



# The Florida Metropolitan Planning Organization Advisory Council

*Mayor Susan Haynie*  
*Chair*

## **MPOAC Staff Directors' Committee Meeting**

**Date:** Thursday, February 01, 2018

**Time:** 1:00 p.m. – 2:30 p.m.

**Location:** Hilton West Palm Beach, Oceana Room,  
600 Okeechobee Blvd, West Palm Beach, Florida 33401

**Peter Buchwald, Presiding**

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- 1. Call to Order & Pledge of Allegiance**
- 2. Public Comments (non-agenda items)**
- 3. Informational Items**
  - a. Review of Performance Measures Language in Transportation Improvement Programs**
- 4. Action Items for the MPOAC Staff Directors**
  - a. Approval of Minutes: October 12, 2017 Meeting**
  - b. 2018 MPOAC Meeting Schedule**
  - c. Approval of Legal Services Contract for MPOAC General Counsel**
  - d. Freight Committee Project Prioritization Process**
  - e. Approval of Performance Measures Responsibilities Agreement**
  - f. Election of Officers**
- 5. Member Comments**
- 6. Adjournment**

**Please note: Informational Items will be presented at the MPOAC Governing Board meeting. MPOAC Staff Directors are invited to participate in the review and discussion of the informational items.**

**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**  
**Informational Items**  
**a. Review of Performance Measures Language in Transportation**  
**Improvement Programs**

**DISCUSSION:**

MPOs have, or will soon be, setting transportation performance measurement targets for the five safety measures. A requirement of the transportation performance measurement effort is to include in the MPO Transportation Improvement Programs (TIPs) is an explanation of how the TIPs support the safety performance targets set by the MPO. Included in the agenda package is sample language that MPOs may use in their TIPs if desired. MPOs are not required to use the exact language in the attachment.

**REQUESTED ACTION:**

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

**ATTACHMENTS:**

Sample Safety Performance Measures language for MPO TIPs

## Template for Addressing Safety Performance Measures in MPO Transportation Improvement Plans (TIPs)

Performance Management is a strategic approach to connect investment and policy decisions to help achieve performance goals. Performance measures are quantitative criteria used to evaluate progress. Performance measure targets are the benchmarks against which collected data is gauged. The Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21) requires State DOTs and MPOs to conduct performance-based planning by tracking performance measures and setting data-driven targets to improve those measures. Performance-based planning ensures the most efficient investment of federal transportation funds by increasing accountability, transparency, and providing for better investment decisions that focus on key outcomes related to seven national goals:

- Improving Safety;
- Maintaining Infrastructure Condition;
- Reducing Traffic Congestion;
- Improving the Efficiency of the System and Freight Movement;
- Protecting the Environment; and,
- Reducing Delays in Project Delivery.

The Fixing America's Surface Transportation (FAST) Act supplements the MAP-21 legislation by establishing timelines for State DOTs and MPOs to comply with the requirements of MAP-21. State DOTs are required to establish statewide targets and MPOs have the option to support the statewide targets or adopt their own.

Safety is the first national goal identified in the FAST Act. In March of 2016, the Highway Safety Improvement Program and Safety Performance Management Measures Rule (Safety PM Rule) was finalized and published in the *Federal Register*. The rule requires MPOs to set targets for the following safety-related performance measures and report progress to the State DOT:

- Fatalities;
- Serious Injuries;
- Nonmotorized Fatalities and Serious Injuries;
- Rate of Fatalities per 100M Vehicle Miles Traveled (VMT); and
- Rate of Serious Injuries per 100M VMT.

The MPO is supporting the adoption of the Florida Department of Transportation (FDOT) statewide safety performance measure targets and FDOT's Vision Zero safety targets. The MPO will support achievement of the FDOT Vision Zero safety targets by assessing the performance of the transportation system and linking investment priorities to the achievement of targets in the Long-Range Transportation Plan and Transportation Improvement Program. The performance management process will become an on-going part of the transportation planning process. The MPO will continue to coordinate with FDOT and transit providers to take action on the additional targets and other requirements of the federal performance management process.

*Alternative Language for the final paragraph:* The MPO is supportive of Florida Department of Transportation (FDOT) statewide safety performance measure targets and FDOT's Vision Zero safety targets. However, the MPO is setting its safety targets based upon data collected within the MPO planning areas for previous years related to safety performance measures. The MPO is supporting their target by assessing the performance of the transportation system and linking investment priorities to the achievement of targets in the Long-Range Transportation Plan and Transportation Improvement Program. The performance management process will become an on-going part of the transportation planning process. The MPO will continue to coordinate with FDOT and transit providers to take action on the additional targets and other requirements of the federal performance management process.

## **Item Number 4a**

### **Action Items**

#### **Approval of Minutes: October 12, 2017 Meeting**

##### **DISCUSSION:**

Review and comments from members.

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

Approval of Meeting Minutes from the October 12, 2017 MPOAC Staff Directors' Committee Meeting.

