upon manner
- Specifically cover:
  - How MPO reports their established targets
  - How MPO reports adjusted targets
  - Coordination and agreement (PM3 only):
    - » Travel Time dataset
    - » Defined reporting segments

*{23 CFR 107(c)(1), 23 CFR 105(f)(8);  
PM3 - 23 CFR 490.103(f)(4)}*



### Documenting and Reporting Targets

- MPO decides the process used to determine whether they adopt or support the State target
- MPO decides how to document the target decision (i.e. resolution)
- MPO shares target decision
  - With FDOT as per the agreement
  - With the public by process MPO decides

*When target is set (ie Feb 27 for safety),  
amending LRTP not required as the  
method of documentation*



## **FHWA Review of MPO Performance Information**

- MPO is not required to share targets directly with FHWA at the time they are set (FHWA can request from FDOT at any time)
- FHWA will review the LRTP and TIP to determine compliance with performance measure requirements
  - Through Stewardship and Approval responsibilities
  - During TMA Certification reviews



## **FHWA Review of MPO Performance Information**

- LRTP: Description of measures and targets used to assess performance
- System Performance Report (and updates):
  - Evaluation of the condition and performance of the system with respect to the targets
  - Progress achieved vs baseline/previous reports
  - If scenarios developed, an analysis of preferred scenario (several elements required)
- TIP:
  - Designed to make progress toward achieving targets
  - Description of anticipated effect of TIP toward achieving targets in the LRTP, linking investment priorities to targets



## Baseline Data and Condition

- Safety
  - Rolling average for years 2012-2016
- Bridge, Pavement and System Performance
  - Based on Latest Condition Data Available
    - » Bridge: 2016 or 2017 depending on inspection cycle
    - » Pavement: 2017
    - » System Performance:
      - » Interstates: 2017
      - » Non-Interstate NHS (Phased In): 2018 and 2019
- LRTP Modeling Baseline data Is Independent



## First Baseline Performance Report Due Dates

- Safety: No report required; data included in Aug 2017 HSIP submittal
- Bridge: October 1, 2018
- Pavement: October 1, 2018
- System Performance
  - Interstates: October 1, 2018
  - Non-Interstate NHS (Phased In): October 1, 2020



## Next Steps



- MPO Sets Safety 2018 Target: Feb 27
- FDOT Initial Asset Management Plan: Apr 20
- FDOT Sets Bridge, Pavement and System Performance Targets: May 20
- Planning Rule Effective: May 27
- FDOT HPMS Submittal for new PM3 travel time data: Jun 15
- FDOT Sets Safety 2019 Target: Aug 31



## For Additional Information



- Danielle Blackshear – Districts 1, 3 – [danielle.blackshear@dot.gov](mailto:danielle.blackshear@dot.gov)
- Teresa Parker – Districts 2, 5, 7 - [teresa.parker@dot.gov](mailto:teresa.parker@dot.gov)
- Stacie Blizzard – Districts 4, 6 – [stacie.blizzard@dot.gov](mailto:stacie.blizzard@dot.gov)
- FHWA FL Division Website: [www.fhwa.dot.gov/fldiv/tpm.cfm](http://www.fhwa.dot.gov/fldiv/tpm.cfm)



# FL TMA Certification Risk Assessment Process for 2018

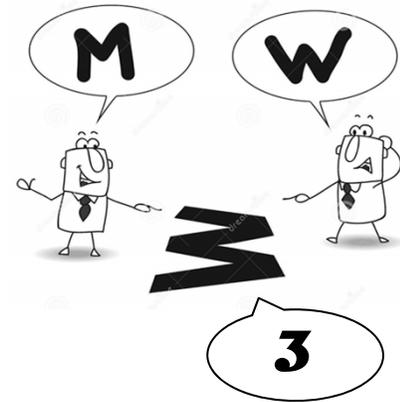
AN ADAPTATION OF FHWA'S RISK BASED STEWARDSHIP AND OVERSIGHT IMPLEMENTATION GUIDANCE

## 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 Will 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
  - ▶ Anticipating Shortened Site Visits

# What Changes Will the MPOs See?

Florida TMA Certification Review Risk Assessment

*New Appendix*

MPO: XYZ  
 Date of Assessment: Feb 2018  
 Cert Review Report Date: Oct 2018

Topic Area	Selected for additional review?
Organization of MPO/TPO (23 CFR 450.310, 312, 314)	Yes
Scope of the Planning Process (23 CFR 450.306) - Transportation Planning Factors	No
Scope of the Planning Process (23 CFR 450.306) - Air Quality	Yes
Scope of the Planning Process (23 CFR 450.306) - Bicycle and Pedestrian Planning Activities	No
Scope of the Planning Process (23 CFR 450.306) - Transit	Yes
Scope of the Planning Process (23 CFR 450.306) - Intelligent Transportation Systems (ITS)	Yes
Scope of the Planning Process (23 CFR 450.306) - Freight Planning	Yes
Scope of the Planning Process (23 CFR 450.306) - Security Considerations in the Planning Process	Yes
Scope of the Planning Process (23 CFR 450.306) - Safety Considerations in the Planning Process	No
Unified Planning Work Program (23 CFR 450.308)	Yes
Interested Parties (23 CFR 450.316) - Outreach and Public Participation	Yes
Interested Parties (23 CFR 450.316) - Tribal Coordination	Yes
Interested Parties (23 CFR 450.316) - Title VI and Related Requirements	Yes
Linking Planning and NEPA (23 CFR 450.318)	No
Long Range Transportation Plan (23 CFR 450.324)	No
Long Range Transportation Plan (23 CFR 450.324) - Travel Demand Modeling/Data	Yes
Long Range Transportation Plan (23 CFR 450.324) - Financial Plan/Fiscal Constraint	Yes
Congestion Management Process (23 CFR 450.322)	No
Transportation Improvement Program (23 CFR 450.324, 326, 328, 330, 332)	Yes
Regional Coordination	Yes

## What Changes Will the MPOs See?

### ► New Report Language

- General: As a part of the TMA Certification Process, FHWA and FTA utilized a risk-based approach containing various factors to determine which topic areas required additional evaluation during the certification review. The report notes in the relevant sections which topic areas were not selected for review due to existing stewardship and oversight practices after taking into account the risk factors.
  
- Section: This topic area was not selected for additional review based on the results of the risk assessment process.

## What Changes Will the MPOs See?

Current Process

Activity	Timeline
Send TMA Certification Questionnaire	2 Months plus 2 weeks Before Site Visit
Receive TMA Certification Questionnaire Responses/ Supporting Material	MPO has 6 Weeks to Complete Questionnaire; Receive 1 Month Before Site Visit
DESK AUDIT: Review TMA Certification Questionnaire Responses/Supporting Material	Six Week Duration - Start Two Months Before Site Visit
Conduct Site Visit	Site Visit



2018 Process

Activity	Timeline
Complete TMA Risk Assessment	4 Week Duration - Start 5 Months Before Site Visit
DESK AUDIT: Review TMA Supporting Material	4 Week Duration - Start 4 Months Before Site Visit
Send TMA Certification Questionnaire	2 Months and 2 Weeks Before Site Visit
Receive TMA Certification Questionnaire Responses/ Supporting Material	MPO has 4 Weeks to Complete Questionnaire (Optional to Complete); Receive 6 Weeks Before Site Visit
Review Questionnaire Responses/Supporting Materials.	Two Week Duration
Conduct Site Visit	Site Visit

## 2018 Activities

- ▶ Lee County
- ▶ Space Coast
- ▶ Florida-Alabama
- ▶ Reassess and Modify for New Regulations and Enhancements for 2019

## Questions?



**Item Number 3.b.i.**  
**Informational Items (Staff Directors are invited to participate)**  
**Executive Director's Report**  
**UPWP Report**

**DISCUSSION:**

Mr. Carl Mikyska, MPOAC Executive Director, will be presenting the UPWP Report for the current fiscal year through December 31, 2017 timeframe. A list of activities of the MPOAC staff from October through December 2017 is included in the meeting packet. An accounting of expenditures and funds available through December 31, 2017 is also included in the meeting packet.

**REQUESTED ACTION:**

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

**ATTACHMENTS:**

1. UPWP Activities Report – October through December 2017 (to be distributed at the meeting)
2. MPOAC Budget Report – July 01, 2017 through December 31, 2017

**Florida Metropolitan Planning Organization Advisory Council  
FY 201/2018 Budget  
July 1, 2017 to June 30, 2018**

<b>Category</b>	<b>Annual Allocation</b>	<b>1st Qtr Expenditures 7/1/17-9/30/17</b>	<b>2nd Qtr Expenditures 10/1/17-12/31/17</b>	<b>3rd Qtr Expenditures 1/1/18-3/31/18</b>	<b>4th Quarter Expenditures 4/1/18-6/30/18</b>	<b>Expenditures to Date</b>	<b>Remaining Balance</b>
<b>Salaries/Benefits</b>	\$ 175,000	\$ 43,220	\$ 46,932			\$ 90,152	\$ 84,848
<b>Expense</b>	\$ 45,807						
Travel	\$ 20,000	\$ 5,693	\$ 4,525			\$ 10,218	\$ 9,782
Meetings	\$ 18,000	\$ 3,767	\$ -			\$ 3,767	\$ 14,233
Administrative	\$ 5,887	\$ 832	\$ 602			\$ 1,434	\$ 4,453
Membership Dues *	\$ 1,920	\$ 1,000	\$ 500			\$ 1,500	\$ 420
<b>Contracted Services</b>							
General Counsel	\$ 22,000	\$ 984	\$ 3,922			\$ 4,906	\$ 17,094
<b>Transportation Planning</b>							
Univ. South FL (CUTR)	\$ 92,500	\$ 13,750	\$ 13,750			\$ 27,500	\$ 65,000
MPOAC Institute	\$ 85,000	\$ 12,750	\$ 12,750			\$ 25,500	\$ 59,500
<b>Strategic Plan</b>							
Florida State University	\$ 5,000	\$ -	\$ -			\$ -	\$ 5,000
<b>Total Federal Funds</b>	\$ 471,114	\$ 81,996	\$ 82,981			\$ 164,977	\$ 260,330
<b>Advocacy Activities Local Funds</b>	\$ 10,500	\$ -	\$ 1,810			\$ 1,810	\$ 10,500
<b>Total Budget</b>	\$ 481,614	\$ 81,996	\$ 84,791			\$ 166,787	\$ 270,830

\* FBT, FPTA, ITSFL

**Item Number 3.b.ii**  
**Informational Items (Staff Directors are invited to participate)**  
**Executive Director's Report**  
**Draft 2019-2020 UPWP**

**DISCUSSION:**

Mr. Carl Mikyska, MPOAC Executive Director, will be presenting an overview of the draft UPWP by highlighting new work activities and changes from the current UPWP. The draft document is still under development and will be sent out for member comments after the meeting. At the last Staff Directors' Committee and MPOAC Governing Board Meeting a call for member projects was announced which would then be used to form the work for the coming two fiscal years.

**REQUESTED ACTION:**

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

**ATTACHMENTS:**

None

**Item Number 3.b.iii**  
**Informational Items (Staff Directors are invited to participate)**  
**Executive Director's Report**  
**Florida Legislative Update**

**DISCUSSION:**

Mr. Carl Mikyska, MPOAC Executive Director, will be presenting an update on legislation that has been introduced for consideration during the 2018 Florida legislative session.

**REQUESTED ACTION:**

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

**ATTACHMENTS:**

January 19, 2018 MPOAC Legislative Update

*Mayor Susan Haynie*  
*Chair*

## Legislative Update for the week ending 01/19/2018

### Overview

We began the second week of full session and are 49 days away from Sine Die. That is a lot of time in the legislative world and there is much to be done between now and the end of session. Namely, a budget needs to be built by each chamber, differences worked out and the final product of those compromises sent to the Governor for final approval. Of course, the Governor has already announced his vision for a state budget and both chambers have indicated that the budget proposed by the Governor is larger than what both the House and Senate are going to propose. This makes for some interesting dynamics leading into the budgetary process which has a lot of components. It could get interesting.

In a previous newsletter we had talked about the budget priorities of each chamber's leaders, this week Senate President Joe Negron stated that he is interested in purchasing more land for the Lake Okeechobee auxiliary reservoir. This is a new spending item as far as can be determined. As readers will remember from last year, funding to clean up water on Florida's shores which had turned an unpleasant shade of green was a priority of the Senate President. The green, stinky water started with discharges from Lake O which must release water when levels get too high or risk breaching the Herbert Hoover dike surrounding the lake. Remember, the state is still looking at a lot of expense from Hurricane Irma and a projected budget surplus of about \$75 Million out of a \$82 Billion budget. This is a new wrinkle in the budgetary process.

Let's take a moment to talk about budgets, transportation project funding and earmarks. A common practice for communities and counties is to submit a request to the legislature for funding. This works well if you are asking for monies to build a library or new fire station since any state money a local government gets is something that the local government was not likely to receive unless requested. Libraries and Fire Stations are projects are commonly built with local funds. Transportation projects are a bit different. Many transportation projects are funded with a combination of federal, state and local funds. The state and federal funds flow through the state budgeting process. If a local community puts in an earmark request for a transportation project, two things happen. First, if the request is included in the final budget sent to the Governor, the funding for overall transportation projects in that FDOT district is reduced by the amount of the earmark. The second thing that happens is the project goes in front of the Governor's veto pen. This is the risky part. If the Governor line item vetoes the transportation earmark then the project does not get the requested funding and because of the veto the project cannot have state dollars (or federal dollars flowing through the state) spent on it during the state fiscal year because the Governor specifically vetoed the project and has, through the veto, declared that the project is not to receive funding. This brings another problem, the Florida DOT district office has already had the funds removed from their district allocation, or share, of the transportation funding and it does not come back. Thus, earmarks have the potential to create a situation where there is no project, no funding from the state is allowed for one year and the Florida DOT district loses funds. All of this is brought up to remind members that earmarks for transportation projects

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*Carl Mikyska, Executive Director*

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can be risky and this budget year is not a good one to pursue earmarks. This particular year, the math just doesn't add up to a good idea.

On the minds of MPOAC membership is HB 575 and it's companion bill SB 1516. Earlier this week I had an opportunity to sit down with Representative Beshears and talk about the MPO bill he introduced. First and foremost, a huge thank you to Representative Beshears for taking the time from his busy schedule to meet with me and chat. At the last committee stop he mentioned that he was willing to consider changes to the bill based upon what he heard from his fellow Representatives. With that said, we must keep in mind that this bill has advanced through two committees rapidly and with only one no vote in the two committee meetings. HB 575 has the momentum of a locomotive and may see a full vote of the House. Representative Beshears and I had a great visit about the features of the bill and the operations of MPOs. Obviously, the bill would affect how MPOs operate and could result in a re-designation if board membership is changed by the bill. In a few years the 2020 census may have some MPOs looking at revising their board membership again based upon the revision of the census defined urbanized area(s). Since changing the make-up of an MPO board and the re-designation process is a time-consuming effort we talked about aligning the effective date of the bill with the census effort. That would push the effective date of the legislation out to late 2023 and I am not sure that will sit well with the members of our legislature who like to see results quickly. I must reiterate that we had a great visit and I look forward to working with Representative Beshears. He did not commit to specific changes and I am certain this is because he has other individuals to meet with before crafting any changes to his bill. The bill has one more committee stop before going to the House floor. I would bet on an amendment to the bill at the last committee stop.

The Senate companion bill SB 1516 has been introduced and assigned to committees however it has not yet been scheduled to be heard in committee. If the Senate companion is not advanced then the changes in HB 575 and SB 1516 will not happen, however we may see a set of similar bills next year. Your MPOAC Legislative Newsletter will keep you up to date on these two bills. Here is an update on the other bills we are tracking.....

Grab a cup of coffee and enjoy this edition of the MPOAC Legislative Update.

### **Important Dates for the 2018 Legislative Session**

- August 01, 2017 – Deadline for filing claim bills
- November 17, 2017 - Deadline for submitting requests for drafts of general bills and joint resolutions, including requests for companion bills
- January 5, 2018 – Deadline for approving final drafts of general bills and joint resolutions, including companion bills
- January 9, 2018 - Regular Session convenes, deadline for filing bills for introduction
- February 24, 2018 - All bills are immediately certified, motion to reconsider made and considered the same day
- February 27, 2018 - 50th day, last day for regularly scheduled committee meetings
- March 9, 2018 - 60th day, last day of Regular Session

## Legislation of interest to the membership

This is a summary of bills filed and published on the legislature's website as of January 19, 2018. The bills are listed in numerical order for your convenience. As the session and bills progress, this ordering of bills will make it easier to follow the status of any particular bill you are tracking.

Changes from last update are shown in RED

**HB 33: Texting While Driving – (Toledo; Slosberg – Co-Introducers: Ahern; Burgess; Fitzenhagen; Jacobs; Metz; Stark; Altman; Asencio; Berman; Beshears; Boyd; Clemons; Cortes, J.; Cruz; Daniels; Diaz, M.; Donalds; Drake; Duran; Edwards-Walpole; Grant, M.; Gruters; Hager; Harrell; Harrison; Ingoglia; Killebrew; Leek; Mariano; McClain; McClure; Miller, M.; Moskowitz; Olszewski; Payne; Perez; Plasencia; Raschein; Russell; Smith; Spano; Stevenson; Stone; Watson, C.; White; Willhite; Williams)** – Similar Bill SB 90. Revises legislative intent; requires law enforcement officer to inform motor vehicle operator of certain rights; prohibits certain actions by such officer; removes requirement that enforcement be accomplished as secondary action. The bill has added many cosponsors and gained the support of the Speaker of the House. Referred to Transportation and Infrastructure Subcommittee; Judiciary Committee; Government Accountability Committee. Passed the Transportation and Infrastructure Subcommittee; YEAS 14 NAYS 0, now in Judiciary Committee.

**SB 72: Use of Wireless Communications Devices While Driving – (Garcia – Co-Introducers: Rodriguez; Mayfield;)** – Withdrawn. Identical to SB 90.

**CS/SB 90: Use of Wireless Communications Devices While Driving – (Perry – Co-Sponsor: Garcia; Mayfield; Rodriguez; Campbell; Baxley Stewart; Taddeo)** – Identical to SB 72. Similar to HB 33. Revising the legislative intent relating to the authorization of law enforcement officers to stop motor vehicles and issue citations to persons who are texting while driving; requiring deposit of fines into the Emergency Medical Services Trust Fund, etc. Referred to Communications, Energy, and Public Utilities; Transportation; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Appropriations. Committee Substitute (amendment) and passed by Communications, Energy and Public Utilities (Yeas 7, Nays 1). This bill also picked up three more co-sponsors. Now in Transportation. The bill now has seven co-sponsors. The bill passed the Transportation Committee with a vote of 5 Yeas, 0 Nays. The bill now moves to the Appropriations Subcommittee on Transportation, Tourism, and Economic Development. **On the Committee Agenda for Appropriations Subcommittee on Transportation, Tourism, and Economic Development, 01/18/2018, 9:00AM 110 Senate Office Building.**

**SB 116: Operation of Vehicles – (Baxley – Co-Introducers: Passidomo; Book)** - Requiring drivers to vacate lanes closest to, or reduce speed and pass, vulnerable road users, authorized emergency, sanitation, and utility service vehicles or workers, and wrecker operators under certain circumstances, subject to certain requirements, etc. Referred to Transportation; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Appropriations.