##### **ATTACHMENTS:**

October 12, 2017 MPOAC Staff Directors' Committee Meeting Minutes

**Florida Metropolitan Planning Organization Advisory Council  
Meeting of the MPOAC Staff Directors' Advisory Committee  
October 12, 2017  
Mission Inn, Howey-In-The-Hills FL  
Draft Meeting Minutes**

**Staff Directors in Attendance:**

Peter Buchwald, Chair, St. Lucie TPO  
Dawn Schwartz, Okaloosa-Walton TPO  
Mary Beth Washnock, Bay County TPO  
Austin Mount, Florida-Alabama TPO  
Greg Slay, Capital Region TPA  
Gary Harrell, Charlotte County-Punta Gorda MPO  
Eric Ortman, Collier MPO  
Al Bartolotta, Forward Pinellas  
Michael Escalante, Gainesville MTPO  
Pat Steed, Heartland Regional TPO  
Steve Diez, Hernando/Citrus MPO  
Beth Alden, Hillsborough MPO  
T.J. Fish, Lake-Sumter MPO  
Ron Gogoi, Lee County MPO  
Beth Beltran, Martin MPO  
Harold Barley, MetroPlan Orlando  
Carlos Roa, Miami-Dade TPO  
Michael Daniels, Ocala/Marion County TPO  
Nick Uhren, Palm Beach TPA  
Craig Casper, Pasco MPO  
Lois Bollenback, River to Sea TPO  
David Hutchinson, Sarasota/Manatee MPO

**OTHERS IN ATTENDANCE:**

Carl Mikyska, MPOAC  
Brigitte Messina, MPOAC  
Jeff Kramer, Center for Urban Transportation Research  
Christen Miller, Center for Urban Transportation Research  
Karen Brunelle, Federal Highway Administration  
Lee Ann Jacobs, Federal Highway Administration  
Mark Reichert, Florida Department of Transportation  
Huiwei Shen, Florida Department of Transportation  
Jessica VanDenBogaert, Florida Department of Transportation

Doug McLeod, Florida Department of Transportation  
Alex Gramovot, Florida Department of Transportation  
Javaughn Mathews, Florida Department of Transportation, Office of Inspector General  
Tim Crellin, Florida Department of Transportation, Office of Inspector General  
Ashley Clark, Florida Department of Transportation, Office of Inspector General  
Dennis Smith, FSU, Depart of Urban & Regional Planning  
Michele Ogilvie, Hillsborough MPO  
Marybeth Soderstrom, Heartland Regional TPO  
Gary Huttman, MetroPlan Orlando  
Valerie Neilson, Palm Beach TPA

- **CALL TO ORDER**

Peter Buchwald, Chair, St. Lucie TPO, called the meeting to order at 1:43 pm. T.J. Fish, Lake-Sumter MPO, welcomed those in attendance to his county. Self-introductions were made and all stood for the Pledge of Allegiance.

- **APPROVAL OF MINUTES**

Mary Beth Washnock, Bay County TPO, moved to approve the minutes of the July 2017 Staff Directors' Advisory Committee Meeting. David Hutchinson, Sarasota/Manatee MPO, seconded the motion. The motion carried unanimously.

- **PUBLIC COMMENTS**

No public comments were made.

- **EXECUTIVE DIRECTOR'S REPORT**

- A. **UPWP REPORT**

Note: At the discretion of the chair Item 6F was moved between 5A and 5B

Mr. Carl Mikyska, MPOAC Executive Director, presented the UPWP Report for the current fiscal year through September 30, 2017 timeframe and a list of accomplishments of the MPOAC from June through September. The current fiscal year report through September 30, 2017 was distributed at the meeting.

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<sup>th</sup>.

Beth Alden, Hillsborough MPO, gave an update on the Best Practices Working Group SharePoint site and Working Group activities. She announced that the group has been working with FDOT to create an online resource where MPOs will be able to look at UPWPs and other resources from across the state in one online location. MPOs will be able to access the website through VIP logins. The website is organized into 6 different areas of material:

- LRTP and Performance Measures
- Transportation Improvement Programs and Prioritization Methodologies
- UPWP and Administrative Documents
- Complete Streets
- Regional Coordination
- Public Engagement

The website will also include discussion boards where MPOs can ask questions and be subscribed to threads. There will be a website calendar and links to other resources.

## B. FLORIDA LEGISLATIVE UPDATE

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

Mr. Mikyska will send legislative update newsletters after each pre-session week of committee meetings and weekly during session. The Florida legislative session will begin January 9, 2018. Hurricane Irma recovery is a priority for Speaker Corcoran and is expected to erase the \$75M budget surplus.

Bills of Interests:

- SB 90 – Texting While Driving – Perry  
Use of Wireless Communications Devices While Driving; 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; requiring a law enforcement officer to inform a person who is stopped for texting while driving of the person’s right to decline a search of his or her wireless communications device, etc.