**HB 117: Operation of Vehicles – (Stone – Co-Introducers: Hahnfeldt; Jacobs; Killebrew; Stark)** - Companion Bill to SB 116. Referred to Transportation and Infrastructure Subcommittee; Government Accountability Committee. Committee Substitute passed Transportation and Infrastructure Subcommittee on a vote of 11 Yeas, 0 Nays. Pending review of Committee Substitute. **Now in Government Accountability Committee.**

**HB 121: Texting While Driving – (Slosberg; Stark)** – Similar to SB 72 and SB 90. Revises short title & legislative intent; revises penalties for violations of provisions re: texting while driving; provides enhanced

penalties for violations committed in school zones & crossings; requires law enforcement agencies to adopt policies prohibiting racial profiling in enforcement; removes requirement that enforcement be accomplished as secondary action. Referred to Transportation and Infrastructure Subcommittee; Judiciary Committee; Government Accountability Committee. This bill was withdrawn and the bill sponsor (Slosberg) is a cosponsor of the newly filed HB 33: Texting While Driving bill.

**SB 176: Traffic Infraction Detectors – (Hutson)** – Similar to HB 6001 - Repealing provisions relating to the installation and use of traffic infraction detectors to enforce specified provisions when a driver fails to stop at a traffic signal, provisions that authorize the Department of Highway Safety and Motor Vehicles, a county, or a municipality to use such detectors, and the distribution of penalties collected for specified violations, etc. Referred to Transportation; Community Affairs; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Appropriations.

**SB 182: Small Business Roadway Construction Mitigation Grant Program – (Rodriguez)** – Similar Bill HB 567. Requiring the Department of Transportation to create a Small Business Roadway Construction Mitigation Grant Program; requiring the program to disburse grants using funds allocated to the department by the Legislature to certain qualified businesses for the purpose of maintaining the businesses during a construction project of the department, etc. Referred to Transportation; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Appropriations.

**SB 188: Public School Transportation – (Steube)** – Companion bill is HB 1299. Requiring district school boards to provide transportation to certain students; revising the speed and road conditions that meet the requirements for a hazardous walking condition; requiring a district school superintendent to request a review of a hazardous walking condition upon receipt of a written request from a parent of a student, etc. Referred to Education; Appropriations Subcommittee on Pre-K - 12 Education; Appropriations.

**SB 206: Highway Memorial Markers – (Perry)** – Requiring the Department of Transportation to establish a process, including the adoption of any forms deemed necessary by the department, for submitting applications for installation of a memorial marker; authorizing the department to install a certain sign at no charge to an applicant; authorizing an applicant to request an emblem of belief not specifically approved by the United States Department of Veterans Affairs National Cemetery Administration for incorporation in a memorial marker, subject to certain requirements, etc. Referred to Transportation; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Appropriations.

**HB 215: Autocycles – (Payne)** – Related bill SB 504 (Perry). Defines "autocycle" & revises definition of "motorcycle"; requires safety belt usage by autocycle operator/passenger; authorizes autocycle operation without motorcycle endorsement; provides applicability. Definition of an autocycle: A three-wheeled motorcycle that has two wheels in the front and one wheel in the back; is equipped with a roll cage or roll hoops, a seat belt for each occupant, antilock brakes, a steering wheel, and seating that does not require the operator to straddle or sit astride it; and is manufactured in accordance with the applicable federal motorcycle safety standards provided in 49 C.F.R. part 571 by a manufacturer registered with the National Highway Traffic Safety Administration. Not knowing from the description what an autocycle looks like, I thought it best to share with you a picture of one. The image of an autocycle is shown below. Bill referred to Transportation and Infrastructure Subcommittee; Transportation and Tourism Appropriations Subcommittee; Government Accountability Committee. Bill passed the Transportation and Infrastructure Subcommittee (Yeas 12, Nays 2) and is now on the Transportation and Tourism Appropriations Subcommittee agenda for 11/15/2017. Bill passed the Transportation and Tourism Appropriations Subcommittee, now in Government Accountability Committee. The bill passed the Government Accountability Committee with 19 Yeas, 2 Nays. **The Bill has now been placed on the Calendar for a full House vote on 01/24/2018.**



**HB 243: Charter County and Regional Transportation System Surtax – (Avila; Perez)** – Companion Bill is SB 688. Requires certain counties to use surtax proceeds for specified purposes related to fixed guideway rapid transit systems & bus systems; authorizes use of surtax proceeds for refinancing existing bonds; prohibits use of such proceeds for certain purposes. Referred to Transportation and Infrastructure Subcommittee; Ways and Means Committee; Government Accountability Committee. The bill was amended by the Transportation and Infrastructure Subcommittee to define eligible uses of surtax monies. The bill as written does not allow for surtax monies to be used for salaries or other personnel expenses. The bill passed 12 Yeas, Zero Nays. The bill has passed the Ways and Means Committee with a vote of 14 Yeas, 6 Nays. It is now in the Government Accountability Committee.

**SB 272: Local Tax Referenda - (Brandes)** – Companion bill HB 317. Revises the voter approval threshold required to pass a referendum to adopt or amend local government discretionary sales surtaxes when the referendum is held at any date other than a general election. During a general election a simple majority would be required to pass a change to a sales tax, in a non-general election the threshold would be 60 percent. Referred to Community Affairs; Appropriations Subcommittee on Finance and Tax; Appropriations; and Rules. Passed Community Affairs, now in Appropriations Subcommittee on Finance and Tax. On the Committee agenda for 01/16/2018 at 10:00AM in room 401 Senate Office Building. **Passed Appropriations Subcommittee on Finance and Tax with an amendment, 6 Yeas, Zero Nays, now in Appropriations.**

**HB 317: Local Tax Referenda – (Ingoglia)** – Companion bill SB 272. Requires local government discretionary sales surtax referenda to be held on specified dates & approved by specified percentage of voters. During a general election a simple majority would be required to pass a change to a sales tax, in a non-general election the threshold would be 60 percent. Referred to Local, Federal and Veterans Affairs Subcommittee; Ways and Means Committee; Government Accountability Committee. Passed Local, Federal and Veterans Affairs Subcommittee. Bill is now in Ways and Means Committee. Bill passed Ways and Means Committee, 18 Yeas, Zero Nays. Now in Government Accountability Committee. **An amended version of the bill passed Government Accountability Committee with 17 Yeas, 3 Nays. The amendment removes the ability to hold a local tax referenda item on a non-general election ballot.**

**SB 346: Motorcycle and Moped Riders – (Perry)** – Increasing the age (from age 16 to age 21) at which persons who are operating or riding upon a certain motorcycle are exempt from protective headgear requirements, etc. Bill referred to Transportation; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Appropriations. On Transportation Committee agenda for 11/14/2017. Passed Transportation Committee, now in Appropriations Subcommittee on Transportation, Tourism and Economic Development.

**HB 353: Autonomous Vehicles – (Fisher; Brodeur – Co-introducers: Jacobs; Payne)** – Related to SB 712. Authorizes person to operate, or engage autonomous technology to operate, autonomous vehicle in autonomous mode; provides that autonomous technology is deemed operator of autonomous vehicle operating in autonomous mode; provides construction & applicability; defines "human operator." Referred to Transportation and Infrastructure Subcommittee; Appropriations Committee; Government Accountability Committee. Passed Transportation and Infrastructure Subcommittee, now in Appropriations Committee. **On Appropriations Committee agenda for 01/22/2018, 3:00PM, Webster Hall.**

**SB 384: Electric Vehicles – (Brandes)** – Companion bill is HB 981. Requiring the Florida Transportation Commission to review all sources of revenue for transportation infrastructure and maintenance projects and prepare a report to the Governor and the Legislature when the commission determines that electric vehicles make up a certain percentage or more of the total number of vehicles registered in this state; requiring a long-range transportation plan to consider infrastructure and technological improvements necessary to accommodate the increased use of autonomous technology and electric vehicles, etc. Bill referred to Transportation; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Appropriations. Bill was amended to add hybrid vehicles, when hybrid and electric vehicles comprise 2% of the total number of vehicles registered in the state, the Florida Transportation Commission must conduct a study of the fiscal impact to transportation funding. Bill as amended passed Transportation Committee 7 Yeas, Zero Nays.

**SB 504: Autocycles – (Perry)** – Related bill HB 215 (see HB 215 for an image of an autocycle). Defining the term "autocycle"; requiring safety belt or, if applicable, child restraint usage by an operator or passenger of an autocycle; including an autocycle in the definition of the term "motorcycle"; authorizing a person to operate an autocycle without a motorcycle endorsement, etc. Referred to Transportation; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Appropriations. On agenda for Transportation Committee 11/14/2017. Passed Transportation Committee, now in Appropriations Subcommittee on Transportation, Tourism and Economic Development.

**HB 525: High-Speed Passenger Rail – (Grall; Magar)** – Similar bill SB 572. Requires railroad companies operating high-speed passenger rail system to be responsible for certain maintenance, improvement, & upgrade costs; specifies that governmental entity is not responsible for such costs unless it consents in writing. Referred to Transportation and Infrastructure Subcommittee; Transportation and Tourism Appropriations Subcommittee; Government Accountability Committee.

**HB 535: Statewide Alternative Transportation Authority – (Avila)** – Companion bill is SB 1200. Please see the 11/17/2017 MPOAC Legislative Update Newsletter Overview for more information on this bill. Renames Florida Rail Enterprise as Statewide Alternative Transportation Authority; revises annual allocations for Transportation Regional Incentive Program; specifies annual allocations to TBARTA & authority for certain purposes; provides requirements for use of funds provided to authority; requires enterprise contracts to remain with authority; provides requirements for funding requests & county matching funds; revises & provides definitions; replaces powers & duties of enterprise re: high-speed rail system with powers & duties of authority re: alternative transportation system; exempts proposed projects funded under authority from certain development requirement. The bill was referred to Transportation and Infrastructure Subcommittee; Transportation and Tourism Appropriations Subcommittee; Government Accountability Committee. Bill was amended by Transportation and Infrastructure Subcommittee, passed 13 Yeas, Zero Nays.

**SB 542: Public Financing of Construction Projects – (Rodriguez)** – Prohibiting state-financed constructors from commencing construction of certain structures in coastal areas without first conducting a sea level impact projection study and having such study published and approved by the Department of Environmental Protection; requiring the department to publish such studies on its website, subject to certain conditions, etc. Referred to Environmental Preservation and Conservation; Governmental Oversight and Accountability; Appropriations Subcommittee on the Environment and Natural Resources; Appropriations.

**SB 544: Procurement Procedures – (Brandes)** – Specifying the applicability of procedures for the resolution of protests arising from the contract solicitation or award process for certain procurements by specified transportation, expressway, and bridge authorities, etc. Referred to Transportation; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Appropriations. On Transportation Committee agenda for 11/14/2017. Was Temporarily Postponed. Passed Transportation, now in Appropriations Subcommittee on Transportation, Tourism, and Economic Development.

**SB 548: Traffic Infraction Detectors – (Campbell)** – Companion Bill is HB 6001. Repealing provisions relating to the definitions of “local hearing officer” and “traffic infraction detector,” respectively and relating to the installation and use of traffic infraction detectors to enforce specified provisions when a driver fails to stop at a traffic signal, provisions that authorize the Department of Highway Safety and Motor Vehicles, a county, or a municipality to use such detectors and that cap fines and provide for the deposit and use of fines, and the distribution of specified penalties, respectively, etc. Referred to Transportation; Community Affairs; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Appropriations.

**HB 567: Small Business Roadway Construction Mitigation Grant Program – (Richardson)** – Similar Bill SB 182. Requires DOT to create Small Business Roadway Construction Mitigation Grant Program; requires disbursement of grants to qualified businesses; limits grant amount; provides application & eligibility requirements; requires assistance by DEO; provides for award prioritization; requires report & rulemaking. Referred to Transportation and Infrastructure Subcommittee; Transportation and Tourism Appropriations Subcommittee; Government Accountability Committee. Bill was amended by Transportation and Infrastructure Subcommittee, passed 12 Yeas, Zero Nays.

**SB 572: High-Speed Passenger Rail – (Mayfield; Co-Introducer: Gainer)** – Similar bill HB 525.

Designating the "Florida High-Speed Passenger Rail Safety Act"; providing powers and duties of the Florida Department of Transportation; requiring the Florida Division of Emergency Management to offer, under certain circumstances, the local communities and local emergency services located along the rail corridor training specifically designed to help them respond to an accident involving rail passengers or hazardous materials; requiring a railroad company operating a high-speed passenger rail system to be solely responsible for certain maintenance, improvement, and upgrade costs, etc. Referred to Transportation; Community Affairs; Appropriations. On Transportation Committee agenda for 11/14/2017. Passed Transportation Committee 6 Yeas, Zero Nays. Now in Community Affairs. **The bill will be presented in a workshop forum at the Community Affairs Committee on 01/23/2018 at 5:00PM, Room 301, Senate Office Building.**

**HB 575: Metropolitan Planning Organizations – (Beshears)** – Revises MPO voting membership requirements according to population; prohibits entire county commission from being members of governing board; revises percentage of membership which may be composed of county commissioners; requires adoption of certain bylaws; revises member reappointment provisions; requires compliance with certain provisions by specified date. MPOs with an urbanized population under 500,000 must have a board of between 5 and 11 members, MPOs with an urbanized population over 500,000 must have a board of between 5 and 15 members. The bill does not affect the Miami-Dade TPO. The bill bans weighted voting and places term limits on Governing Board Members. Referred to Transportation and Infrastructure Subcommittee; Local, Federal and Veterans Affairs Subcommittee; Government Accountability Committee. Passed Transportation and Infrastructure Subcommittee with 13 Yeas, Zero Nays. Now in Local, Federal and Veteran Affairs Subcommittee. The bill passed Local, Federal and Veterans Affairs Subcommittee with a vote of 13 Yeas, 1 Nay. The bill now moves to the Government Accountability Committee.

**HB 633: Florida Smart City Challenge Grant Program – (Fischer; Co-Introducer: Jacobs)** –

Companion bill is SB 852. Creates Florida Smart City Challenge Grant Program within DOT; provides program goals & grant eligibility requirements; requires DOT to issue request for proposals; provides proposal requirements, grant award requirements, & requirements for use of grant funds; requires reports; requires administrative support by DOT; provides appropriation. Annual amount: \$15,000,000.00. Referred to Transportation and Infrastructure Subcommittee; Transportation and Tourism Appropriations Subcommittee; Government Accountability Committee. **On the Transportation and Infrastructure Subcommittee agenda, 01/23/2018 at 9:00AM, Reed Hall.**

**SB 688: Charter County and Regional Transportation System Surtax – (Garcia)** – Companion bill is HB 243. Requiring counties, except under certain circumstances, to use surtax proceeds only for specified purposes; prohibiting the use of such proceeds for non-transit purposes, etc. Referred to Community Affairs; Appropriations Subcommittee on Finance and Tax; Appropriations. Passed Community Affairs with 5 Yeas, Zero Nays. Now in Appropriations Subcommittee on Finance and Tax.

**SB 712: Autonomous Vehicles – (Brandes)** – Related to HB 353. Exempting an autonomous vehicle being operated in autonomous mode from a certain prohibition on the operation of a motor vehicle if the vehicle is actively displaying certain content that is visible from the driver's seat while the vehicle is in motion; authorizing a fully autonomous vehicle to operate in this state regardless of whether a licensed human operator is physically present in the vehicle; authorizing the Secretary of Transportation to enroll the state in any federal pilot program or project for the collection and study of data for the review of automated driving systems, etc. Referred to Transportation; Banking and Insurance; Rules.

**SB 782: Bollards Grant Program – (Rodriguez)** - Requiring the Department of Transportation to develop the Bollards Grant Program in order to provide grants to municipalities and counties for the installation of bollards in their jurisdictions; requiring a county or municipality to specify in its application the area, which may include private property, where it intends to install bollards and why the installation is needed, etc. Annual amount: \$250,000.00. Referred to Transportation; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Appropriations.

**HB 807: Metropolitan Planning Organizations – (Diamond)** – Companion Bill is SB 984. Allows MPOs designated after July 01, 2018 as the result of a merger of two or more existing MPOs to have at least 5 Governing Board members. The bill does not place an upper limit on the number of Governing Board members for MPOs designated after July 01, 2018 as a result of the merger of two or more existing MPOs. Assigned to Transportation and Infrastructure Subcommittee; Local, Federal and Veterans Affairs Subcommittee; Government Accountability Committee. **On the Transportation and Infrastructure Committee agenda for 01/23/2018 at 9:00AM, Reed Hall.**

**HB 815: County and Municipal Public Officers and Employees – (Avila; Co-Introducers: La Rosa)** – Companion bill is SB 1180. This bill does a number of things, of importance to MPOs are two requirements related to travel in the bill. First, out of state travel for public officials must be approved by the full governing body of the county or municipality at a publicly noticed meeting and must be on the meeting agenda with an itemized list detailing all anticipated travel expenses. The public official travel must be approved by a majority vote of the governing body. This may create problems for MPO board members to attend events/conferences and USDOT led events given that short notice travel would be virtually impossible to be approved in advance. The second issue for MPOs is the cap of lodging expenses in excess of \$120 per night. For MPOs that are administratively housed within a County or Municipality, the lodging cap of \$120 per night would apply to you. Foreign travel by county or municipal officers cannot be paid by their government body. Travel expenses incurred by public officers and employees may only be paid for if it is incurred 24 hours before, during and after the event necessitating the travel. Travel expenses outside those timeframes cannot be paid for by the government entity. The bill has been referred to Local, Federal and Veterans Affairs Subcommittee; Public Integrity and Ethics Committee; Government Accountability Committee. Passed Local, Federal and Veterans Affairs Subcommittee with 12 Yeas and 2 Nays. **Now in Public Integrity and Ethics Committee.**

**SB 852: Florida Smart City Challenge Grant Program – (Brandes; Co-Introducer: Taddeo)** – Companion bill is HB 633. Creates Florida Smart City Challenge Grant Program within DOT; provides program goals & grant eligibility requirements; requires DOT to issue request for proposals; provides proposal requirements, grant award requirements, & requirements for use of grant funds; requires reports; requires administrative support by DOT; provides appropriation. Annual amount: \$15,000,000.00. Referred to Transportation; Transportation, Tourism and Economic Development Appropriations Subcommittee; Appropriations. On the Transportation Committee agenda for 01/18/2018 at 10:00AM in Room 401 of the Senate Office Building. **Passed Transportation Committee with 7 Yeas, Zero Nays.**

**HB 981: Electric Vehicles – (Olszewski)** – Companion bill is SB 384. Requiring the Florida Transportation Commission to review all sources of revenue for transportation infrastructure and maintenance projects and prepare a report to the Governor and the Legislature when the commission determines that electric vehicles make up a certain percentage or more of the total number of vehicles registered in this state; requiring a long-range transportation plan to consider infrastructure and technological improvements necessary to accommodate the increased use of autonomous technology and electric vehicles, etc. Bill referred to Transportation and Infrastructure Subcommittee; Transportation and Tourism Appropriations Subcommittee; Government Accountability. Bill passed Transportation and Infrastructure Subcommittee 13 Yeas, Zero Nays. Now in Transportation and Tourism Subcommittee.