- HB 121 – Texting While Driving – Slosberg & Stark  
Texting While Driving; 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. Effective Date: July 1, 2018.
- SB 116 – Operation of Vehicles – Baxley  
Operation of Vehicles; 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. Effective Date: 7/1/2018.
  - HB 117 – Stone  
Operation of Vehicles; Requires drivers to vacate lanes closest to, or reduce speed & pass, vulnerable road users, authorized emergency, sanitation, & utility service vehicles/workers, & wrecker operators under certain circumstances, subject to certain requirements; deletes requirements of drivers approaching certain authorized emergency vehicles, sanitation vehicles, utility service vehicles, & wreckers.
- SB 176 – Red Light Cameras – Hutson  
Traffic Infraction Detectors; 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.
  - HB 6001 – Avila & Ingoglia  
Traffic Infraction Detectors; 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.
- SB 188 – Public School Trans – Steube
- HB 215 – Autocycles – Payne  
Autocycles; Defines "autocycle" & revises definition of "motorcycle"; requires safety belt usage by autocycle operator/passenger; authorizes autocycle operation without motorcycle endorsement; provides applicability.

- SB 346 – Motorcycle and Moped Riders– Perry  
Motorcycle and Moped Riders; Increasing the age at which persons who are operating or riding upon a certain motorcycle are exempt from protective headgear requirements, etc.
- SB 384 – Electric Vehicles – Brandes  
Electric Vehicles; 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.

The MPOAC will begin developing a draft UPWP to present at the next MPOAC meeting. All member suggested projects are due by January 5, 2018.

A Policy and Technical Committee Meeting will take place early 2018 to discuss performance measures, data, target setting and implications.

A discussion took place about the MPO’s preferences on when they would like to receive Mr. Mikyska’s legislative update newsletters. David Hutchinson, Sarasota/Manatee MPO, requested that Mr. Mikyska send the reports on Monday instead of Saturday morning. Pat Steed, Heartland Regional TPO, appreciates the current schedule. Mr. Mikyska will continue to send the newsletters Saturday mornings unless complications emerge.

• **AGENCY REPORTS**

A. **FLORIDA DEPARTMENT OF TRANSPORTATION**

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

- MPO Autonomous Vehicle Guidance Study: The study should be done by the end of December. The study will produce a book of guidelines.
- Autonomous Vehicle and Alternative Fuels Vehicle Florida Market Penetration Rate and VMT Assessment Study: The objective is to conduct a comprehensive market penetration analysis of autonomous and alternative fueled vehicles and their impact on the vehicle miles traveled in Florida.
- MPO policy and Planning Guidance for Transit Applications of Autonomous Vehicles

- MPO and Transit Agency Planning Coordination's Study. This proposal looks to benchmark the current level of coordination and cooperation between the Florida MPOs and transit agencies with a focus on LRTPs. FDOT will be working with CUTR on this study.
- Economic Analysis Study: To develop a strategy to integrate economic analysis into the planning and project prioritization process.
- Transportation Performance Measures: FDOT is hiring a consultant to assist them with the performance measure guidelines.
- Safety Performance Measures: FDOT is encouraging MPOs to adopt a vision zero target. MPO safety targets must be set by February 27, 2018.
- Federal Rescission: A federal rescission related to the 15-16 federal year will be applied to the next fiscal year PL fund distributions. The topic of rescissions and the PL reserve fund had been previously discussed at past MPOAC meetings. The PL reserve funds are to be distributed to the MPOs and this will offset the federal rescission which mandates that some of the rescission be applied to the PL funds. FDOT is facing a total rescission of \$27 million. The PL fund will be required to absorb a reduction of \$381, 000 from this federal rescission. The Florida DOT will apply the rescinded amounts to the 2019 PL allocations. The 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.
- MPOAC Leadership Meeting: Notes from the meeting will be distributed to the MPOs.
- Florida Metropolitan Planning Meeting: FDOT wants to continue to have this meeting once a year. MPOs expressed interest in having the next meeting Nov 30 – Dec. 1, 2017.
- FDOT is now fully staffed in Intergovernmental Coordination.
- FDOT Office of Inspector General: They are in the early stages of doing an audit of the Planning Program. They are currently trying to identify the risk areas. Ashley Clark, FDOT Office of Inspector General, quickly elaborated on the audit process. They are internal auditors and will be selecting two MPOs based on risks.
- Safety Project Coordination with MPOs: There is a federal requirement to document the coordination between the MPOs and FDOT on the development and implementation of the federally required performance measures. This will be documented through MPOAC and at workshop events such as the FMPP.

Peter Buchwald, Chair, St. Lucie TPO, asked how this audit will relate to the risk assessments that will be performed annually as part of the MPO FDOT joint certifications. Ms. Clark replied that it is one of the things they are looking into and that they are still in the process of developing their objectives. This is a separate audit from the Risk Assessment Audits.

Harold Barley, MetroPlan Orlando, stated his concerns about funding and how his MPO has no new projects funded in the new work program and he noted that multiple projects are being deferred. He asked members if they are also experiencing the same trends and multiple individuals said that their MPOs are also projected to have lower funding levels. Many are concerned that the decrease in funding is a wakeup call for the MPOs.

David Hutchinson, Sarasota/Manatee MPO, asked for the analysis of the performance measure data. He requested to receive more than just a summary of the data but that actual data so that they can use it in their planning.

Mr. Alex Gramovot, FDOT, presented the new form for conducting the annual joint self-certification process. The process contains the federally required and the quantifiable risk-assessment worksheet for each of the Florida MPOs to use. The new form is intended to bring consistency in the way risk is assessed by the seven Florida DOT Districts. This is done as part of the joint certification review process as required in federal regulations. Each year, the District office and the MPO must jointly certify the metropolitan transportation planning process. The process must be certified every year as a new STIP is adopted each year and the joint certification is tied to the adoption of a new STIP. The FDOT Liaison works with MPO staff to answer questions face-to-face or remotely. This is a collaborative effort between FDOT and the MPOs.

Joint Certification – Timeline:

- January: District and MPO conduct Certification Review
- February 15: District and MPO develop the Preliminary Joint Certification Package
- June: Final Joint Certification Package signed. During UPWP update years, it is submitted with the UPWP
- July 31: Final Certification Package must be sent to FHWA and OPP

The new process will bring consistency and streamlining to the Joint Certification process. It is formatted to be an electronic document that is intended to be 100% substantive. About 25 “guaranteed yes” questions that offered little value have been removed. New questions about contracting, procurement, finance and invoicing have been added.

The Risk Assessment is required by 2 C.F.R. §200.331. In the new certification, Section 5: Finances and Invoicing (the risk assessment) are ten questions. Points are associated with nine of the ten questions. Risk Level determines frequency of supporting documentation review.

The timeliness of invoicing has been simplified:

- If the MPO is independent: Has the MPO submitted invoices to the District for reimbursement more than 30 days after the end of the invoicing period?

- If the MPO is hosted: Did the MPO submit their invoice to their host agency, and notify the District of the submittal, more than 30 days after the end of the invoicing period?

The State DOT must submit performance and expenditure reports, including a report from each sub-recipient to the FHWA. Florida DOT is required to submit a final report within 90 days of the end of the reporting period for annual and final reports and no later than 30 days after the end of the reporting period for other reports. This is the basis of asking MPOs to submit reports in a timely manner.

For the Risk Assessment timeline:

- The certification will go by calendar year starting January 1, 2017 and ending December 31, 2017
- The certification is to be completed by July 1, 2018
- The monitoring and supporting documentation review is in effect from July 1, 2018- June 30, 2019.

Progress reports that go with the invoicing must be submitted quarterly.

Michael Escalante, Gainesville MTPO, asked about the handbook and if the new risk assessment and joint certification review materials will be added to it by the time the MPOs need to submit their risk assessments. Mr. Gramovot replied that the updates to the handbook, including the risk assessment form, will be completed after the MPOs have gone through the next set of risk assessments.

## B. FEDERAL HIGHWAY ADMINISTRATION

Ms. Karen Brunelle, Director, Office of Project Development and Ms. Lee Ann Jacobs, Planning Team Leader, presented several items of interest to the MPOs.

Lee Ann Jacobs, Federal Highway Administration made announcements of interest to the MPOs:

- Fast lane small grants were announced in August 2017 for 10 different infrastructure projects. The proposed 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 project in Florida is:
  - Taylor County Florida: Competitiveness & Employment by Rail (CEBYR) Project, Taylor County, Florida, \$8,671,513.50

- The Advanced Transportation and Congestion Management Technologies Deployment (ATCMTD) grant was awarded to MetroPlan Orlando, the University of Central Florida (UCF), and FDOT for \$11.9 million.
  - The grant will advance numerous ITS technologies as part of PedSafe, GreenWay, SmartCommunity and SunStore.
- Proven and Safety Countermeasures Initiative: In 2008, FHWA began promoting certain infrastructure-oriented safety treatments and strategies, chosen based on proven effectiveness and benefits, to encourage widespread implementation by State, tribal, and local transportation agencies to reduce serious injuries and fatalities on American highways. The list was updated in 2012 and again in 2017. This list of Proven Safety Countermeasures has now reached 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 Proven Safety Countermeasures are several crosscutting strategies that address multiple safety focus areas. <https://safety.fhwa.dot.gov/provencountermeasures/>
- How to Develop a Pedestrian and Bicycle Safety Action Plan guide was revised. The purpose of this revised guide is to assist agencies in developing and implementing a safety action plan to improve conditions for bicycling and walking. The plan lays out a vision for improving safety, 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.
- MPO Freight Assessments will be published in the near future. They will not be due until the end of January 2018.
- The call for TIGER grant applications was published recently and the deadline is October 16, 2017. The TIGER grant program is a highly competitive program whose winners will be awarded with the funding they need to rebuild the infrastructure of their communities. The selection criteria remains fundamentally the same as previous rounds of the TIGER grants program, but the description of each criterion was updated. Additionally, the FY 2017 TIGER program will give special consideration to projects which emphasize improved access to reliable, safe, and affordable transportation for communities in rural areas, such as projects that improve infrastructure condition, address public health and safety, promote regional connectivity, or facilitate economic growth or competitiveness.
- Infrastructure for Rebuilding America (INFRA) Grant applications are due November 2, 2017. The INFRA program provides dedicated, discretionary funding for projects that address critical issues facing our nation's highways and bridges. INFRA grants will support the Administration's commitment to fixing our nation's crumbling infrastructure by creating opportunities for all levels of government and the private sector to fund infrastructure, using innovative approaches to improve the necessary