**SB 984: Metropolitan Planning Organizations – (Brandes)** – Companion Bill is HB 807. Allows MPOs designated after July 01, 2018 as the result of a merger of two or more existing MPOs to have at least 5 Governing Board members. The bill does not place an upper limit on the number of Governing Board members for MPOs designated after July 01, 2018 as a result of the merger of two or more existing MPOs. The bill has been filed but not yet assigned to committees.

**SB 1012: Alligator Alley Toll Road – (Passidomo)** – Requiring fees generated from tolls to be used to reimburse, by interlocal agreement effective for a specified period of time, a county or another local governmental entity for the direct actual costs of operating a specified fire station, which may be used by a county or another local governmental entity to provide fire, rescue, and emergency management services to the public, etc. Referred to Transportation; Appropriations Subcommittee on Transportation, Tourism and Economic Development; Appropriations. On Transportation Committee agenda for 01/18/2018 at 10:00AM in room 401 of the Senate Office Building. **Passed Transportation Committee with 7 Yeas, Zero Nays. Now in Appropriations Subcommittee on Transportation, Tourism and Economic Development.**

**HB 1033: Dockless Bicycle Sharing – (Toledo)** – Companion bill is SB 1304 by Young. Providing insurance requirements for a bicycle sharing company; providing requirements for dockless bicycles made available for reservation by such company, etc. Bill referred to Careers and Competition Subcommittee; Commerce Committee. On the agenda for Careers and Competition Subcommittee for 01/16/2018 at 3:00PM in room 216 in the Capitol Building. **Amended version passed Careers and Competition Subcommittee with 13 Yeas, 1 Nay.**

**SB 1180: County and Municipal Public Officers and Employees – (Steube)** – Companion bill is HB 815. This bill does a number of things, of importance to MPOs are two requirements related to travel in the bill. First, out of state travel for public officials must be approved by the full governing body of the county or municipality at a publicly noticed meeting and must be on the meeting agenda with an itemized list detailing all anticipated travel expenses. The public official travel must be approved by a majority vote of the governing body. This may create problems for MPO board members to attend events/conferences and USDOT led events given that short notice travel would be virtually impossible to be approved in advance. The second issue for MPOs is the cap of lodging expenses in excess of \$120 per night. For MPOs that are administratively housed within a County or Municipality, the lodging cap of \$120 per night would apply to you. Foreign travel by county or municipal officers cannot be paid by their government body. Travel expenses incurred by public officers and employees may only be paid for if it is incurred 24 hours before, during and after the event necessitating the travel. Travel expenses outside those timeframes cannot be paid for by the government entity. The bill has been referred to Ethics and Elections; Community Affairs; Rules.

**SB 1188: Strategic Intermodal System – (Rouson)** – Companion Bill is HB 1277. Specifies that the Strategic Intermodal System and the Emerging SIS shall include existing or planned corridors that are managed lanes of transit. Referred to Transportation; Community Affairs; Rules.

**SB 1200: Statewide Alternative Transportation Authority – (Young; Co-Introducer: Galvano)** – Companion bill is HB 535. Please see the 11/17/2017 MPOAC Legislative Update Newsletter Overview for more information on this bill. Renames Florida Rail Enterprise as Statewide Alternative Transportation Authority; revises annual allocations for Transportation Regional Incentive Program; specifies annual allocations to TBARTA & authority for certain purposes; provides requirements for use of funds provided to authority; requires enterprise contracts to remain with authority; provides requirements for funding requests & county matching funds; revises & provides definitions; replaces powers & duties of enterprise re: high-speed rail system with powers & duties of authority re: alternative transportation system; exempts proposed projects funded under authority from certain development requirement. The bill was referred to Transportation; Transportation, Tourism and Economic Development Appropriations Subcommittee; Appropriations.

**HB 1277: Strategic Intermodal System – (Willhite)** – Companion Bill is HB 1188. Specifies that the Strategic Intermodal System and the Emerging SIS shall include existing or planned corridors that are managed lanes of transit. Referred to Transportation and Infrastructure Subcommittee; Transportation and Tourism Appropriations Subcommittee; Government Accountability.

**HB 1299: Public School Transportation – (Raburn)** – Companion bill is HB 188. Requiring district school boards to provide transportation to certain students; revising the speed and road conditions that meet the requirements for a hazardous walking condition; requiring a district school superintendent to request a review of a hazardous walking condition upon receipt of a written request from a parent of a student, etc. Referred to PreK-12 Innovation Subcommittee; PreK-12 Appropriations Subcommittee; Education.

**SB 1304: Dockless Bicycle Sharing – (Young)** – Companion bill is HB 1033 by Toledo. Providing insurance requirements for a bicycle sharing company; providing requirements for dockless bicycles made available for reservation by such company, etc. Bill referred to Banking and Insurance; Community Affairs; Rules.

**SB 1350: Airports – (Perry)** – Increasing eligibility for certain funding by the DOT to include airports that have fewer than a specified number of commercial passenger enplanements annually. Bill referred to Transportation; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; Appropriations.

**SB 1516: Metropolitan Planning Organizations – (Perry)** – This is a companion bill to HB 575, at this time the two bills are identical – HB 575 is likely to undergo revisions. Revises MPO voting membership requirements according to population; prohibits entire county commission from being members of governing board; revises percentage of membership which may be composed of county commissioners; requires adoption of certain bylaws; revises member reappointment provisions; requires compliance with certain provisions by specified date. MPOs with an urbanized population under 500,000 must have a board of between 5 and 11 members, MPOs with an urbanized population over 500,000 must have a board of between 5 and 15 members. The bill does not affect the Miami-Dade TPO. The bill bans weighted voting and places term limits on Governing Board Members. The bill was filed on 01/04/2018, on 01/12/2018 it was referred to Transportation, Community Affairs and Rules.

**HB 6001: Traffic Infraction Detectors – (Avila; Ingoglia)** – Similar to SB 176. Companion Bill is SB 548. Repeals provisions relating to installation & use of traffic infraction detectors to enforce specified provisions when driver fails to stop at traffic signal, provisions that authorize DHSMV, county, or municipality to use such detectors, & provisions for distribution of penalties collected for specified violations. Referred to Appropriations Committee, on the Committee agenda for 10/10/2017. Bill passed Appropriations Committee (Yeas 16, Nays 10). Bill has been placed on Calendar for Full House Vote. The Bill passed the full House on a vote of 83 Yeas, 18 Nays.

**Item Number 3.c**  
**Informational Items (Staff Directors are invited to participate)**  
**Communications**

**DISCUSSION:**

Comments or recommendations by MPOAC members. Attached is the Federal Register notice formally rescinding the Metropolitan Planning Organization Coordination and Planning Area Reform Rulemaking. This rulemaking was strongly opposed by the Florida MPOAC Membership.

**REQUESTED ACTION:**

As may be desired.

**ATTACHMENTS:**

November 29, 2017 Federal Register notice rescinding the Metropolitan Planning Organization Coordination and Planning Area Reform Rulemaking

**DEPARTMENT OF TRANSPORTATION**

**Federal Highway Administration**

**23 CFR Part 450**

**Federal Transit Administration**

**49 CFR Part 613**

[Docket No. FHWA–2017–0003]; FHWA RIN 2125–AF75; FTA RIN 2132–AB33]

**Metropolitan Planning Organization Coordination and Planning Area Reform**

**AGENCY:** Federal Highway Administration (FHWA), Federal Transit Administration (FTA); U.S. Department of Transportation (DOT).

**ACTION:** Final rule.

**SUMMARY:** This rulemaking rescinds certain transportation planning regulations pertaining to the establishment of the metropolitan planning area (MPA) boundaries, the designation of metropolitan planning organizations (MPO), and the coordination among MPOs. The amendments contained in this rule carry out the statutory mandate to rescind the final rule published on December 20, 2016, on this topic.

**DATES:** Effective on December 29, 2017.

**FOR FURTHER INFORMATION CONTACT:** For FHWA: Mr. Harlan W. Miller, Planning Oversight and Stewardship Team (HEPP–10), (202) 366–0847; or Ms. Janet Myers, Office of the Chief Counsel (HCC–30), (202) 366–2019. For FTA: Ms. Sherry Riklin, Office of Planning and Environment, (202) 366–5407; Mr. Dwayne Weeks, Office of Planning and Environment, (202) 493–0316; or Mr. Christopher Hall, Office of the Chief Counsel, (202) 366–5218. Both agencies are located at 1200 New Jersey Avenue SE., Washington, DC 20590. Office hours are from 8 a.m. to 4:30 p.m., ET for FHWA, and 9 a.m. to 5:30 p.m., ET for FTA, Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:**

**Electronic Access and Filing**

This document may be viewed online through the Federal eRulemaking portal at <http://www.regulations.gov>. Retrieval help and guidelines are available on the Web site. It is available 24 hours each day, 365 days a year. An electronic copy of this document may also be downloaded from the Office of the Federal Register home page at: <http://www.ofr.gov> and the Government Publishing Office Web page at: <http://www.gpo.gov>.

**Background**

Transportation planning is a cooperative, performance-driven process by which long and short-range transportation improvement priorities are determined. States, MPOs, and transit operators conduct transportation planning, with active involvement from the traveling public, the business community, community groups, environmental organizations, and freight operators. State governments, MPOs, and transit operators are essential partners in the management of the Nation’s transportation system and best suited to develop and implement a continuing, cooperative, and comprehensive, or “3–C,” planning process for their States and metropolitan regions.

On December 20, 2016, FHWA and FTA promulgated a rule at 23 CFR part 450 and 49 CFR part 613 (81 FR 93448) (December 2016 Final Rule), which required MPOs to achieve compliance with the statutory requirement that an MPA include an entire urbanized area (UZA) and the contiguous area expected to become urbanized within a 20-year forecast period through a range of coordination options including: Adjustment of their boundaries; coordination with other MPOs within their UZA to create unified planning products for the MPA; mergers; or the receipt of an exception from the Secretary.

On May 12, 2017, the President signed Public Law 115–33 (131 Stat. 845) repealing the December 2016 Final Rule. The legislation provides that the 2016 Final Rule shall have no force or effect, and any regulation revised by that rule shall be applied as if that rule had not been issued. As a result, the amendments in this final rule carry out that statutory instruction by revising the regulations to read as if the December 2016 Final Rule had not been issued.

The FHWA and FTA will continue to evaluate their regulations and guidance to promote improvements to the planning process in the least burdensome manner.

**Discussion of the Changes**

This rulemaking removes the revisions made by the December 2016 Final Rule, and restores the language promulgated in the May 27, 2016, rulemaking (81 FR 34050). Under the Administrative Procedure Act (5 U.S.C. 553(b)), an agency may waive the normal notice-and-comment procedure if it finds, for good cause, that notice and comment would be impracticable, unnecessary, or contrary to the public interest. The Agencies find good cause

that notice and comment for this rule is unnecessary due to the nature of the revisions (*i.e.*, the rule simply carries out the statutory language found in Public Law 115–33 without interpretation to rescind the December 2016 Final Rule). The statutory language does not require regulatory interpretation to carry out its intent. The regulatory amendments in this final rule implement the statutory language, and comments cannot alter the regulation given the explicit mandate. Accordingly, the Agencies find good cause under 5 U.S.C. 553(b)(3)(B) to waive notice and opportunity for comment.

**Rulemaking Analyses and Notices**

*Executive Order 12866 (Regulatory Planning and Review), Executive Order 13563 (Improving Regulation and Regulatory Review), Executive Order 13771 (Reducing Regulation and Controlling Regulatory Costs), and DOT Regulatory Policies and Procedures*

The FHWA and FTA have determined that this rulemaking is a significant regulatory action within the meaning of Executive Order (E.O.) 12866, and within the meaning of DOT regulatory policies and procedures. This action complies with E.O.s 12866, 13563, and 13771 to improve regulation.

This final rule is considered an E.O. 13771 deregulatory action. This rulemaking eliminates requirements that MPOs achieve compliance with the statutory requirement that an MPA include an entire UZA and the contiguous area expected to become urbanized within a 20-year forecast period for the metropolitan transportation plan by implementing one of several coordination options including: By adjusting their boundaries; by coordinating with other MPOs within their UZA to create unified planning products for the MPA; by merging; or by receiving an exception from the Secretary.

The FHWA and FTA have estimated that modifying these requirements would provide a maximum average annual cost savings of \$86.3 million annually over 4 years and impose no additional costs on MPOs and States. This equates to a present value, using end of period discounting, of \$330.4 million at a 3 percent discount rate and \$312.8 million at a 7 percent discount rate. An indefinite horizon (*i.e.*, annuity) equivalent is approximated by the calculation  $\$330.4 * 0.03 = \$9.9$  million for a 3 percent discount rate and  $\$312.8 * 0.07 = \$21.9$  million for a 7 percent discount rate. This estimate is consistent with the cost estimate the

Agencies previously provided in which FHWA and FTA estimated the total costs for merging all 142 affected MPOs, and the one-time cost of developing a dispute resolution process would result in an estimated maximum average annual cost of this rule of \$86.3 million over 4 years. The FHWA and FTA do not anticipate that this rule would impose any additional costs for States and MPOs to implement because it allows these entities to follow the procedures and protocols they had in place as of December 2016.

This action complies with the principles of E.O. 13563. After evaluating the costs and benefits of the rule, FHWA and FTA believe that the cost savings from this rulemaking would exceed the foregone benefits. These changes are not anticipated to adversely affect, in any material way, any sector of the economy. In addition, these changes will not create a serious inconsistency with any other agency's action or materially alter the budgetary impact of any entitlements, grants, user fees, or loan programs.

#### Regulatory Flexibility Act

Since the Agencies find good cause under 5 U.S.C. 553(b)(3)(B) to waive notice and opportunity for comment for this rule, the provisions of the Regulatory Flexibility Act (Pub. L. 96-354, 5 U.S.C. 601-612) do not apply. However, the Agencies evaluated the effects of this action on small entities and determined the action would not have a significant economic impact on a substantial number of small entities. The rule addresses the obligation of Federal funds to State DOTs for Federal-aid highway projects. The rule affects two types of entities: State governments and MPOs. State governments do not meet the definition of a small entity under 5 U.S.C. 601, which have a population of less than 50,000.

The MPOs are considered governmental jurisdictions, and to qualify as a small entity, they need to serve less than 50,000 people. The MPOs serve UZAs with populations of 50,000 or more. Therefore, the MPOs that might incur economic impacts under this rule do not meet the definition of a small entity.

The FHWA and FTA hereby certify that this rule will not have a significant economic impact on a substantial number of small entities.

#### Unfunded Mandates Reform Act of 1995

The FHWA and FTA have determined that this rule does not impose unfunded mandates, as defined by the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4, March 22, 1995, 109 Stat. 48).

This rule does not include a Federal mandate that may result in expenditures of \$155.1 million or more in any single year (when adjusted for inflation) in 2012 dollars for either State, local, and Tribal governments in the aggregate, or by the private sector. In addition, the definition of "Federal mandate" in the Unfunded Mandates Reform Act excludes financial assistance of the type in which State, local, or Tribal governments have authority to adjust their participation in the program in accordance with changes made in the program by the Federal Government. The Federal-aid highway program and the Federal Transit Act permit this type of flexibility.

#### *Executive Order 13132 (Federalism Assessment)*

Executive Order 13132 requires agencies to ensure meaningful and timely input by State and local officials in the development of regulatory policies that may have a substantial, direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. This action has been analyzed in accordance with the principles and criteria contained in E.O. 13132 dated August 4, 1999, and the Agencies determined this action will not have a substantial direct effect or sufficient federalism implications on the States. The Agencies also determined this action will not preempt any State law or regulation or affect the States' ability to discharge traditional State governmental functions.

#### *Executive Order 12372 (Intergovernmental Review)*

The regulations implementing E.O. 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program. Local entities should refer to the Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction, for further information.

#### Paperwork Reduction Act

Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct, sponsor, or require through regulations. The FHWA and FTA have analyzed this rule under the Paperwork Reduction Act (PRA), and this rule does not impose additional information collection requirements for the purposes of the PRA above and beyond existing information collection clearances from OMB.

#### National Environmental Policy Act

Federal agencies are required to adopt implementing procedures for the National Environmental Policy Act (NEPA) that establish specific criteria for, and identification of, three classes of actions: (1) Those that normally require preparation of an Environmental Impact Statement, (2) those that normally require preparation of an Environmental Assessment, and (3) those that are categorically excluded from further NEPA review (40 CFR 1507.3(b)). This rule qualifies for categorical exclusions under 23 CFR 771.117(c)(20) (promulgation of rules, regulations, and directives) and 771.117(c)(1) (activities that do not involve or lead directly to construction) for FHWA, and 23 CFR 771.118(c)(4) (planning and administrative activities that do not involve or lead directly to construction) for FTA. The FHWA and FTA have evaluated whether the rule will involve unusual or extraordinary circumstances and have determined that it will not.

#### *Executive Order 12630 (Taking of Private Property)*

The FHWA and FTA have analyzed this rule under E.O. 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights. The FHWA and FTA do not believe this rule affects a taking of private property or otherwise has taking implications under E.O. 12630.

#### *Executive Order 12988 (Civil Justice Reform)*

This rule meets applicable standards in sections 3(a) and 3(b)(2) of E.O. 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

#### *Executive Order 13045 (Protection of Children)*

The FHWA and FTA have analyzed this rule under E.O. 13045, Protection of Children from Environmental Health Risks and Safety Risks. The FHWA and FTA certify that this action will not cause an environmental risk to health or safety that might disproportionately affect children.

#### *Executive Order 13175 (Tribal Consultation)*

The FHWA and FTA have analyzed this rule under E.O. 13175, dated November 6, 2000, and believe that it will not have substantial direct effects on one or more Indian tribes; will not impose substantial direct compliance costs on Indian Tribal governments; and will not preempt Tribal laws. The rule addresses obligations of Federal funds

to State DOTs for Federal-aid highway projects and will not impose any direct compliance requirements on Indian Tribal governments. Therefore, a Tribal summary impact statement is not required.