processes for building significant projects, and increasing accountability for the projects that are built.

- The Federal Planning Finding Report that accompanies the STIP approval was sent out September 29, 2017.

Ms. Brunelle, 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 tool to help them understand the necessary requirements for the National Performance Management Measures. The handouts include:

- National Performance Management Measures for the Highway Safety Improvement Program
- National Performance Management Measures for Assessing Bridge Conditions
- National Performance Management Measures for Assessing Pavement Conditions
- National Performance Management Measures<sup>23</sup> CFR Part 490 – System Performance/ Freight/ CMAQ Performance Measures (Subparts A, E, F, G and H)

Ms. Brunelle, continued by giving a presentation on the Bridge, Pavement, and System Performance Measures and Asset Management Final Rules overview.

Establishment of Performance Targets – State DOTs (490.105): All state DOTs and MPOs must establish the performance targets. A target is required for each performance measure. In order to make sure that state DOTs and MPOs are making progress toward to the targets, a 4-year cycle performance period is defined in the final rule. The first performance period is from 2018 through 2021, and the 2nd period is from 2022 through 2025 etc. For each performance period, the state needs to establish 2-year mid-point targets and the 4-year final targets.

For State DOTs the established targets must reflect the state’s investment strategies in the state’s Asset Management Plan. The established targets need to be determined by using the performance gap analysis in conjunction with the life-cycle planning, in order to find the established targets which can minimize the Life-Cycle Cost (LCC) under the state budget constraint.

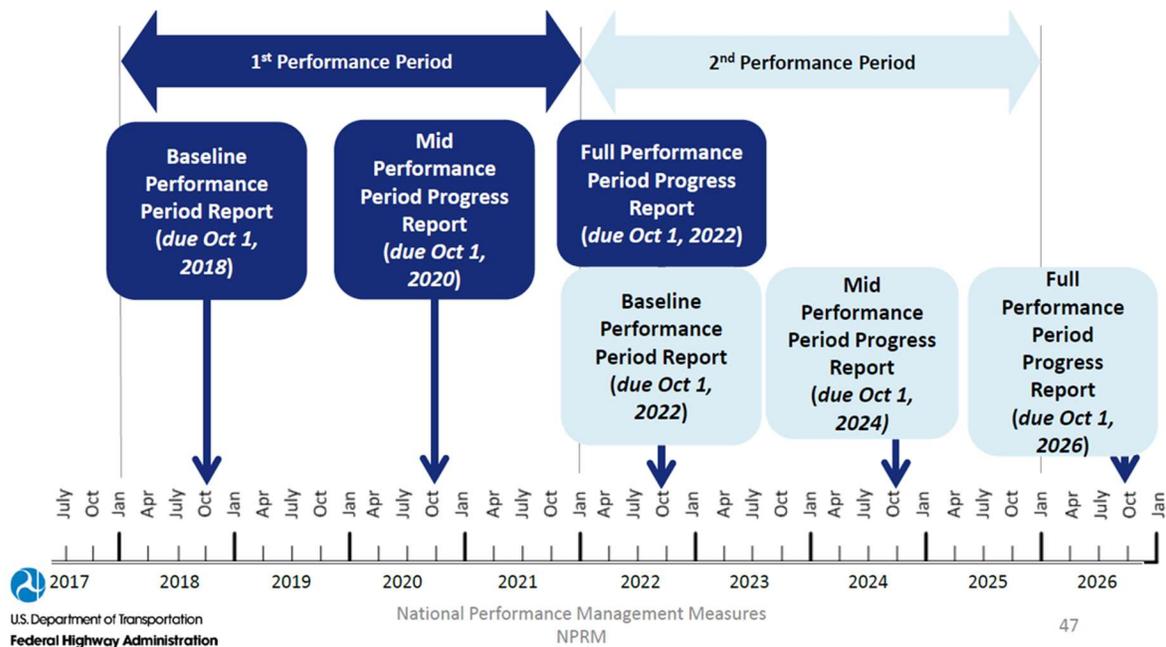
There is a two-step approach to this process:

- Step 1: Perform LCC analysis on each asset (bridge) to obtain LCC of doing nothing.
- Step 2: Optimize, at a network level (or a subgroup), with the objective of minimizing the LCC while achieving expected targets while staying with budgetary limitations

MPOs will be required to establish 4-year targets by supporting the State DOT target or establishing a quantifiable target. Targets need to be established within 180 days after the State DOT(s) establish their targets. Note that FDOT needs to establish their targets by May 20, 2018. Therefore, MPOs would need to establish their targets by Nov 16, 2018. A multistate planning area may choose different target establishment options for the portion of the planning area within each State.

For each performance period, the state needs to provide a baseline performance period report, which includes baseline bridge condition measures, and 2- and 4-year established targets; a mid-performance period report, which includes the comparison of 2-year bridge condition and 2-year established targets; and a final performance period report, which includes the comparison of 4-year bridge condition and 4-year established targets. FHWA will review the mid- and final reports to make the significant progress determination. If the progress is not made for a target, state DOT shall take action to achieve the target. Each MPO needs to provide a report to the respective state DOT which includes the progress toward targets. The MPO does not need to report progress to FHWA.

Timeline for performance periods and biennial reporting:



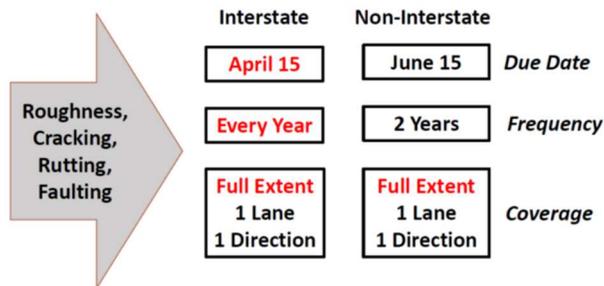
Performance Measures on NHS Bridges (Final Rule 490 Subpart D): Effective date: May 20, 2017. It only covers NHS Bridges and includes the bridges on- and off-ramps connected to the NHS. Although there are three possible overall bridge condition ratings, good, fair, and poor, the final rule only considers 2 performance measures which are related to bridges in

good and poor conditions, and without consideration of bridges with fair condition rating. Therefore the 2 proposed performance measure are:

- The percent of NHS bridges classified as good condition
- The percent of NHS bridges classified as poor condition

Performance Measures on Pavement include the condition measures based on the interstate system and non-interstate system condition. The data and criteria needed for calculating the National Pavement Measures was shown to the members. FHWA will assess the minimum condition annually and could assess a penalty if the minimum condition is not met.

***Pavement TPM Regulations:  
Required Data Reporting***



There are 3 system performance and freight related measures: Interstate travel time reliability, Non-interstate travel time reliability and truck travel time reliability.

While the rule took effect on May 20, 2017, certain portions of the rule pertaining to the GHG measure (the percent change in CO2 emissions from 2017, generated by on-road mobile sources on the NHS) have been delayed indefinitely. FHWA will be publishing a NPRM in the Federal Register pertaining to the GHG measure.

**Travel Time Reliability Measures:**

- For the travel time reliability measures, the metric is: The Level of Travel Time Reliability (LOTTR) for each time period and reporting segment on the Interstate system and separately, the non-Interstate NHS
- The threshold is: LOTTR<1.5 means that a segment is reliable
- The measure is: Percent of person-miles traveled that are reliable (for the Interstate and non-Interstate NHS)
  - Targets will be set for each measure.

The data sources for the travel time reliability measures include:

- Travel times and NHS travel time segments from the National Performance Management Research Data Set (or NPMRDS) or an equivalent data set.
- Average Annual Daily Traffic or volumes (from continuous count stations) and Annual traffic volumes (AADTx365) will be derived from the Highway Performance Monitoring System (or HPMS)
  - Occupancy factors will be provided by FHWA

The time periods that are required to be monitored for the reliability measures, for a full year, include weekday peak periods 6-10 am and 4-8 pm, along with midday (10am-4pm). The time periods also include weekend days from 6am-8pm. Holidays are included in the analysis (this is a change from the NPRM).

Ms. Brunelle showed an example of how the calculation of the metric would work. The LOTTR for each travel time segment in the time periods previously specified would be calculated for the year-long period by dividing the longer travel times (80th percentile) by the normal travel times (50th percentile). The threshold of less than 1.5 would be applied to each time period to determine if that time period was reliable or not. In the example, the afternoon peak period had an LOTTR of 1.54, which is considered unreliable, so that means that this entire segment would be considered unreliable and not be included in the reliability measure calculation.

Note that metrics and related data are to be reported to FHWA via HPMS starting in 2018. If a State DOT does not elect to use FHWA supplied occupancy factors, the State DOT must also submit that data to HPMS.

Another example of calculating the reliability measures showed that the measure is calculated from all reporting segments that are considered reliable from the metric calculation. The measure is the sum of the person miles traveled for all reporting segments that are reliable. The weighting calculation is the reporting segment length multiplied by the annual traffic volume multiplied by an occupancy factor, resulting in the “% of person-miles that are reliable on the Interstate and on the non-Interstate NHS.