*Executive Order 13211 (Energy Effects)*

The FHWA and FTA have analyzed this action under E.O. 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. The FHWA and FTA have determined that this action is not a significant energy action under that order and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Therefore, a Statement of Energy Effects is not required.

*Executive Order 12898 (Environmental Justice)*

The E.O. 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations) and DOT Order 5610.2(a) (77 FR 27534, May 10, 2012) (available online at [http://www.fhwa.dot.gov/environment/environmental\\_justice/ej\\_at\\_dot\\_order\\_56102a/index.cfm](http://www.fhwa.dot.gov/environment/environmental_justice/ej_at_dot_order_56102a/index.cfm)) require DOT agencies to achieve environmental justice (EJ) as part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects, including interrelated social and economic effects, of their programs, policies, and activities on minority and low-income populations. All DOT agencies must address compliance with E.O. 12898 and the DOT Order in all rulemaking activities.

The FHWA and FTA have issued additional documents relating to administration of E.O. 12898 and the DOT Order. On June 14, 2012, FHWA issued an update to its EJ order, FHWA Order 6640.23A (FHWA Actions to Address Environmental Justice in Minority Populations and Low Income Populations (available online at <http://www.fhwa.dot.gov/legsregs/directives/orders/664023a.htm>)). On August 15, 2012, FTA's Circular 4703.1 became effective, which contains guidance for States and MPOs to incorporate EJ into their planning processes (available online at [http://www.fta.dot.gov/documents/FTA\\_EJ\\_Circular\\_7.14-12\\_FINAL.pdf](http://www.fta.dot.gov/documents/FTA_EJ_Circular_7.14-12_FINAL.pdf)).

The FHWA and FTA have evaluated this action under the E.O., the DOT Order, the FHWA Order, and the FTA Circular. The EJ principles, in the context of planning, should be considered when the planning process is being implemented at the State and

local level. As part of their stewardship and oversight of the federally aided transportation planning process of the States, MPOs, and operators of public transportation, FHWA and FTA encourage these entities to incorporate EJ principles into the statewide and metropolitan planning processes and documents, as appropriate and consistent with the applicable orders and the FTA Circular. When FHWA and FTA make a future funding or other approval decision on a project basis, they will consider EJ.

Nothing inherent in the rule will disproportionately impact minority or low-income populations. The rule establishes procedures and other requirements to guide future State and local decisionmaking on programs and projects. Neither the rule nor 23 U.S.C. 134 and 135 dictate the outcome of those decisions. The FHWA and FTA have determined that this action will not cause disproportionately high and adverse human health and environmental effects on minority or low-income populations.

Regulation Identifier Number

A Regulation Identifier Number (RIN) is assigned to each regulatory action listed in the Unified Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the heading of this document can be used to cross-reference this rule with the Unified Agenda.

**List of Subjects**

*23 CFR Part 450*

Grant programs—transportation, Highway and roads, Mass transportation, Reporting and recordkeeping requirements.

*49 CFR Part 613*

Grant programs—transportation, Highways and roads, Mass transportation.

Issued in Washington, DC, on November 21, 2017 under authority delegated in 49 CFR 1.85.

**Brandye L. Hendrickson,**

*Acting Administrator, Federal Highway Administration.*

**K. Jane Williams,**

*Acting Administrator, Federal Transit Administration.*

In consideration of the foregoing, FHWA and FTA amend title 23, Code of Federal Regulations, part 450, and title 49, Code of Federal Regulations, part 613, as set forth below:

**Title 23—Highways**

**PART 450—PLANNING ASSISTANCE AND STANDARDS**

■ 1. The authority citation for part 450 continues to read as follows:

**Authority:** 23 U.S.C. 134, 135, and 315; 42 U.S.C. 7410 *et seq.*; 49 U.S.C. 5303 and 5304; 49 CFR 1.85 and 1.90.

■ 2. Amend § 450.104 by revising the definitions for “Metropolitan planning agreement”, “Metropolitan planning area (MPA)”, “Metropolitan transportation plan”, and “Transportation improvement program (TIP)” to read as follows:

**§ 450.104 Definitions.**

\* \* \* \* \*

*Metropolitan planning agreement* means a written agreement between the MPO, the State(s), and the providers of public transportation serving the metropolitan planning area that describes how they will work cooperatively to meet their mutual responsibilities in carrying out the metropolitan transportation planning process.

*Metropolitan planning area (MPA)* means the geographic area determined by agreement between the MPO for the area and the Governor, in which the metropolitan transportation planning process is carried out.

\* \* \* \* \*

*Metropolitan transportation plan* means the official multimodal transportation plan addressing no less than a 20-year planning horizon that the MPO develops, adopts, and updates through the metropolitan transportation planning process.

\* \* \* \* \*

*Transportation improvement program (TIP)* means a prioritized listing/program of transportation projects covering a period of 4 years that is developed and formally adopted by an MPO as part of the metropolitan transportation planning process, consistent with the metropolitan transportation plan, and required for projects to be eligible for funding under title 23 U.S.C. and title 49 U.S.C. chapter 53.

\* \* \* \* \*

■ 3. Amend § 450.208 by revising paragraph (a)(1) to read as follows:

**§ 450.208 Coordination of planning process activities.**

(a) \* \* \*  
(1) Coordinate planning carried out under this subpart with the metropolitan transportation planning activities carried out under subpart C of

this part for metropolitan areas of the State. The State is encouraged to rely on information, studies, or analyses provided by MPOs for portions of the transportation system located in metropolitan planning areas;

\* \* \* \* \*

**§ 450.218 [Amended]**

■ 4. Amend § 450.218(b) by removing “MPO(s)” and adding in its place “MPO” in both places it appears.

**§ 450.226 [Amended]**

■ 5. Amend § 450.226 by removing paragraph (g).

■ 6. Amend § 450.300 as follows:

■ a. Revise paragraph (a); and

■ b. Remove from paragraph (b) the word “Encourage” and add in its place “Encourages”.

The revision reads as follows:

**§ 450.300 Purpose.**

\* \* \* \* \*

(a) Set forth the national policy that the MPO designated for each urbanized area is to carry out a continuing, cooperative, and comprehensive performance-based multimodal transportation planning process, including the development of a metropolitan transportation plan and a TIP, that encourages and promotes the safe and efficient development, management, and operation of surface transportation systems to serve the mobility needs of people and freight (including accessible pedestrian walkways, bicycle transportation facilities, and intermodal facilities that support intercity transportation, including intercity buses and intercity bus facilities and commuter vanpool providers) fosters economic growth and development, and takes into consideration resiliency needs, while minimizing transportation-related fuel consumption and air pollution; and

\* \* \* \* \*

■ 7. Amend § 450.306 by removing paragraph (d)(5) and revising paragraph (i) to read as follows:

**§ 450.306 Scope of the metropolitan transportation planning process.**

\* \* \* \* \*

(i) In an urbanized area not designated as a TMA that is an air quality attainment area, the MPO(s) may propose and submit to the FHWA and the FTA for approval a procedure for developing an abbreviated metropolitan transportation plan and TIP. In developing proposed simplified planning procedures, consideration shall be given to whether the abbreviated metropolitan transportation

plan and TIP will achieve the purposes of 23 U.S.C. 134, 49 U.S.C. 5303, and this part, taking into account the complexity of the transportation problems in the area. The MPO shall develop simplified procedures in cooperation with the State(s) and public transportation operator(s).

■ 8. Amend § 450.310 by revising paragraphs (e) and (m) introductory text to read as follows:

**§ 450.310 Metropolitan planning organization designation and redesignation.**

\* \* \* \* \*

(e) To the extent possible, only one MPO shall be designated for each urbanized area or group of contiguous urbanized areas. More than one MPO may be designated to serve an urbanized area only if the Governor(s) and the existing MPO, if applicable, determine that the size and complexity of the urbanized area make designation of more than one MPO appropriate. In those cases where two or more MPOs serve the same urbanized area, the MPOs shall establish official, written agreements that clearly identify areas of coordination, and the division of transportation planning responsibilities among the MPOs.

\* \* \* \* \*

(m) Each Governor with responsibility for a portion of a multistate metropolitan area and the appropriate MPOs shall, to the extent practicable, provide coordinated transportation planning for the entire MPA. The consent of Congress is granted to any two or more States to:

\* \* \* \* \*

■ 9. Section 450.312 is revised to read as follows:

**§ 450.312 Metropolitan Planning Area boundaries.**

(a) The boundaries of a metropolitan planning area (MPA) shall be determined by agreement between the MPO and the Governor.

(1) At a minimum, the MPA boundaries shall encompass the entire existing urbanized area (as defined by the Bureau of the Census) plus the contiguous area expected to become urbanized within a 20-year forecast period for the metropolitan transportation plan.

(2) The MPA boundaries may be further expanded to encompass the entire metropolitan statistical area or combined statistical area, as defined by the Office of Management and Budget.

(b) An MPO that serves an urbanized area designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 *et seq.*)

as of August 10, 2005, shall retain the MPA boundary that existed on August 10, 2005. The MPA boundaries for such MPOs may only be adjusted by agreement of the Governor and the affected MPO in accordance with the redesignation procedures described in § 450.310(h). The MPA boundary for an MPO that serves an urbanized area designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act (42 U.S.C. 7401 *et seq.*) after August 10, 2005, may be established to coincide with the designated boundaries of the ozone and/or carbon monoxide nonattainment area, in accordance with the requirements in § 450.310(b).

(c) An MPA boundary may encompass more than one urbanized area.

(d) MPA boundaries may be established to coincide with the geography of regional economic development and growth forecasting areas.

(e) Identification of new urbanized areas within an existing metropolitan planning area by the Bureau of the Census shall not require redesignation of the existing MPO.

(f) Where the boundaries of the urbanized area or MPA extend across two or more States, the Governors with responsibility for a portion of the multistate area, the appropriate MPO(s), and the public transportation operator(s) are strongly encouraged to coordinate transportation planning for the entire multistate area.

(g) The MPA boundaries shall not overlap with each other.

(h) Where part of an urbanized area served by one MPO extends into an adjacent MPA, the MPOs shall, at a minimum, establish written agreements that clearly identify areas of coordination and the division of transportation planning responsibilities among and between the MPOs. Alternatively, the MPOs may adjust their existing boundaries so that the entire urbanized area lies within only one MPA. Boundary adjustments that change the composition of the MPO may require redesignation of one or more such MPOs.

(i) The MPO (in cooperation with the State and public transportation operator(s)) shall review the MPA boundaries after each Census to determine if existing MPA boundaries meet the minimum statutory requirements for new and updated urbanized area(s), and shall adjust them as necessary. As appropriate, additional adjustments should be made to reflect the most comprehensive boundary to foster an effective planning process that ensures connectivity between modes,

improves access to modal systems, and promotes efficient overall transportation investment strategies.

(j) Following MPA boundary approval by the MPO and the Governor, the MPA boundary descriptions shall be provided for informational purposes to the FHWA and the FTA. The MPA boundary descriptions shall be submitted either as a geo-spatial database or described in sufficient detail to enable the boundaries to be accurately delineated on a map.

■ 10. Section 450.314 is revised to read as follows:

**§ 450.314 Metropolitan planning agreements.**

(a) The MPO, the State(s), and the providers of public transportation shall cooperatively determine their mutual responsibilities in carrying out the metropolitan transportation planning process. These responsibilities shall be clearly identified in written agreements among the MPO, the State(s), and the providers of public transportation serving the MPA. To the extent possible, a single agreement between all responsible parties should be developed. The written agreement(s) shall include specific provisions for the development of financial plans that support the metropolitan transportation plan (see § 450.324) and the metropolitan TIP (see § 450.326), and development of the annual listing of obligated projects (see § 450.334).

(b) The MPO, the State(s), and the providers of public transportation should periodically review and update the agreement, as appropriate, to reflect effective changes.

(c) If the MPA does not include the entire nonattainment or maintenance area, there shall be a written agreement among the State department of transportation, State air quality agency, affected local agencies, and the MPO describing the process for cooperative planning and analysis of all projects outside the MPA within the nonattainment or maintenance area. The agreement must also indicate how the total transportation-related emissions for the nonattainment or maintenance area, including areas outside the MPA, will be treated for the purposes of determining conformity in accordance with the EPA's transportation conformity regulations (40 CFR part 93, subpart A). The agreement shall address policy mechanisms for resolving conflicts concerning transportation-related emissions that may arise between the MPA and the portion of the nonattainment or maintenance area outside the MPA.

(d) In nonattainment or maintenance areas, if the MPO is not the designated agency for air quality planning under section 174 of the Clean Air Act (42 U.S.C. 7504), there shall be a written agreement between the MPO and the designated air quality planning agency describing their respective roles and responsibilities for air quality related transportation planning.

(e) If more than one MPO has been designated to serve an urbanized area there shall be a written agreement among the MPOs, the State(s), and the public transportation operator(s) describing how the metropolitan transportation planning processes will be coordinated to assure the development of consistent metropolitan transportation plans and TIPs across the MPA boundaries, particularly in cases in which a proposed transportation investment extends across the boundaries of more than one MPA. If any part of the urbanized area is a nonattainment or maintenance area, the agreement also shall include State and local air quality agencies. The metropolitan transportation planning processes for affected MPOs should, to the maximum extent possible, reflect coordinated data collection, analysis, and planning assumptions across the MPAs. Alternatively, a single metropolitan transportation plan and/or TIP for the entire urbanized area may be developed jointly by the MPOs in cooperation with their respective planning partners. Coordination efforts and outcomes shall be documented in subsequent transmittals of the UPWP and other planning products, including the metropolitan transportation plan and TIP, to the State(s), the FHWA, and the FTA.

(f) Where the boundaries of the urbanized area or MPA extend across two or more States, the Governors with responsibility for a portion of the multistate area, the appropriate MPO(s), and the public transportation operator(s) shall coordinate transportation planning for the entire multistate area. States involved in such multistate transportation planning may:

(1) Enter into agreements or compacts, not in conflict with any law of the United States, for cooperative efforts and mutual assistance in support of activities authorized under this section as the activities pertain to interstate areas and localities within the States; and

(2) Establish such agencies, joint or otherwise, as the States may determine desirable for making the agreements and compacts effective.

(g) If part of an urbanized area that has been designated as a TMA overlaps

into an adjacent MPA serving an urbanized area that is not designated as a TMA, the adjacent urbanized area shall not be treated as a TMA. However, a written agreement shall be established between the MPOs with MPA boundaries, including a portion of the TMA, which clearly identifies the roles and responsibilities of each MPO in meeting specific TMA requirements (e.g., congestion management process, Surface Transportation Program funds suballocated to the urbanized area over 200,000 population, and project selection).

(h)(1) The MPO(s), State(s), and the providers of public transportation shall jointly agree upon and develop specific written provisions for cooperatively developing and sharing information related to transportation performance data, the selection of performance targets, the reporting of performance targets, the reporting of performance to be used in tracking progress toward attainment of critical outcomes for the region of the MPO (see § 450.306(d)), and the collection of data for the State asset management plan for the NHS for each of the following circumstances:

(i) When one MPO serves an urbanized area;

(ii) When more than one MPO serves an urbanized area; and

(iii) When an urbanized area that has been designated as a TMA overlaps into an adjacent MPA serving an urbanized area that is not a TMA.

(2) These provisions shall be documented either:

(i) As part of the metropolitan planning agreements required under paragraphs (a), (e), and (g) of this section; or

(ii) Documented in some other means outside of the metropolitan planning agreements as determined cooperatively by the MPO(s), State(s), and providers of public transportation.

**§ 450.316 [Amended]**

■ 11. Amend § 450.316 in paragraphs (b) introductory text, (c), and (d) by removing "MPO(s)" and adding in its place "MPO" wherever it occurs.

**§ 450.324 [Amended]**

■ 12. Amend § 450.324 as follows:

■ a. In paragraph (a), remove "MPO(s)" and add in its place "MPO" wherever it occurs;

■ b. Remove new paragraph (c);

■ c. Redesignate paragraphs (d) through (n) as paragraphs (c) through (m), respectively; and

■ d. In newly redesignated paragraphs (c), (d), (e), (f)(10), (f)(11)(iv), (g) introductory text, (j), (k), and (m),

remove “MPO(s)” with and add in its place “MPO” wherever it occurs.

■ 13. Amend § 450.326 as follows:

- a. Revise paragraph (a); and
- b. In paragraphs (b), (j), and (p), remove “MPO(s)” and add in its place “MPO” wherever it occurs.

The revision reads as follows:

**§ 450.326 Development and content of the transportation improvement program (TIP).**

(a) The MPO, in cooperation with the State(s) and any affected public transportation operator(s), shall develop a TIP for the metropolitan planning area. The TIP shall reflect the investment priorities established in the current metropolitan transportation plan and shall cover a period of no less than 4 years, be updated at least every 4 years, and be approved by the MPO and the Governor. However, if the TIP covers more than 4 years, the FHWA and the FTA will consider the projects in the additional years as informational. The MPO may update the TIP more frequently, but the cycle for updating the TIP must be compatible with the STIP development and approval process. The TIP expires when the FHWA/FTA approval of the STIP expires. Copies of any updated or revised TIPs must be provided to the FHWA and the FTA. In nonattainment and maintenance areas subject to transportation conformity requirements, the FHWA and the FTA, as well as the MPO, must make a conformity determination on any updated or amended TIP, in accordance with the Clean Air Act requirements and the EPA’s transportation conformity regulations (40 CFR part 93, subpart A).

\* \* \* \* \*

**§ 450.328 [Amended]**

- 14. Amend § 450.328 by removing “MPO(s)” and adding in its place “MPO” wherever it occurs.

**§ 450.330 [Amended]**

- 15. Amend § 450.330 in paragraphs (a) and (c) by removing “MPO(s)” and adding in its place “MPO” wherever it occurs.

**§ 450.332 [Amended]**

- 16. Amend § 450.332 in paragraphs (b) and (c) by removing “MPO(s)” and adding in its place “MPO” wherever it occurs.

**§ 450.334 [Amended]**

- 17. Amend § 450.334 as follows:
  - a. In paragraph (a), remove “MPO(s)” and add in its place “MPO”; and
  - b. In paragraph (c), remove “MPO(s)” and add in its place “MPO’s”.

**§ 450.336 [Amended]**

- 18. Amend § 450.336 in paragraphs (b)(1)(i) and (ii) and (b)(2) by removing “MPO(s)” and adding in its place “MPO” wherever it occurs.

**§ 450.340 [Amended]**

- 19. Amend § 450.340 as follows:
  - a. In paragraph (a), remove “or MPOs” wherever it occurs; and
  - b. Remove paragraph (h).