Data used for the Freight Reliability measures will be truck travel times for each of the Interstate travel time segments. This will be derived from the NPMRDS or an equivalent approved data set.

The Truck Travel Time Reliability Index will be calculated for each segment during each of the 5 different time periods of the day:

- Weekday AM,
- Weekday mid-day,
- Weekday PM,
- Weekends, and
- Overnight all days.

Next, Ms. Brunelle talked about Asset Management and Assets Management goals which include:

- Maintain the highway infrastructure asset system in a state of good repair
- Managing the network for the long term at the minimum practical cost to:
  - Improve or Preserve asset condition and system performance
  - Manage risk
- Short-term performance in meeting the targets are key indicators

Each State DOT must develop a Transportation Asset Management Plan (TAMP) for the NHS to improve or preserve the condition of the assets and the performance of the NHS. The TAMP must cover a 10-year period.

Key Requirement Deadlines:

- By April 30, 2018: State must submit risk-based initial TAMP
- By June 30, 2019: State must submit fully compliant TAMP
- Every 4 years thereafter: Recertification for updates
- By July 31 each year: Annual Determination on the TAMP will be made by FHWA
- October 1, 2019 and each year: If TAMP not developed and implemented, Federal share on NHPP will be reduced to 65% in that fiscal year.

Risk-based TAMP, Key Plan Contents:

- Pavement and bridge inventory and conditions on the NHS
- Objectives, measures, and targets
- Performance gap identification
- Lifecycle Planning
- Risk Management Analysis
- Financial Plan
- Investment Strategies

A discussion took place about the different requirements for road systems such as the state, federal, and local systems. David Hutchinson, Sarasota/Manatee MPO, replied that his MPO received data from FDOT that they were able to use but needed assistance to obtain data.

## • BUSINESS ITEMS & PRESENTATIONS

### A. 2018 MPOAC MEETING SCHEDULE

Note: Upon request of the presenter Item 6E was moved before 6A.

At the July 08, 2017 MPOAC Policy and Technical Committee meeting a draft set of meeting date options were presented. The committee provided direction related to the options presented at the meeting and asked that revised meeting date options be presented to the MPOAC Staff Director's Committee meeting on October 12, 2017.

Traditionally, the MPOAC met on the 4th Thursday of January, April, July and October. In 2016 the MPOAC meetings were shifted to the 1st 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. This was done to allow the Staff Directors to debate, refine and improve actionable items and policies before they are presented to the MPOAC Governing Board for approval.

Being sensitive to the needs of the member organizations, certain considerations were given to setting potential calendar dates. The day before an MPO Board Meeting is typically a busy day for MPOs and avoiding these days is helpful to the MPO Executive Directors, their staff and Governing Board Members. Typically there are four days in a month that are not on the day of an MPO Board meeting and/or not the day before an MPO Board Meeting. Those days are the first Monday, first Thursday, first Friday and the second Monday of each month.

A set of three options were presented to the MPOAC Technical & Policy Committee on July 13th. At that meeting, the options were reviewed, combined and altered to create the options shown below. At the same meeting, the direction of the committee was to continue for one more year the separated Staff Directors and MPOAC Governing Board meetings to give this new arrangement a full evaluation of its effectiveness.

Option 1: Utilize the second Monday of the month for the Staff Directors' Meeting and the first Friday of the month for the MPOAC Governing Board Meeting. Meetings would be approximately one month apart. Potential Conflicts: July 6th is near the 4th of July Holiday and may interfere with member's vacation travel plans.

Option 2: Utilizing the first Thursday and Friday of the month, hold the Staff Directors' Committee on Thursday afternoon and the following morning hold the MPOAC Governing Board Meeting. Utilizing the second month of each quarter avoids conflicts with various holidays. Potential Conflicts: None identified.

Option 3: At the suggestion of the Policy & Technical Committee, this option was created to consider holding the Staff Director's Committee Meeting and the MPOAC Governing Board Meeting on the same day. The materials and agenda items considered by the Staff Directors would be presented to the MPOAC Governing Board at the next quarterly meeting. The premise is to minimize travel by having both meetings on the same day, but still allow the Staff Directors to shape the materials and refine agenda items before they are presented to the MPOAC Governing Board. Potential conflicts: None identified for 1st Monday and 1st Friday options shown below.

Option 4: Utilize the second Monday of the month for the Staff Directors' Meeting and the first Friday of the month for the MPOAC Governing Board Meeting. Meetings would be approximately one month apart. Potential Conflicts: None identified.

Many members voiced their opinions on the different options. However, most members preferred option 2. Gary Harrell, Charlotte County-Punta Gorda MPO, stated that he enjoys the locations that correlate with events.