**Title 49—Transportation**

**PART 613—METROPOLITAN AND STATEWIDE AND NONMETROPOLITAN PLANNING**

- 20. The authority citation for part 613 is revised to read as follows:

**Authority:** 23 U.S.C. 134, 135, and 217(g); 42 U.S.C. 3334, 4233, 4332, 7410 *et seq.*; 49 U.S.C. 5303–5306, 5323(k); and 49 CFR 1.91(a) and 21.7(a).

[FR Doc. 2017–25762 Filed 11–28–17; 8:45 am]

**BILLING CODE 4910–22–P**

**DEPARTMENT OF LABOR**

**Employee Benefits Security Administration**

**29 CFR Part 2550**

**[Application Number D–11712; D–11713; D–11850]**

**ZRIN 1210–ZA27**

**18-Month Extension of Transition Period and Delay of Applicability Dates; Best Interest Contract Exemption (PTE 2016–01); Class Exemption for Principal Transactions in Certain Assets Between Investment Advice Fiduciaries and Employee Benefit Plans and IRAs (PTE 2016–02); Prohibited Transaction Exemption 84–24 for Certain Transactions Involving Insurance Agents and Brokers, Pension Consultants, Insurance Companies, and Investment Company Principal Underwriters (PTE 84–24)**

**AGENCY:** Employee Benefits Security Administration, Labor.

**ACTION:** Extension of the transition period for PTE amendments.

**SUMMARY:** This document extends the special transition period under sections II and IX of the Best Interest Contract Exemption and section VII of the Class Exemption for Principal Transactions in Certain Assets Between Investment Advice Fiduciaries and Employee Benefit Plans and IRAs for 18 months. This document also delays the applicability of certain amendments to

Prohibited Transaction Exemption 84–24 for the same period. The primary purpose of the amendments is to give the Department of Labor the time necessary to consider public comments under the criteria set forth in the Presidential Memorandum of February 3, 2017, including whether possible changes and alternatives to these exemptions would be appropriate in light of the current comment record and potential input from, and action by, the Securities and Exchange Commission and state insurance commissioners. The Department is granting the delay because of its concern that, without a delay in the applicability dates, consumers may face significant confusion, and regulated parties may incur undue expense to comply with conditions or requirements that the Department ultimately determines to revise or repeal. The former transition period was from June 9, 2017, to January 1, 2018. The new transition period ends on July 1, 2019, rather than on January 1, 2018. The amendments to these exemptions affect participants and beneficiaries of plans, IRA owners and fiduciaries with respect to such plans and IRAs.

**DATES:** This document extends the special transition period under sections II and IX of the Best Interest Contract Exemption and section VII of the Class Exemption for Principal Transactions in Certain Assets Between Investment Advice Fiduciaries and Employee Benefit Plans and IRAs (82 FR 16902) to July 1, 2019, and delays the applicability of certain amendments to Prohibited Transaction Exemption 84–24 from January 1, 2018 (82 FR 16902) until July 1, 2019. See Section G of the SUPPLEMENTARY INFORMATION section for a list of dates for the amendments to the prohibited transaction exemptions.

**FOR FURTHER INFORMATION CONTACT:** Brian Shiker or Susan Wilker, telephone (202) 693–8824, Office of Exemption Determinations, Employee Benefits Security Administration.

**SUPPLEMENTARY INFORMATION:**

**A. Procedural Background**

*ERISA & the 1975 Regulation*

Section 3(21)(A)(ii) of the Employee Retirement Income Security Act of 1974, as amended (ERISA), in relevant part provides that a person is a fiduciary with respect to a plan to the extent he or she renders investment advice for a fee or other compensation, direct or indirect, with respect to any moneys or other property of such plan, or has any authority or responsibility to do so. Section 4975(e)(3)(B) of the Internal Revenue Code (“Code”) has a parallel

## **Item Number 4a**

### **Action Items**

#### **Approval of Minutes: July 19, 2017 and November 07, 2017 Meetings**

#### **DISCUSSION:**

Review and comments from members.

#### **REQUESTED ACTION:**

Approval of Meeting Minutes from the July 19, 2017 and November 07, 2017 Governing Board Meetings.

#### **ATTACHMENTS:**

July 19, 2017 and November 07, 2017 MPOAC Governing Board Meeting Minutes

**Florida MPO Advisory Council  
Meeting of the Governing Board  
July 19, 2017  
Boca Raton, Florida  
Draft Meeting Minutes**

**GOVERNING BOARD MEMBERS IN ATTENDANCE:**

Mayor Susan Haynie, Chair, Palm Beach MPO  
Commissioner Rodney Friend, Bay County TPO  
Mayor Richard Kaplan, Broward MPO  
Commissioner James Herston, Charlotte County-Punta Gorda MPO  
Councilmember Reg Buxton, Collier MPO  
Commissioner Rob Williamson, Florida-Alabama TPO  
Councilmember Doreen Caudell, Forward Pinellas  
Commissioner Terry Burroughs, Heartland Regional TPO  
Commissioner Nicholas Nicholson, Hernando/Citrus MPO  
Commissioner Troy McDonald, Martin MPO  
Councilmember J.B. Whitten, Okaloosa-Walton TPO  
Commissioner Willie Shaw, Sarasota/Manatee MPO  
Mayor Kathy Meehan, Space Coast TPO

**OTHERS IN ATTENDANCE:**

Commissioner Ed Fielding, Martin County  
Commissioner Doug Smith, Martin County  
Carl Mikyska, MPOAC  
Paul Gougelman, MPOAC General Council  
Karen Brunelle, Federal Highway Administration  
Lee Ann Jacobs, Federal Highway Administration  
Carmen Monroy, Florida Department of Transportation, Office of Policy Planning  
Mark Reichert, Florida Department of Transportation, Office of Policy Planning  
Alex Gramovot, Florida Department of Transportation, Office of Policy Planning  
Mira Skoroden, Florida Department of Transportation, District 4  
Victoria Williams, Florida Department of Transportation, Florida Turnpike Enterprise  
Jeff Kramer, Center for Urban Transportation Research, USF  
Greg Stuart, Broward MPO  
Paul Flavien, Broward MPO  
Daniel Knickelbein, Broward MPO  
Greg Slay, Capital Region TPA  
Bob Herrington, Charlotte County-Punta Gorda MPO  
Whit Blanton, Forward Pinellas  
Michael Escalante, Gainesville MTPO

Pat Steed, Heartland Regional TPO  
Steve Diez, Hernando/Citrus MPO  
Phil Matson, Indian River MPO  
T.J. Fish, Lake-Sumter MPO  
Donald Scott, Lee County MPO  
Beth Beltran, Martin MPO  
Gary Huttman, MetroPlan Orlando  
Aileen Bouclé, Miami-Dade TPO  
Carlos Roa, Miami-Dade TPO  
Nick Uhren, Palm Beach MPO  
Bill Cross, Palm Beach MPO  
Renee Cross, Palm Beach MPO  
Margarita Pierce, Palm Beach MPO  
Tom Deardorff, Polk TPO  
Lois Bollenback, River to Sea TPO  
David Hutchinson, Sarasota/Manatee MPO  
Bob Kamm, Space Coast TPO  
Peter Buchwald, St. Lucie TPO  
Billy Hattaway, City of Orlando  
Thomas Lanahan, Treasure Coast Regional Planning Council  
Wiley Page, Atkins  
John Kaliski, Cambridge Systematics  
Sheri Coven, Marlin Engineering  
Wally Blain, Tindale Oliver

• **CALL TO ORDER**

Mayor Susan Haynie, Chair, Palm Beach MPO, called the meeting to order at 1:13 p.m. All stood for the Pledge of Allegiance. The Chair welcomed those in attendance and shared some historical background of the meeting facilities.

• **APPROVAL OF MINUTES**

Mayor Kathy Meehan, Space Coast TPO, moved to approve the minutes of the April 2017 Governing Board meeting. Commissioner Troy McDonald, Martin 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 UPWP Report for the April through June 2017 timeframe.

Mr. Mikyska noted that the MPOAC came in over budget by \$0.34 with the balance covered by the Florida Department of Transportation (FDOT). Mr. Mikyska expressed his appreciation of the accomplishments from the last quarter and thanked those that assisted.

### B. FLORIDA LEGISLATIVE UPDATE

Mr. Mikyska reviewed the list of transportation related bills that were contained in the annual report, passed during the 2018 Florida Legislature and signed by the Governor. Discussion of these bills has taken place in previous meetings and having the report available gives the Governing Board a historical summary of changes made in law that effect transportation policy and funding.

### C. FEDERAL INFRASTRUCTURE PACKAGE EFFORTS

Mr. Mikyska reminded the Governing Board of discussions that occurred during the presidential campaign of the desire to have an infrastructure package, which is currently targeted at approximately \$1 billion. The specific funding approach being discussed would provide roughly \$200 billion in federal funds to incentivize \$800 billion of funding from other sources (private, state and/or local government). Mr. Mikyska noted that the effort to pass an infrastructure package has been overshadowed by other legislative priorities and that it was unclear when legislation would be considered for passage. He also noted that a discussion would be held later in the meeting under Business Items and Presentations to consider federal transportation policy positions as recommended by the MPOAC Policy and Technical Committee, which met between the printing of the MPOAC Governing Board agenda package and the Governing Board meeting.

### D. SUMMARY OF MPOAC WEEKEND INSTITUTE

Mr. Mikyska presented an overview of the MPOAC Weekend Institute for Elected Officials, which provides MPO Board members with a broad overview of the authority and responsibilities of MPOs and the role of MPO Board members in the transportation decision-making process. Mr. Mikyska stated this was a record year for attendance with 38 attendees and an overall course rating of 4.79 on a 5.0 scale. Mr. Mikyska reviewed the

history, location and participant ratings of the two MPOAC Weekend Institute sessions. Mr. Mikyska presented a summary of ratings and attendee profiles, and complimented the MPOAC Weekend Institute training staff for a job well done. Mr. Mikyska noted it would be difficult to continue the trend with attendance next year since it would not be following an election cycle and asked the MPOAC Governing Board for patience and understanding if the attendance numbers are not as high in 2018.

Commissioner J.B. Whitten, Okaloosa-Walton TPO, inquired if staff ever considered hosting the MPOAC Weekend Institute in the Tallahassee area. Mr. Mikyska replied that different locations were tried over time and had attendance issues. Tampa and Orlando, being centrally located, resulted in the best attendance over time.

Commissioner Whitten also inquired about allowing agency staff to attend the Weekend Institutes as they are active participants in MPO processes longer than most elected officials. Mr. Mikyska replied that there had been discussions about developing a training program for MPO staff and other MPO participants. He continued by adding that the MPOAC Institute, as currently constructed, is designed to meet the needs of MPO board members and that one of the key components of the training is to ensure an environment where the attendees feel comfortable asking all forms of questions and in which an open dialogue and sharing of experiences can take place. He also assured MPOAC members that the staff takes great care to ensure that Sunshine Laws are understood in a training environment and monitors the group conversation to steer clear of any potential violations.

Mayor Richard Kaplan, Broward MPO, inquired if the training still included breaking down the modules for an individual MPO and if review of Sunshine Law was included. Mr. Jeff Kramer, Center for Urban Transportation Research (CUTR), replied that a module breakdown can occur and be structured to meet any desired timeframe that works for an individual MPO. He noted it had been done 3 years ago for the Broward County MPO following one of their Board meetings. He reviewed some of the limitations and drawbacks with this approach and emphasized that the retreat environment as the current Weekend Institute platform maximizes participation and the learning experience.

## • AGENCY REPORTS

### A. FLORIDA DEPARTMENT OF TRANSPORTATION

Mr. Mark Reichert, Transportation Planning Manager, FDOT Office of Policy Planning, updated the members on the activities of FDOT and brought forward topics of interest to the MPOs. Mr. Reichert specifically discussed the following:

- Mr. Reichert announced that FDOT has adopted a Vision Zero policy for the safety performance targets which will be in place for the approval of the Highway Safety Improvement Plan (HSIP) on August 31, 2017. MPOs are required to adopt their targets no later than February 27, 2018. He noted that MPOs have the option to adopt the statewide safety targets, to develop their own targets, or adopt a combination of local and statewide safety performance targets.
- Mr. Reichert reviewed concerns raised in the past from MPOs for getting local safety projects funded through FDOT's Work Program development process. He stated FDOT is committed to working with the MPOs to develop a process over the next few years for finding ways to consider more local safety projects for funding through the FDOT Work Program. He mentioned the safety funding for the next five years is already committed and that any requests for funding would be considered for the new fifth year of the Work Program.
- Mr. Reichert confirmed that FDOT has committed to provide the necessary data to report on the various federally required mobility performance measures. He mentioned that the data would be provided in a visual and raw format, with the expectation of it being beneficial and in direct support of providing information to the individual MPO Boards and the public. He said that a presentation of the initial data would be provided during the October Staff Directors' Advisory Committee meeting.
- Mr. Reichert mentioned that the revised MPO Program Management Handbook is now available on the FDOT website and is more user friendly. The FDOT has committed to ensuring that the web version of the handbook would always be current and revised as needed to reflect changes in federal and state laws and rules. He recognized that MPOs use the handbook even though it was developed for FDOT MPO liaisons, and encouraged the continuation of this practice to ensure that all involved in the process have the most current information and guidance available.
- Mr. Reichert provided an update on the first MPO Liaison Training held in June 2017 in Tallahassee. He noted the great attendance and stated that FDOT stressed to attendees they were working toward statewide consistency and management of the MPO program. He mentioned that FDOT is looking for ways to improve the program, and to provide FDOT MPO liaisons with ways to manage the program more efficiently.
- Mr. Reichert mentioned that FDOT has been working with the MPOAC Best Practices Committee to improve MPO planning practices and processes and noted the excellent ideas proposed at the last committee meeting. He stated that Alex Gramovot, FDOT, is in the process of implementing an idea to create a central repository for documents to improve access to information for FDOT, FHWA and MPOs.

- FDOT plans to hold another Florida Metropolitan Planning Partnership meeting later this fall. FDOT will use this as an opportunity to kick off the Unified Planning Work Program (UPWP) update season. FDOT will also review the Transportation Improvement Program (TIP) development process and discuss workforce planning. FDOT hopes to meet in the October or November timeframe.
- Mr. Reichert mentioned that FDOT is in the midst of an autonomous vehicle project, with the main focus to provide data on the saturation point of autonomous vehicles, which are expected to mainly be electric, and the impact that saturation will have especially in the area of funding. He thought that information from the project would be of great use during the development of MPO Long Range Transportation Plans (LRTPs).
- Mr. Reichert concluded by mentioning that FDOT recently received news to move forward on a research study looking at coordination between the transit planning and the MPO planning processes. He noted that FDOT is in preliminary talks right now with CUTR on the study scope and that they plan to involve the MPOAC Governing Board in future discussions.

Ms. Carmen Monroy, Director, FDOT Office of Policy Planning, pointed out the collaboration occurring with the MPOs and FDOT that it is yielding innovative ideas, such as discussing workforce development issues. Ms. Monroy expressed her appreciation and welcomed the continued work to develop and strengthen the business.

## B. FEDERAL HIGHWAY ADMINISTRATION

Ms. Lee Ann Jacobs, Planning Team Leader, Federal Highway Administration (FHWA), Florida Division, Office of Project Development, made announcements of interest to the members:

- In late April, the FHWA 2017 Excellence Awards were announced with two recipients in Florida. An award went to the Jacksonville Transportation Authority (JTA) for the Jacksonville Transportation Authority system modernization project, which was one of ten awards nationally. An honorable mention went to FDOT for the Florida Transportation Plan, which was one of three honorable mentions given nationally.
- The FASTLANE grant program has been revised and its name changed to Infrastructure for Rebuilding America (INFRA). There are new requirements, which will focus on leveraging private money so partners can use federal dollars as a supplement, rather than a substitute. More information can be found on the FHWA website at <https://www.transportation.gov/buildamerica/infragrants>. There is \$1.5 billion available for funding this year. Projects that were previously submitted for the FAST Act grant program can be resubmitted with an explanation as to how that project competitively addresses the new grant criteria for the INFRA program. Applications are due November 02, 2017.

Ms. Karen Brunelle, Director, FHWA Florida Division Office of Project Development, announced that FHWA has provided an interim approval for the optional use of a two-stage bicycle turn box approved in the manual of Uniform Traffic Control Devices. Ms. Brunelle described the concept and noted that if MPOs are interested in further information or implementation approval, that they need to work through FDOT.

Ms. Brunelle stated the final rule of the system performance measures and the bridge/pavement measures went into effect on May 20, 2017. She then made a presentation on the measures themselves and reviewed the color-coded chart included in the agenda backup and distributed to those present. The blue coded items relate to Performance Measures; the purple coded items relate to Plans the MPO needs to integrate, which may or may not have performance measures; and the yellow coded items relate to new planning requirements. Ms. Brunelle gave an overview of the due dates for each measure, which are listed at the top of the chart.

Ms. Brunelle continued her presentation on how to read the LRTP and S/TIP charts and the performance measures summary handout (distributed), stating that the summary was designed to present all relevant information in one place. An FHWA planner would reach out to each MPO Staff Director for a remote one-on-one session of about 1-1.5 hours. These sessions will review specific information related to their MPO and if any additional technical assistance is required.

She concluded by reminding the MPOAC Governing Board that the statewide safety target is due August 31, 2017 (as noted by Mr. Reichert during his presentation) and that MPOs have to approve their individual safety target by February 27, 2018.

• **BUSINESS ITEMS & PRESENTATIONS**

**A. APPROVAL OF MPO LRTP HORIZON YEAR OF 2045**

Mr. Carl Mikyska, MPOAC Executive Director, noted that the first LRTPs of the next update cycle are due starting in October of 2019. MPOs have already begun work to meet that deadline. For several years, MPOs in Florida have used a common horizon year, making data related to costs and revenue easier to generate. Mr. Mikyska also noted that having a common horizon year allows financial data from the 27 LRTPs to be aggregated and show statewide needs. The Staff Directors' Advisory Committee met on June 01, 2017 and recommended Fiscal Year 2045 as the horizon year, which is five years beyond the most recent LRTP.

Mayor Richard Kaplan, Broward MPO, moved to approve 2045 as the horizon year for the next update cycle of Florida LRTPs. Councilmember Reg Buxton, Collier MPO, seconded. The motion carried unanimously.

## B. 2018 PROPOSED LEGISLATIVE PRIORITIES AND POLICY POSITIONS

Mr. Carl Mikyska, MPOAC Executive Director, presented the proposed 2018 Legislative Priorities and Policy Positions. He noted the 2018 Florida Legislative Session will be considered an early session and begins January 9, 2018. This early session allows the members to wrap up early to go back to their respective districts and to campaign for reelection, if necessary. Due to the earlier schedule committees will meet beforehand in September, necessitating the need to approve the policy positions earlier than usual in the calendar year.

Mr. Mikyska stated the positions included in the packet are similar to the positions for the 2017 legislative session, and reviewed the following changes:

- Policy position #2: 2017 was added because there was a push for a ban on distracted driving during the most recent legislative session.
- Policy position #3: Added 2017 Transportation Regional Incentive Program (TRIP) funding data to the chart that is typically shown in the brochure.
- Policy position #6: Identified the role that FHWA plays in the approval of funds in the operation of MPOs.

Mr. Mikyska reviewed each policy position separately for the benefit of new members. He reviewed Priority Policy Position #1: “Implements the recommendations from the MPOAC transportation revenue study and other options for expanding transportation revenue sources.” This study was conducted a few years ago by the MPOAC and involved a steering committee that included a variety of stakeholders including the Florida Chamber of Commerce, Florida Public Transportation Association, Floridians for Better Transportation, the Florida Nature Conservancy, the Florida League of Cities and the Florida Association of Counties.

Councilmember Doreen Caudell, Forward Pinellas, moved to approve Priority Policy Position #1. Mayor Richard Kaplan, Broward MPO, seconded. Motion carried unanimously.

Mr. Mikyska reviewed Priority Policy Position #2: “Regulates distracted driving as a *primary* offense by prohibiting the use of electronic wireless communications devices and other similar distracting devices while operating a moving motor vehicle.” Distracted driving is currently a secondary offense in Florida. The position was worded openly to give it timelessness to address any technological changes.

Commissioner Troy McDonald, Martin MPO, moved to approve Priority Policy Position #2. Councilmember Reg Buxton, Collier MPO, seconded.

A discussion took place among those in attendance about the language included in the policy and the potential for confusion or limitations. Mayor Kaplan suggested that the language be changed to “Regulates distracted driving as a primary offense by prohibiting the use of two-way electronic wireless communications devices and other similar distracting devices which are not incorporated into the vehicle itself or permanently docked while operating a moving motor vehicle.” The first and second of the motion approved the amendment.

Commissioner Rob Williamson, Florida-Alabama TPO, stated as worded this policy does not deliver the desired outcome and that he could not support it as presented. The motion passed with Commissioner Rob Williamson, Florida-Alabama TPO dissenting.

Mr. Mikyska reviewed Priority Policy Position #3: “Restores funding to 2007 levels for the Transportation Regional Incentive Program (TRIP). The TRIP leverages state documentary stamp tax proceeds to promote regional planning and project development by providing state matching funds for improvements to regionally significant transportation facilities identified and prioritized by regional partners.” This proposal seeks to restore TRIP funding by reducing diversions of documentary stamp proceeds for non-transportation purposes. He reviewed a chart of TRIP funding to show the fluctuation over time and noted the desire of this policy position is to stabilize the program funding stream.

Commissioner Troy McDonald, Martin MPO, moved to approve Priority Policy Position #3. Mayor Richard Kaplan, Broward MPO, seconded. Motion carried unanimously.

Mr. Mikyska reviewed Priority Policy Position #4: “Allows Strategic Intermodal System (SIS) funds to be used on roads and other transportation facilities not designated on the SIS if the improvement will enhance mobility or support freight transportation on the SIS.” This policy would open up the eligibility of facilities whereby if you have a nearby facility that when improved would alleviate a SIS facility, it would become eligible for SIS funding.

Councilmember Reg Buxton, Collier MPO, moved to approve Priority Policy Position #4. Councilmember Doreen Caudell, Forward Pinellas, seconded. Motion carried unanimously.

Mr. Mikyska reviewed Priority Policy Position #5: “Establishes flexible and predictable funding for transit projects (capital and operating) identified through the metropolitan transportation planning process by removing various funding limitations for the State Transportation Trust Fund (STTF).” This was identified as some of the transportation

systems are maturing and there is limited space for expansion, this policy position would offer a congestion relief alternative. Many fund types are not eligible for transit or transit type improvements, and operating expenses of transportation transit systems can be particularly tricky to receive funding.

Commissioner Rodney Friend, Bay County TPO, moved to approve Priority Policy Position #5. Mayor Kathy Meehan, Space Coast TPO, seconded. Motion carried unanimously.

Mr. Mikyska reviewed Priority Policy Position #6: “Recognizes that federal metropolitan transportation planning funds shall not be regarded as state funds for purposes of expenditure.” MPOs are funded by federal dollars that pass through the state, who then add additional restrictions and limitations before distributing the monies to MPOs. The premise of this position is there are already a number of federal requirements, restrictions and limitations on those federal funds, which adequately protect the public investment in the MPO operations. The request is that federal MPO funds be solely subject to federal requirements.

Councilmember Reg Buxton, Collier MPO, moved to approve Priority Policy Position #6. Councilman J.B. Whitten, Okaloosa-Walton TPO, seconded. Motion carried unanimously.

Mayor Richard Kaplan, Broward MPO, discussed a policy approved by the Broward MPO addressing the impact to funding when transportation projects are allocated to a specific project through the legislative process, also known as earmarking, and asked Mr. Greg Stuart, Broward MPO Staff Director, to provide more detail. Mr. Stuart explained that when local governments secure funding for a transportation project through the legislative process that Florida statutes requires that those funds come out of the district budget, meaning that some other project would lose funding. Mr. Stuart noted that a related issue is if the project is funded through the legislative process and was already part of the district budget, and the Governor vetoes funding for the project, that the project will be delayed for a full fiscal year. Mr. Stuart said that he would bring this before the Staff Directors Advisory Committee for further consideration as part of policy position discussion for 2019.

### C. RECOMMENDATIONS FROM THE MPOAC POLICY AND TECHNICAL COMMITTEE

Mr. Carl Mikyska, MPOAC Executive Director, provided a background on the MPOAC Policy and Technical Committee discussion on federal transportation and infrastructure initiatives during their July 13, 2017 meeting. As has previously been noted, the administration is interested in passing a \$1 trillion federal infrastructure bill that would leverage private, local and state government funds using approximately \$20 billion in federal funds. Additionally, there was a Federal Register Notice issued on June 08, 2017 requesting ideas that could help streamline the process to move transportation projects to implementation, with a caveat

that this could be accomplished administratively, not legislatively. Mr. Mikyska stated that given both of these initiatives, there was a need for the MPOAC to consider formal policy positions to assist staff to engage in the ongoing discussions happening in Washington, DC. As a result, the MPOAC Technical and Policy Committee developed 12 federal transportation policy positions for consideration by the MPOAC Governing Board. The positions were based on knowledge of current issues being discussed by Congress and the administration and through a review of federal policy positions adopted by the MPOAC between 2009 and 2012 as transportation federal authorization legislation was under development.

Mr. Mikyska reviewed each of the twelve proposed federal policy positions in turn, noting that the positions were being presented in no particular order for discussion purposes. The intent was not to have the federal policy positions prioritized in a final policy document or brochure. Instead the policy positions would be listed in bullet format and categorized by broad subject area.

Mayor Susan Haynie, Chair, Palm Beach MPO, inquired on the definition of “poor performance” used in policy position #3 relating to using performance measures for funding purposes. Mr. Mikyska stated that the Committee agreed that it would not be in Florida’s best interest to have the federal government use poor performance relative to the performance measures used as a mechanisms for funding distribution.

Commissioner James Herston, Charlotte County-Punta Gorda MPO, inquired if changing policy position #4 relating to indexing existing transportation revenue streams to the Consumer Price Index (CPI) should be expanded to include any future revenue streams. Mr. Mikyska stated the language could be changed to reflect any future revenue streams in addition to existing revenue streams, if that was the desire of the MPOAC Governing Board.

A discussion then took place among those in attendance about the preservation of the Transportation Investment Generating Economic Recovery (TIGER) program and if there was a need to include such language in the policy positions. Mr. Mikyska noted if the MPOAC Governing Board direct staff to do so, a new policy position could be drafted as a separate position to be included along with the original twelve.

Commissioner Troy McDonald, Martin MPO, moved to adopt the proposed MPOAC Federal Policy Positions, as amended. Councilmember Reg Buxton, Collier MPO, seconded. The motion carried unanimously.

#### **D. US 27 MULTI-MODAL CORRIDOR STUDY**

Commissioner Ed Fielding, Martin County, introduced this project, which suggests a modification to a FDOT project that considered a dual rail line extension in the US 27

corridor in southeastern Florida, potentially connecting from Miami to the Tampa/Orlando region. Mr. Fielding stated that the purpose of a multi-modal expansion of the US 27 corridor would be to provide relief from freight traffic moving to and from the seaports and airports of South Florida along the congested roadway network on Florida's east coast. This would allow freight haulers to move freight directly from the ports onto this more central corridor for repacking and later redistribution.

Mr. Thomas Lanahan, Deputy Executive Director, Treasure Coast Regional Planning Council, then provided a more detailed presentation on the US 27 Multi-Modal Corridor Study. Mr. Lanahan reinforced the need to move freight from the central part of the state to the southeast. He stated that FDOT had studied freight movement along a corridor between the west side of Miami and the south side of Lake Okeechobee and that there is a need for further study extending to the Orlando area. Mr. Lanahan reviewed the FDOT studies completed to date and gave a brief account of the 2012-2013 US 27 Multimodal Planning and Conceptual Engineering (PACE) Study. Mr. Lanahan reviewed the benefits for this project and the need to coordinate with key stakeholders, including the MPOAC.

A short discussion ensued on this subject. Mayor Richard Kaplan, Broward MPO, expressed concerns for his area and the need for collaboration with the Broward MPO. Mr. Lanahan replied that the Broward MPO Staff Director was an active participant in this discussion and that further discussions on the subject would include Broward MPO.

At that point of the meeting, new FDOT Transportation Secretary Michael Dew introduced himself to the MPOAC Governing Board and thanked all for the partnership and welcomed any questions or requests for assistance.

## • COMMUNICATIONS

Mr. Carl Mikyska, MPOAC Executive Director, mentioned the communication item in the agenda packet:

- Thank you letter from Maria Lefevre, Executive Director, U.S. Department of Transportation (DOT), Office of the Secretary of Transportation, to Carl Mikyska expressing her thanks for the letter on behalf of FDOT's application for Northeast Florida Freight Rail Program under the Nationally Significant Freight and Highway Projects (NSFHP) grant program, also known as FASTLANE.

## • MEMBER COMMENTS

Mayor Richard Kaplan, Broward MPO, announced he would be giving an update at next month's Florida League of Cities meeting on Pedestrian Safety Through Environmental Design

(PED STED), which was previously presented to the MPOAC in 2014. FDOT put together a study and built a pilot program, which looks to be extraordinarily successful and working.

Mayor Susan Haynie, Chair, Palm Beach MPO, announced the Florida League of Cities annual conference will be at the Orlando World Center, August 17-20, 2017, and invited all to attend. Mayor Haynie provided details on the evenings activities, which include a tour of the West Palm Beach Brightline station.

## • ADJOURNMENT

The meeting was adjourned at 3:10 p.m. The next meeting of the MPOAC Governing Board will be held on November 07, 2017 in Panama City Beach, Florida.

**Florida MPO Advisory Council  
Meeting of the Governing Board  
November 7, 2017  
Panama City Beach, Florida  
Draft Meeting Minutes**

**GOVERNING BOARD MEMBERS IN ATTENDANCE:**

Mayor Susan Haynie, Chair, Palm Beach TPA  
Commissioner Rodney Friend, Bay County TPO  
Councilmember Bryan Caletka, Broward MPO  
Commissioner Rob Williamson, Florida-Alabama TPO  
Commissioner Doreen Caudell, Forward Pinellas  
Charles Klug, Hillsborough MPO  
Councilmember Dick Ryneason, Okaloosa-Walton TPO  
Mayor Kathy Meehan, Space Coast TPO

**OTHERS IN ATTENDANCE:**

Commissioner Mike Nichols, Bay County TPO  
Carl Mikyska, MPOAC  
Paul Gogleman, MPOAC General Council  
Brigitte Messina, MPOAC  
Karen Brunelle, Federal Highway Administration  
Lee Ann Jacobs, Federal Highway Administration  
Jim Wood, Florida Department of Transportation, Office of Policy Planning  
Mark Reichert, Florida Department of Transportation, Office of Policy Planning  
Alex Gramovot, Florida Department of Transportation, Office of Policy Planning  
Rusty Ennemoser, Florida Department of Transportation, Office of Policy Planning  
Jessica VanDenBogaert, Florida Department of Transportation, Office of Policy Planning  
Jeff Kramer, Center for Urban Transportation Research, USF  
Austin Mount, Bay County TPO, Florida-Alabama TPO, Okaloosa-Walton TPO  
Dawn Schwartz, Bay County TPO, Florida-Alabama TPO, Okaloosa-Walton TPO  
Mary Beth Washnock, Bay County TPO, Florida-Alabama TPO, Okaloosa-Walton TPO  
Jill Lavender, Bay County TPO, Florida-Alabama TPO, Okaloosa-Walton TPO  
Macee Miller, Bay County TPO, Florida-Alabama TPO, Okaloosa-Walton TPO  
Greg Slay, Capital Region TPA  
Gary Harrell, Charlotte County-Punta Gorda MPO  
Whit Blanton, Forward Pinellas  
Michael Escalante, Gainesville MTPO  
Pat Steed, Heartland Regional TPO  
Gary Huttman, MetroPlan Orlando

Renee Cross, Palm Beach TPA  
Nick Uhren, Palm Beach TPA  
Matthew Cox, Okaloosa-Walton CAC  
Dennis Smith, Planer-in-Residence, FSU Urban Planning  
Ronnie Lee Shelly, Jr., Graduate Student, FSU Urban Planning  
Mike Neidhart, Gannett Fleming  
Wiley Page, Atkins  
John Kaliski, Cambridge Systematics

#### • CALL TO ORDER

Mayor Susan Haynie, Chair, Palm Beach TPA, called the meeting to order at 1:07 p.m. The Chair welcomed those in attendance. All stood for the Pledge of Allegiance and self-introductions were made. Mayor Haynie noted that a quorum was not present and that no action could be taken on agenda items requiring approval.

#### • APPROVAL OF MINUTES

The minutes were not approved due to lack of quorum and will be considered at the next meeting of the MPOAC Governing Board.

#### • PUBLIC COMMENTS

No public comments were made.

#### • EXECUTIVE DIRECTOR'S REPORT

##### A. UPWP REPORT

Mr. Carl Mikyska, MPOAC Executive Director, presented the UPWP Report for the July through September timeframe, including a list of activities undertaken by the MPOAC Executive Director. Mr. Mikyska noted that expenditures for the current fiscal year were on track.

A call for projects was announced for the development of the upcoming Unified Planning Work Program for the MPOAC. The call for projects will remain open until January 5, 2018.

## B. FLORIDA LEGISLATIVE UPDATE

Mr. Carl Mikyska, MPOAC Executive Director, gave an update on legislation that has been introduced for consideration during the 2018 Florida legislative session. Mr. Mikyska advised that costs related to Hurricane Irma recovery will play a large role in the budget priorities for the session. There was a small overage that was projected for the state budget of about 75 million dollars. The following bills were briefly discussed:

- Senate Bill 90 (Use of Wireless Communications Devices While Driving)
- House Bill 121 (Texting While Driving)
- Senate Bill 116 and 117 (Operation of Vehicles)
- Senate Bill 176 (Traffic Infraction Detectors)
- Senate Bill 188 (Public School Transportation)
- House Bill 215 (Auto-cycles)
- Senate Bill 535 (Statewide Alternative Transportation Authority)
- Senate Bill 346 (Motorcycles and Moped Riders)
- Senate Bill 384 (Electric Vehicles)

On a related subject, Mr. Mikyska advised the membership that the federal transportation policy positions that had adopted at the July MPOAC meeting was now completed as an attractive brochure in anticipation that the US Congress will consider an infrastructure package in the future. Having the brochure available will make it easier for MPOAC staff and members to engage in that national discussion. Mr. Mikyska thanked Jeff Kramer and his team at CUTR for their work in producing the final brochure.

## • AGENCY REPORTS

### A. FEDERAL HIGHWAY ADMINISTRATION

Ms. Lee Ann Jacobs, Planning Team Leader, Federal Highway Administration (FHWA), Florida Division, Office of Project Development, made announcements of interest to the members:

- The USDOT announced in August 2017 the selection of ten small projects for funding as part the Fostering Advancements in Shipping and Transportation for the Long-Term Achievement of National Efficiencies (FASTLANE) grant program. The awards will enhance safety at over 100 rail crossings, repair nearly 250 miles of track and improve over 70 rail bridges, allowing communities in Maine, Mississippi, Florida, Georgia, and Texas access to the national freight rail network. The funded project in Florida is in Taylor County for the Competitiveness and Employment by Rail (CEBYR) project which will receive almost 8.7 million dollars to rehabilitate Florida and Georgia railway upgrades.

- In early October, FHWA announced almost 12 million dollar in grant funding for advanced congestion management technologies in the Orlando area as part of the Advanced Transportation and Congestion Management Technologies Deployment (ATCMTD) program. This money will be used by FDOT, MetroPlan Orlando, and the University of Central Florida to advance numerous ITS technology projects as part of the PedSafe, GreenWay, SmartCommunity and SunStore programs.
- The FHWA launched the Proven Safety Countermeasures Initiative in 2008 to promote certain infrastructure-oriented safety treatments and strategies to reduce serious injuries and fatalities on American highways. Chosen based on proven effectiveness and benefits, the FHWA uses the initiative to encourage the widespread implementation of these treatments and strategies by State, tribal, and local transportation agencies. The third generation of proven safety counter measures was released in 2017 and includes a total of 20 treatments and strategies that practitioners can implement to successfully address roadway departure, intersection, and pedestrian and bicycle crashes. Among the 20 countermeasures are several crosscutting strategies that address multiple safety focus areas. More information can be found at on the FHWA website at <https://safety.fhwa.dot.gov/provencountermeasures/>
- The FHWA has released a revised guide on how to develop pedestrian and bicycle safety action plans to improve conditions for bicycling and walking. The guide describes how to develop a vision for improving safety by examining existing conditions and using a data-driven approach to match safety programs and improvements with demonstrated safety concerns. The document will also serve as a reference for improving pedestrian and bicycle safety through a multidisciplinary and collaborative approach to safety, including street designs and countermeasures, policies, and behavioral programs.
- At the beginning of every federal fiscal year (October 1<sup>st</sup>), FHWA is required to issue a Federal Planning Finding Report to accompany the approval of the Statewide Transportation Improvement Program (STIP). The Federal Planning Finding Report and STIP approval document for Florida was released on September 29, 2017.

Ms. Karen Brunelle, Director, Office of Project Development, Federal Highway Administration (FHWA), Florida Division, Office of Project Development, discussed the Planning Regulations Summary Handout chart legend and how to use the handout. Underlying processes need to be made by May 27, 2018 or the first TIP/LRTP Amendment after that date. She then referred to an additional four handouts that will assist MPOs as a tool to help them understand the necessary requirements for the National Performance Management Measures. Ms. Brunelle concluded by providing an overview of the Bridge, Pavement, and System Performance Measures and Asset Management Final Rules.

## B. FLORIDA DEPARTMENT OF TRANSPORTATION

Mr. Mark Reichert, Transportation Planning Manager, FDOT office of Policy Planning, updated the members on the activities of FDOT and brought forward information on the following topics:

- Research Projects: FDOT has funded several research projects that will benefit MPOs, including:
  - MPO Autonomous Vehicle Guidance Study
  - Autonomous Vehicle and Alternative Fuels Vehicle Florida Market Penetration Rate and VMT Assessment Study
  - MPO Policy and Planning Guidance for Transit Applications of Autonomous Vehicles
  - MPO and Transit Agency Planning Coordination Study
- MAP-21/FAST Act Performance Measures and Targets: FDOT is encouraging MPOs to adopt a vision zero target, as has FDOT. MPO safety targets must be set by February 27, 2018. Additionally, Mr. Reichert noted that FDOT was hiring a consultant to assist them with performance measure guidelines.
- Federal Rescission: A rescission related to the 2015-2016 federal fiscal year will be applied to the distribution of federal transportation planning funds program (PL) next fiscal year, as discussed at a previous MPOAC meeting. Funds from the dissolution of the statewide PL reserve will be distributed to MPOs at the same time and will offset the federal rescission. FDOT is facing a total rescission of \$27 million, of which the PL funding program will absorb \$381, 000. The FDOT Work Program Office has stated that if in 2019 any of the MPOs have financial difficulties due to the rescission, they will find a way to make the MPOs whole.
- Florida Metropolitan Planning Partnership (FMPP) Meeting: The next FMPP meeting will be held in Orlando Nov 30 – Dec. 1, 2017 and will focus on performance measurement and the upcoming development of MPO Unified Planning Work Programs (UPWPs). Mr. Reichert reiterated FDOT's continuing support for this meeting and interest in continuing to hold an FMPP meeting once a year.
- MPOAC Leadership Meeting: FDOT officials met with the leadership of the MPOAC in Tallahassee to discuss a variety of issues. Notes from the meeting will be distributed to the MPOAC membership.

Following up on Mr. Reichert's comments about the federal rescission, Mr. Mikyska spoke briefly regarding the Woodall Amendment which strikes the rescission exemption for sub-allocated funds as part of the 2018 budget. He noted that the FDOT had shielded Florida MPOs from the impact of federal rescissions in the past, but that the Woodall Amendment removed their ability to do so in this instance. He then thanked Mr. Reichert and the FDOT for their willingness to work with MPOs that do find themselves having financial difficulties during the next fiscal year as a result of the rescission. Mr. Mikyska advised the membership

that the National Association of Regional Councils (NARC) and the Association of MPOs (AMPO) opposed the Woodall Amendment because it provides, in their opinion, state DOTs with too much discretion over where to apply a rescission and that, in some states, federal planning funds (PL) will be severely affected.

Alex Gramovot, Florida Department of Transportation advised that the FDOT Office of the Inspector general is required to do a risk assessment and certification of the planning program. They are in the early stages of the audit and are currently trying to identify potential risk areas. FDOT will be selecting two MPOs to conduct interviews with as part of the process which, thus far, is moving forward without any major issues.

• BUSINESS ITEMS & PRESENTATIONS

A. MPO POLICY AND PLANNING GUIDANCE FOR TRANSIT APPLICATIONS OF AUTONOMOUS VEHICLES

Note: Upon request of the presenter Item 6F was advanced in the agenda to 6A.

Mr. Dennis Smith, Planner-In-Residence at Florida State University's Department of Urban & Regional Planning, presented details on the MPO Policy and Planning Guidance for Transit Applications of Autonomous Vehicles.

Within the next decade, electric and autonomous and connected vehicles (EV/AV/CV) will begin to emerge as commonplace mode of transportation. In 2016, the State of Florida passed a bill mandating that MPO's address AV technology in their Long Range Transportation Plans (LRTP). However, no uniform policy or conceptual urban design guidance currently exists to help MPOs anticipate, plan for, finance, or implement the programs and/or projects necessary to facilitate the gradual transition to these new technologies.

To help MPOs better understand the ramifications of these transformative technologies and develop pro-active approaches to integration, the Florida Department of Transportation, utilizing staff from the Florida Planning and Development Lab and its Fall 2017 graduate studio class (the FSU Research Team), proposes developing a guidance document to support a uniform and consistent application of EV-AV-CV policy statewide. In particular, the FSU Research Team will provide guidance concerning how MPOs, transit agencies, and local governments can begin to prepare for, pilot, and implement transit applications of EV-AV-CV technologies.

The effort will place a special focus on the following:

- Developing model policy language for LRTP updates

- Outlining costs and considerations for infrastructure and equipment investment
- Developing conceptual urban design guidance to showcase potential solutions for technology integration

## B. SIS COST FEASIBLE PLAN UPDATE & SCHEDULE

Note: At the discretion of the chair, items 6C, 6D and 6E were advanced in the agenda and moved to 6B, 6C, and 6D.

Mr. Jim Wood, Chief Planner, Florida Department of Transportation, presented to the MPOAC Governing Board changes being considered in the next SIS cost feasible plan update and the schedule for the update.

Mr. Wood described new emphasis areas would be added including:

- Statewide and Regional Economic Development Opportunities
- Freight Mobility and Trade Development
- Modal and System Connectivity
- Innovation and Technology
- Coordination with Regional and Local Transportation and Land Use Decisions

In order to implement the SIS policy plan there will be a continuation to focus on the state's largest and most strategic facilities by combining the SIS and Emerging SIS components and to recognize the importance of smaller and high growth facilities by adding a strategic Growth component.

Criteria to be considered for the new Strategic Growth component include:

- Projects likely to meet SIS minimum size criteria and thresholds within three years of designation
- Projects that are determined, with partners, to support an economic development opportunity of statewide significance
- Projects that are determined by FDOT to be of compelling state interest
- Partner consensus on viability of the new facility

Mr. Wood continued by presenting various details about the Long Range Cost Feasible Plan. The purpose of the Cost Feasible Plan (CFP) is to identify cost feasible projects for the Strategic Intermodal System (SIS) through 2045. The Cost Feasible Plan includes only highway projects and funds for other modes are set aside. Projects customarily originate from the 2045 Multi-Modal Unfunded Needs Plan.

## C. SUNTRAIL UPDATE

Mr. Jim Wood, Chief Planner, Florida Department of Transportation, presented information on the Shared-Use Non-Motorized (SUN) Trail Program and the eligible activities for funding during the project solicitation period (October 15, 2017 through December 15, 2017). FDOT is soliciting new requests for funding for the Regional Trail System and Individual Trail projects through the SUN Trail program for inclusion in the Tentative Five Year Work Program development cycle. Projects programmed for this cycle will be funded as early as Fiscal Years 2023/2024.

To receive consideration for SUN Trail funding, the District Trail Coordinator must receive a separate, complete request for funding for each eligible Regional or Individual Trail project with applicable information, including the prioritization and required signatures beginning October 5, 2017 and no later than 5:00 p.m., Eastern Standard Time, December 15, 2017. Request for funding tools can be found online at [www.FloridaSunTrail.com](http://www.FloridaSunTrail.com) and select "Program Guidance."

#### D. PERFORMANCE MEASURE PLANNING/MOBILITY MEASURES

Ms. Jessica VanDenBogaert, Emerging Transportation Coordinator, presented the Florida DOT's efforts related to federally required transportation performance measures and the additional FDOT generated MPO specific performance measures.

FDOT and the MPOs can use their own measures in performance-based planning:

- Travel time reliability
- Congestion
- Multimodal
- Other

Ms. VanDenBogaert indicated that FDOT will supply metrics to FHWA through the Highway Performance Monitoring System (HPMS) on June 15, 2018, but that not all data related to target setting were currently available, making any current efforts to establish target premature. She noted that targets for MPOs are not due until mid-November 2018 and that FDOT coordination with MPOs on this subject will be continuous.

Ms. VanDenBogaert concluded her remarks by discussing additional optional performance measures for MPOs and by referring to a sample handout that FDOT produced for the Broward MPO. She reviewed the variety of information included in the handout and that the FDOT could provide other MPOs with the same information for use at their own discretion.

#### E. 2018 MPOAC MEETING SCHEDULE

Note: this item was moved back in the agenda from 6A to 6E to accommodate a presenter request.

The MPOAC Staff Directors met on October 12, 2017 where they developed a recommended set of meeting dates for the coming calendar year. The recommended meeting dates for 2018 and considerations used to select these dates were included in the agenda package. However the proposed MPOAC meeting calendar could not be acted upon for lack of a quorum.

Mr. Mikyska led a discussion regarding meeting dates and times. He stated that the MPOAC Staff Directors recommended that the moving to a first Thursday and first Friday meeting schedule to occur during the second month of each quarter of the calendar year. Several members expressed concern about spreading the meetings across two days and instead advocated to hold all meetings on a single day, perhaps modifying the traditional meeting approach by combining the presentation section of the Staff Directors' Advisory Committee and the Governing Board. The members also discussed meeting location options, agreeing to meeting in Orlando three times a year with one meeting to be held at another location in the state (to be selected later).

The members present directed to bring a proposal that reflected their discussion to the next meeting of the MPOAC Governing Board.

#### F. ESTABLISHMENT OF THE MPOAC TRAINING WORKING GROUP

Note: this item was moved back in the agenda from 6B to 6F to accommodate a presenter request.

The MPOAC developed a Strategic Directions Plan which was adopted by the MPOAC Governing Board on April 28, 2016. The MPOAC Strategic Directions Plan recommended the creation of several working groups to focus the efforts of the MPOAC on particular topic areas. One of these topic areas was a working group that would focus on training efforts by MPOs and training efforts that could be undertaken by MPOAC for the benefit of the MPOs and transportation community. At their meeting in October 2017, the Staff Director's Advisory Committee recommended approval of the formation of the MPOAC Training Working Group.

The approval of the creation of the MPOAC Training Working Group was not acted upon for lack of a quorum and would be considered at the next meeting of the MPOAC Governing Board.

- **COMMUNICATIONS**

Mayor Haynie, Chair, Palm Beach TPA, noted that a letter to USDOT Secretary Elaine Chao providing MPOAC comments to the Federal Register Docket can be found in the agenda packet.

- **MEMBER COMMENTS**

Councilmember Bryan Caletka, Broward MPO, advised the membership that the free Sunpass for Disabled Veterans will not work with the E-ZPass technology and requested that this issue be looked into further.

Mayor Susan Haynie, Chair, Palm Beach TPA, advised the membership that the Safe Streets Summit will be held in West Palm Beach on February 2, 2018. The Mobile Workshop will be held on February 1, 2018.

Mary Beth Washnock, Bay County TPO, presented additional information regarding the Emerald Coast Transportation Symposium.

- **ADJOURNMENT**

The meeting was adjourned at 2:57 p.m.

## **Item Number 4b**

### **Action Items**

#### **Approval of Performance Measures Responsibilities and Roles**

##### **DISCUSSION:**

The recent Federal transportation performance management rulemaking requires that States and MPOs define their respective roles and responsibilities in carrying out the requirements of transportation performance measures. 23 CFR 490 also requires that MPOs report their progress towards meeting their targets to the State DOT annually. These requirements were presented on December 01, 2017 at the Florida Metropolitan Planning Partnership (FMPP) meeting in Orlando, FL. In attendance were Staff Directors and staff from Florida MPOs, Florida DOT planning liaisons and Florida DOT central office staff as well as MPOAC and FHWA. Direction was provided at the FMPP to keep the content of this document simple and avoid complications. FHWA Florida Division office also directed that the document does not need to be complicated.

The majority of the work required by transportation performance measures data collection is handled by Florida DOT. This document states that Florida DOT will share the collected data with the MPOs. This document will be basis for meeting the federal requirement that MPOs and State DOTs agree to a set of roles and responsibilities in carrying out the requirements of the transportation performance measures.

##### **REQUESTED ACTION:**

Approval of transportation roles and responsibilities document.

##### **ATTACHMENTS:**

A Draft Guiding Principles of Florida DOT and MPOs roles in transportation performance measurements will be distributed at the meeting.

## **Item Number 4c**

### **Action Items 2018 MPOAC Meeting Schedule**

#### **DISCUSSION:**

The MPOAC Staff Directors met on October 12, 2017 where they developed a recommended set of meeting dates for the coming calendar year. At the November 07, 2017 MPOAC Governing Board meeting the schedule was reviewed but not voted upon. Based upon input of the Governing Board members present, recommended meeting dates for 2018 MPOAC meetings are included in the attachment.

Since the November 07, 2017 MPOAC Governing Board meeting, staff has been approached about moving the May 03, 2018 meeting back one month to the first Thursday in June. The June 07, 2018 date would align with the annual National Association of Regional Councils (NARC) conference in Orlando, FL. MPOAC and all Florida MPOs are members of the NARC.

#### **REQUESTED ACTIONS:**

Approval of meeting dates for calendar year 2018.

#### **ATTACHMENTS:**

2018 Recommended meeting dates

## **Potential MPOAC Meeting Dates for 2018**

**Background:** Traditionally the MPOAC met on the 4<sup>th</sup> Thursday of January, April, July and October. In 2016 the MPOAC meetings were shifted to the 1<sup>st</sup> Thursday of the month for both the MPOAC Staff Directors and Governing Board meetings. After the change to meeting date methodology, dates were set for the 2017 meetings and three of the four dates were altered to align with transportation related events in the State of Florida. The MPOAC decided at the January 2017 meeting of the Joint MPOAC Governing Board and Staff Director's Meeting to space apart the meetings of the Staff Directors and the MPOAC Governing Board by approximately one month.

MPO Staff noted that the additional travel required by holding the Staff Director's Advisory Committee one month prior to the Governing Board Meeting was difficult both financially and in terms of time expended. At the October 12, 2017 Staff Directors Meeting, a set of meeting dates were approved and recommended to the Governing Board. The meeting dates for 2018 were presented at the November 07, 2017 Governing Board meeting and the members present requested that we hold both the Staff Directors' Meeting and the Governing Board Meeting on the same day. It was also recommended that MPOAC staff suggest a meeting format that would minimize the duplication of presentations that has been a hallmark of MPOAC meetings. It was also suggested to hold meetings to the maximum extent possible at a centralized location.

**Setting Dates for 2018:** Priority was given to avoiding individual MPO Board Meeting dates and the day prior to each MPO's Board Meeting. Avoiding various holidays was also prioritized in selecting meeting dates for the MPOAC quarterly meetings. It is virtually impossible to avoid all meetings (Board and other committee meetings) of all MPOs. Therefore, MPOAC focused on avoiding Governing Board meetings of MPOs.

**Recommended Option:** Utilizing the first Thursday the month avoids the day before and the day of member MPO Governing Board Meetings utilizing the second month of each quarter avoids conflicts with various holidays. **Potential Conflicts: None identified.**

Proposed MPOAC Meeting Dates in 2018

February 1<sup>st</sup>  
May 3<sup>rd</sup>  
August 2<sup>nd</sup>  
November 1<sup>st</sup>

**Additional Recommendation:** This year the National Association of Regional Councils (NARC) will hold their annual conference in Orlando, FL from June 3<sup>rd</sup> to June 6<sup>th</sup>. Many of our members are active in NARC and all MPOs in Florida are members of NARC. The day after the NARC Conference ends is the first Thursday of the month. MPOAC has been directed to try to hold meetings on the first Thursday of the month. If the Board desires we can shift the second quarterly meeting back one month and align with the NARC Conference in Orlando.

### **Other Notable Dates:**

- AMPO's annual conference is typically held the third week of October, those dates would be October 14 through 20 which does not interfere with any dates on this schedule.
- NARC's annual conference is scheduled for June 3<sup>rd</sup> through 6<sup>th</sup> which does not interfere with any dates on this schedule.

- Tentative MPOAC Weekend Institute for Elected Officials Training will be held April 13-15 in Orlando and June 1-3 in Tampa.

## Federal Holidays in USA in 2018

### List of Federal Public Holidays of USA in 2018

Day	Date	Year	Holiday	Comments
Monday	January 01	2018	New Year's Day	
Monday	January 15	2018	Martin Luther King Day	3rd Monday in January
Monday	February 19	2018	Presidents' Day	3rd Monday in February. Not all states
Monday	April 16	2018	Emancipation Day	Washington DC Only. Weekday closest to April 16th
Sunday	May 13	2018	Mother's Day	2nd Sunday in May. Not a public holiday
Monday	May 28	2018	Memorial Day	Last Monday in May
Sunday	June 17	2018	Father's Day	3rd Sunday in June. Not a public holiday
Wednesday	July 04	2018	Independence Day	
Monday	September 03	2018	Labor Day	1st Monday in September
Monday	October 08	2018	Columbus Day	2nd Monday in October
Monday	November 12	2018	Veterans Day	
Thursday	November 22	2018	Thanksgiving	4th Thursday in November
Friday	November 23	2018	Day after Thanksgiving	Day after 4th Thursday in November
Tuesday	December 25	2018	Christmas Day	

**Jewish holidays begin sundown the night before the date specified.**

	<b>2016 - 2017 (5777)</b>	<b>2017 - 2018 (5778)</b>	<b>2018 - 2019 (5779)</b>
<b>Rosh HaShanah</b>	<i>October 3-4, 2016</i>	September 21-22, 2017	September 10-11, 2018
<b>Yom Kippur</b>	<i>October 12, 2016</i>	September 30, 2017	September 19, 2018
<b>Sukkot</b>	<i>October 17-23, 2016</i>	October 5-11, 2017	September 24 -30, 2018
<b>Shemini Atzeret</b>	<i>October 24, 2016</i>	October 12, 2017	October 1, 2018
<b>Simkhat Torah</b>	<i>October 25, 2016</i>	October 13, 2017	October 2, 2018
<b>Chanukah</b>	<i>Dec. 25, 2016 - Jan 1, 2017</i>	December 13-20, 2017	December 3-10, 2018
<b>Tu B'Shevat</b>	<i>February 11, 2017</i>	January 31, 2018	January 21, 2019
<b>Purim</b>	<i>March 12, 2017</i>	March 1, 2018	March 21, 2019
<b>Passover (Passover)</b>	<i>April 11-18, 2017</i>	March 31- April 7, 2018	April 20-27, 2019
<b>Yom Ha-Atzmaut</b>	<i>May 2, 2017</i>	April 19, 2018	May 9, 2019
<b>Lag B'Omer</b>	<i>May 14, 2017</i>	May 3, 2018	May 23, 2019
<b>Shavu'ot</b>	<b>May 31-June 1, 2017</b>	May 20-21, 2018	June 9-10, 2019
<b>Tisha B'Av</b>	August 1, 2017	July 22, 2018	August 11, 2019

Sources: [My Jewish Learning](#)

## **Item Number 4d**

### **Action Items**

#### **Freight Committee Project Prioritization Process**

##### **DISCUSSION:**

The MPOAC Freight Committee has worked on a methodology to bring potential freight projects from MPOs to the Florida Department of Transportation for funding consideration over a series of several meetings. The effort began at the October 29, 2015 meeting of the Freight Committee and has been refined with each of their subsequent meetings. The presentation today will discuss the history of this effort and what considerations were taken into account to reach the recommendation being brought before you.

##### **REQUESTED ACTION:**

Approval of the Freight Committee Project Prioritization Process as presented.

##### **ATTACHMENTS:**

Factsheet – MPOAC Freight Prioritization Program

Presentation – Establishing Freight Project Priorities as Input to FDOT's Work Program



# Freight Prioritization Program

## Fact Sheet

### Program Overview

The Metropolitan Planning Organization Advisory Council (MPOAC), in partnership with the Florida Department of Transportation (FDOT), has developed the **Freight Prioritization Program (FPP)** to **identify and promote** high priority **freight projects** within the planning boundaries of Florida’s Metropolitan/Transportation Planning Organizations **for consideration in FDOT’s 5-Year Work Program** and other potential funding sources. **The FPP’s objective** is to **foster collaboration** among the MPOAC’s members and **to develop a comprehensive list** of projects **that represents the unified input of the MPOAC**. The MPOAC will update and endorse the FPP’s final list on an annual basis.

### Requirements for Project Inclusion

MPOAC member organizations can submit **up to three (3) freight projects annually** to be included. Projects must:

- Be located within the planning boundary of the proposing MPO/TPO;
- Demonstrate an improvement to the movement of goods statewide;
- Be identified as a freight priority for its residing region;
- Have progressed through a Project Development and Environment (PD&E) study; and
- Demonstrated that it is incorporated in adopted plans.

To help ensure these requirements are met, **a checklist must be completed** with each project submission. The checklist helps evaluate how well a project addresses the goals of FDOT’s Florida Transportation Plan.

### How it Works

Development of the FPP consists of **three (3) key steps**: Project Submittal and Verification; List Development and Endorsement; and Transmittal to FDOT for Consideration.

#### 1. Project Submittal and Verification - March

Each year, the MPOAC will ask its members to submit up to three (3) projects by mid-March. Project information will be verified by the MPOAC Freight Committee for completeness. Requests for additional information may be made if project information is incomplete.

#### 2. List Development and Endorsement - April

The freight priority list will be developed based on all submitted and verified projects. A letter recommending formal endorsement of the list will be prepared by the MPOAC Freight Committee Chair in April. The list will be presented to the MPOAC Governing Board for final endorsement in July.

#### 3. Transmittal to FDOT for Consideration - July

After the MPOAC Governing Board endorses the freight priority list in July, it will be transmitted with a formal letter of endorsement to FDOT Central Office and to each District Freight Coordinator for consideration as part of the annual Work Program update.

#### Submittal and Verification



MPO Priority Freight Projects



#### List Development and Endorsement



Freight Committee and Governing Board



Finalized List of Priority Freight Projects

#### Transmittal to FDOT for Consideration



5-Year Work Program and Other Funding Sources

March

April

July

**Potential Funding Sources**

The intent of the FPP is to advance projects on state facilities. Available funding consists of all roadway funding sources available to FDOT. Their current **5-Year Work Program** for all modes and all project types exceeds \$50 billion. As such, funding sources for eligible projects will include all available **state and federal sources** accessible to or controlled by FDOT (e.g., **Strategic Intermodal System funds; Discretionary Intermodal funds, National Highway Freight Program funds**).

**Frequently Asked Questions**

*Why is this program important?*

As the association representing all MPOs and TPOs in Florida, the MPOAC has the opportunity to promote the freight priorities of its members. This is critical following the creation of the National Highway Freight Program by the FAST Act, the continued advancement and implementation of FDOT’s Freight Program, and the ongoing challenges facing each MPOAC member related to urban goods movement. **The FPP ensures that the MPOAC’s members can communicate their priorities to FDOT on an annual basis.**

*Can this program be used to promote our project in pursuit of other funding opportunities?*

In addition to FDOT’s 5-Year Work Program, the state and its partners pursue available grant programs (e.g., INFRA Grants, TIGER Grants). While these competitive grant programs are not part of the funding the FPP is designed to influence, **inclusion of a project on this statewide list of priority freight projects could be leveraged as part of a grant application process.**

*How likely is it that projects receive funding?*

While funding allocations are not guaranteed, the FPP provides MPOAC members an opportunity to engage and promote freight-specific priorities to FDOT’s Freight, Logistics and Passenger Operations Office, which can increase the likelihood of funding.

*How do I know if my project is qualified for the FPP?*

The provided checklist will contain all the requirements for inclusion on the FPP’s list. Key questions relate to project location and readiness. Other questions on the checklist help MPOAC members describe why their project is a freight priority.

**How To Get Started**

To nominate a project, please visit:

<http://www.mpoac.org/FPPapplication>

There you will find additional information about the FPP and the necessary submission materials.

*Why do projects require a completed PD&E process?*

The FPP is intended to influence funding allocations within FDOT’s 5-Year Work Program. This could be the new 5th year, or any changes to earlier years. **Requiring a completed PD&E process ensures the project has progressed through the planning process and is ready for design and construction (i.e. funding).**

*How will projects on the FPP’s final list be ordered?*

**Alphabetical by MPO/TPO.** There will not be any ranking. All FPP projects represent high priorities for the given year.

*What happens if a project(s) does not receive funding?*

The FPP is designed to be updated annually. If an organization does not receive funding for a project, they have the option to either submit the same project the next year or to submit a different one as new information arises.

*How does the MPOAC’s FPP link to other initiatives, such as the Florida Freight Advisory Committee (FLFAC)?*

The FLFAC currently has two (2) MPO representatives. **The FPP’s final list will be provided to the FLFAC through those representatives.** To date, the FLFAC has been focused on formula funds from the Fast Act, but the long term focus will expand to other available modal funding sources (e.g. the Strategic Intermodal System (SIS), Discretionary Intermodal Funds, etc.) making their review of the freight priority list critical.

**Need More Information?**

For more information about the MPOAC and the FPP, please contact Carl Mikyska, [carl.mikyska@mpoac.org](mailto:carl.mikyska@mpoac.org), or visit [www.mpoac.org](http://www.mpoac.org).

# Establishing Freight Project Priorities as Input to FDOT's Work Program

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Presented to  
MPOAC Staff Directors' Committee  
and  
MPOAC Governing Board

Presented by  
Michael Williamson, Cambridge Systematics, Inc.  
Todd Brauer, White House Group, Inc.

Winter 2018



# Agenda

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- Review purpose and need
- Describe methodology
- Demonstrate methodology
- Request approval to present to Governing Board



# Review Purpose and Need

## *What is the Purpose?*

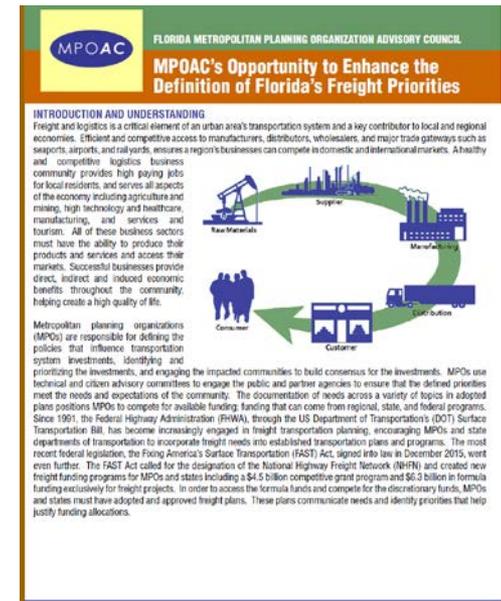
- *To ensure MPOs have an opportunity to identify high priority freight projects on an annual basis, and that the MPOAC, as the association representing all MPOs in Florida, has the opportunity to promote and endorse these priorities on behalf of its members, for consideration by the FDOT*



# Review Purpose and Need

## *How Did We Get Here?*

- FMTF Policy and Investment Elements completed in 2013 and 2014
- MPOAC Freight Advisory Committee formed in 2013
  - How Should MPOs Engage in Setting Freight Priorities, October 29, 2015
  - Continuing the Discussion, July 18, 2016
  - MPOAC's Opportunity to Enhance the Definition of Florida's Freight Priorities, October 2016
  - MPOAC Freight Committee Workshop, April 6, 2017
  - MPOAC Freight Committee Discussion and Approval, July 19, 2017
- FAST Act signed December 2015
- Florida Freight Advisory Committee Inaugural Meeting, April 21, 2017



# Review Purpose and Need

## *Why is the Setting of Priorities Important?*

- Florida's MPOs must have every advantage possible to compete for available funding
- State freight priorities address the most strategic freight needs
- MPOs drive project development and priorities within established planning boundaries
- Each MPO should include freight considerations in project prioritization methodologies
- Unified input by MPOs and the MPOAC to FDOT on freight priorities will help ensure local and regional freight needs are addressed in funding decisions



# Describe Methodology

## *Overview of Process*

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- Each MPO can submit up to 3 freight roadway projects annually for inclusion in the freight priority list; projects must fall on state facilities
- Projects must have completed the PD&E process and be ready for design and/or construction funding
- A screening check list must be completed for each project; this information will illustrate the project is a freight priority
- List of freight priorities will undergo MPOAC approval process annually (Freight Committee, Staff Directors' Committee, Governing Board)
- Approved list will be transmitted to FDOT FLP Office with cc to each District Freight Coordinator; MPOAC leadership will work with FDOT leadership to ensure this list of freight priorities is considered
- Intent is to influence funding decisions relating to the new 5<sup>th</sup> year of FDOT's work program as well as any changes to years 1 thru 4



# Describe Methodology

## *Project Check List*

MPOAC Freight Priorities				
MPO Name:		Year:		
Project Number:				
Facility Name:				
	From:	To:		
Extent of Project:				
Project Description: Describe freight usage of the facility (volumes, connections, etc.):				
Screening Questions	Yes	No	Comments/Description	URL/Link (if applicable)
Has the project completed the PD&E process (ready to move directly to design/construction)?				
Does the project have regional support? If so, please provide documentation.				
Is the project identified as a freight priority by the MPO and its partners (i.e. seaport, airport, railroad)? If yes, how was this priority determined?				
Is the project included in an adopted plan (freight plan, LRTP, TIP, CIP, master plan)? If yes, which one(s)?				
Is the project on a priority freight network (e.g., NHFN, CUFC, CRFC, SIS, regional freight network)? Please describe.				
Does the project support one or more FTP goals? If so, which ones?				
Does the project improve economic competitiveness? If yes, please describe.				
Does the project add capacity or improve operations? If yes, please describe.				
Is the project a critical next step in a series of linked projects? If yes, please describe.				
Please provide the year(s) of your funding request.				

# Instructions and Support to be Provided

## MPOAC Freight Priority Screening Instructions

Each MPO can submit up to 3 freight projects annually (located within the MPOAC region) for inclusion in the statewide MPO freight priority list. For 2018, the focus will be on state facilities.

A screening check list must be completed for each project. This information is used to determine freight priority and is ready for advancement. Projects must have progress and must have regional support. Screening questions focus on project readiness, benefits, and funding need. As an annual process, the intent is to influence the new 5th year of FDOT's work program as well as any changes to years 1 through 4.

The MPOAC Freight Committee will review and approve the aggregated list of freight priorities to be presented to MPOAC Executive Committee for endorsement/approval. The list will be transmitted to FDOT FLP Office with cc to each District Freight Coordinator with FDOT leadership to ensure this list of freight priorities is considered as part of the allocation process.

## Florida Transportation Plan – Goals

1. Safety and security for residents, visitors, and businesses
2. Agile, resilient, and quality infrastructure
3. Efficient and reliable mobility for people and freight
4. More transportation choices for people and freight
5. Transportation solutions that support Florida's global economic competitiveness
6. Transportation solutions that support quality places to live, learn, work, and play
7. Transportation solutions that support Florida's environment and climate

## Instructions for Screening Form

MPO Name:	Enter MPO Name
Project Number:	An MPO can submit up to three projects; the project number value should be 1, 2, or 3.
Year	Enter current year (year of submittal)
Facility Name:	Enter roadway/facility name (e.g., state route)
Extent of Project:	Enter a description in to/from fields that establishes project limits (e.g., milepost)
Project Description:	Provide short description of project (e.g., add two lanes)
Describe freight usage of the facility (volumes, connections, etc.):	Provide short description of freight usage (e.g., AADTT, Truck Percent, connector status)
Has the project completed the PD&E process (ready to move directly to design/construction)?	[yes/no] If no, this project is not eligible for the project priority list.
Does the project have regional support? If so, please provide documentation.	[yes/no] If yes, provide description documenting support. The existence of significant opposition should be considered before submitting a project as a priority.
Is the project identified as a freight priority by the MPO and its partners (i.e. seaport, airport, railroad)? If yes, how was this priority determined?	[yes/no] If yes, provide short description of how the priority was determined and by which entity.
Is the project included in an adopted plan (freight plan, LRTP, TIP, CIP, master plan)? If yes, which one(s)?	[yes/no] If yes, identify the plan(s) documenting the project.
Is the project on a priority freight network (e.g., NHFN, CUFC, CRFC, SIS, regional freight network)? Please describe.	[yes/no] If yes, identify the network(s) that contains the project facility.
Does the project support one or more FTP goals? If so, which ones?	[yes/no] If yes, identify the goals addressed by the project.
Does the project improve economic competitiveness? If yes, please describe.	[yes/no] If yes, describe the impacts of the improvement.
Does the project add capacity or improve operations? If yes, please describe.	[yes/no] If yes, describe the impacts of the improvement.
Is the project a critical next step in a series of linked projects? If yes, please describe.	[yes/no] If yes, describe the larger project or group of projects this improvement will support.
Please provide the year(s) of your funding request.	Provide the year for which funding is being requested.

# Illustrative List Based on Project Submittals

MPO Name:	Facility Name:	Extent of Project (From)	Extent of Project (To)	Project Description:	Funding Year Request
Bay County TPO	US 231	US 98	US 20	6-laning of US 231	FY 22/23
Bay County TPO	Gulf to Bay Highway	US 98	Bay/Gulf County Line	New four lane road	FY 22/23
Broward MPO	SR 9/ I-95	Interchange @ Broward Blvd/SR 84		Interchange improvement	FY 2023
Broward MPO	Sawgrass Expressway/ SR 869	SR 7	Powerline Rd	Widens the Sawgrass Expressway from six to ten travel lanes.	FY 2022
Florida - Alabama TPO	SR 95 (US 29) Interchange	I-10 and US 29 interchange		I-10 /US 29 interchange Major Improvement Phase 2	FY 22/23
Florida - Alabama TPO	SR 8 (I-10)	SR 10 (90A) Nine Mile Rd	W of SR 95 (US 29)	Widen I-10 to 6 lanes	FY 22/23
MetroPlan Orlando	US 17/92	Polk / Osceola County Line	West of Poinciana Blvd	Wide from 2 to 4 lanes and intersection improvements	FY 2021/2022 for PE & FY 2023/2024 for CST
MetroPlan Orlando	SR 535	Interstate 4	US 192	Widen from 4 to 6 lanes with operational improvements	FY 2021/2022 for PE & FY 2023/2024 for CST
MetroPlan Orlando	SR 15 / 600 US 17/92	Norfolk Ave	Monroe Street	Median and safety improvements & extend road	FY 2019/2020 for CST
Miami-Dade TPO	SR 826/PALMETTO EXPWY	NW 154 STREET	NW 17 AVENUE	Add Special Use Lane (7.143 miles)	2021
Miami-Dade TPO	GOLDEN GLADES INTERCHANGE			Intermodal Hub Capacity	2023
Miami-Dade TPO	GOLDEN GLADES INTERCHANGE	MP 0X		Interchange Improvements (FDOT Turnpike Enterprise)	2021
Okaloosa-Walton TPO	US 98	Mack Bayou Blvd	30 A West	Widen US 98 to six lanes	FY 22/23
Okaloosa-Walton TPO	US 331	US 90	Alabama State Line	Widen US 331 to 4 lanes	FY 22/23
Palm Beach MPO	SR 80 Bypass	US 27/SR 80	US 441/SR 715	Construct a new two lane facility to support an inland logistics center in the Glades Region of Palm Beach County	2025

# Describe Methodology

## *Planned Schedule*

- MPOs will submit projects by mid March
- Projects will be reviewed by MPOAC Freight Committee; any requests for clarifications or additional information will be distributed
- Projects will be approved for inclusion on the list at MPOAC Freight Committee Meeting in April
- List of projects will be presented to both the Staff Directors' Committee and the Governing Board for approval in June
- Approved list transmitted to FDOT in July for consideration in development of work program



# Next Steps

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- MPOAC Staff Directors' Committee Approval
  - Do you approve this program?
- Governing Board Approval
  - Do you approve this program?
- Discuss next steps for 2018 roll out with MPOAC Freight Committee



## **Item Number 4e**

### **Action Items**

#### **Approval of Legal Services Contract for MPOAC General Counsel**

##### **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, 2018.

Paul has presented a contract which is similar to his previous contract. The changes are:

The dates of service and end of contract are revised for the new Fiscal Year;  
Some of the additional attorneys available to MPOAC have cPaul's hourly rate will increase by \$7 per hour which is to keep up with inflation.

##### **REQUESTED ACTION:**

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

##### **ATTACHMENTS:**

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 \_\_\_\_\_, 2018, 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, 2018 and shall continue until June 30, 2019.

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, including Exhibit 1.

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 (2016), 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: \_\_\_\_\_  
Susan Haynie, 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 in Exhibit 1. Fees shall not exceed \$220.00 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 Exhibit 1. 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 Exhibit 1, and any billing rate that is for some reason different from the one furnished in Exhibit 1, 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.

#### EXHIBIT 1 - 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 4f**

### **Action Items Election of Officers**

#### **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 2018. 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 2018.
2. Nomination and approval of a candidate to serve as MPOAC Governing Board **Vice-Chair** for calendar year 2018.
3. Nomination and approval of a candidate to serve on the **MPOAC Executive Committee** for calendar year 2018.

#### **ATTACHMENTS:**

None

## **Item Number 5**

### **Member Comments**

#### **DISCUSSION:**

Comments or recommendations by MPOAC members.

#### **REQUESTED ACTION:**

As may be desired.

#### **ATTACHMENTS:**

None

## **Item Number 6**

### **Adjournment**

The next meeting of the MPOAC Governing Board Committee will be determined by the schedule set under Action Items, Item 4a.