Pat Steed, Heartland Regional TPO, made a motion to approve option 2 for the schedule for future MPOAC meetings. Beth Alden, Hillsborough MPO, seconded. Motion passed unanimously.

## B. ESTABLISHMENT OF THE MPOAC TRAINING WORKING GROUP

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 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.

### Next Steps:

- Name a Chair and Membership
- Craft a draft work plan (Chair and MPOAC staff)
- Draft work plan would be reviewed and adopted by the Training Working Group

Beth Alden, Hillsborough MPO, made a motion to approve the establishment of a working group committee with details to be given later. Mary Beth Washnock, Bay County TPO, seconded. Motion passed unanimously.

### C. SIS COST FEASIBLE PLAN UPDATE & SCHEDULEMS.

Note: At the discretion of the chair items 6C and 6D were moved before Item 6A and after 6E.

Ms. Huiwei Shen, Manager of the Systems Planning Office of Florida DOT, presented changes being considered in the next SIS cost feasible plan update and the schedule for the update.

The SIS Policy Plan was recently updated. New emphasis areas were 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 largest and most strategic facilities by combining SIS and Emerging SIS components and to recognize importance of smaller and high growth facilities by adding a strategic Growth component.

Potential Strategic Growth Criteria requires the submittal and review of applications addressing the following criteria:

- 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 new facility

Ms. Shen 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.

A few questions were asked to clarify the changes to the SIS criteria and the Cost Feasible Plan. Ms. Shen said that she will come back before the end of the year to give the MPOs more details.

#### D. SUNTRAIL UPDATE

Ms. Huiwei Shen, Manager of the Systems Planning Office of Florida DOT, presented the Shared-Use Non-Motorized (SUN) Trail Program and shared the eligible activities for funding during the project solicitation period which is October 15, 2017 through December 15, 2017.

FDOT is soliciting new request 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."

No discussion took place.

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

Mr. Doug McLeod, FDOT Mobility Performance Measures Program Manager, and Jessica VanDenBogaert, FDOT Travel Time Reliability Coordinator, presented the Florida DOT's efforts related to the 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

On June 15, 2018 FDOT will supply metrics to FHWA in the Highway Performance Monitoring System (HPMS). Mr. McLeod referred to the Mobility Performance Measures (MPM) Analysis Handout. He expressed FDOT's concerns with the MPM Analysis Handout Results particularly

the data shown on table 2 which reflects drastic changes in increased Travel Time Reliability in multiple counties. The results measure, LOTTR on Interstates, LOTTR on non-Interstate NHS, and Truck Travel Time Reliability on Interstates.

Concerns with probe data:

- The small number of probes which the analyses are based upon
- Changing coverage of NHS routes
- Other items such as the treatment of data outliers

FDOT efforts to address Mobility Performance Measures and assist MPOs:

- Evaluation of 2017 probe (NPMRDSv2) data and results will be available in January of 2018 or shortly thereafter.
- It is premature to address targets now. Targets for FDOT are due by 05/20/18, targets for MPOs are due in mid-November of 2018.
- FDOT coordination will be continuous

A discussion took place about the potential reason for the increased Travel Time Reliability. Peter Buchwald, Chair, St. Lucie TPO, suggested that the increases could be due to increased people driving and lack of funds to improve roads.

An addition discussion took place about setting targets. Karen Brunelle, FHWA, stated that by having the MPOs support the state target means that the MPO is supporting that target in that area but that MPOs should set targets that are best for their areas. Target must be identified and used in the LRTP.

Jessica VanDenBogaert, FDOT Travel Time Reliability Coordinator, presented additional Mobility Performance Measures for MPOs. Ms. VanDenBogaert referred to the sample handout, FDOT Supplied MPO Mobility Performance Measure Analyses for 2015 (Broward MPO), distributed to the members. She discussed how to read the table and the different information available for MPOs to use at their own discretion.

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

Mr. Dennis Smith, Planner-In-Residence at Florida State University's Department of Urban & Regional Planning, presented to the MPOAC Staff Director's Committee the Autonomous Vehicle Policy Guide for Public Transportation in Florida MPOs research project.

Within the next decade, electric and autonomous and connected vehicles (EV/AV/CV) will begin to emerge as a 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:

- Develop model policy language for LRTP updates
- Outline costs and considerations for infrastructure and equipment investment
- Develop conceptual urban design guidance to showcase potential solutions for technology integration

Peter Buchwald, Chair, St. Lucie TPO, asked about the opportunities for the MPOs and the MPOAC to comment on the report. Mr. Smith said that the MPOs and MPOAC will have an opportunity to comment on the student's final report.

## • COMMUNICATIONS

A letter to USDOT Secretary Elaine Chao providing MPOAC comments to the Federal Register Docket can be found in the agenda packet.

## • MEMBER COMMENTS

No comments were made.

## • ADJOURNMENT

The meeting was adjourned at 5:42 p.m. The next meeting of the MPOAC Governing Board will be held in January 2018.

## **Item Number 4b**

### **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 4c**

### **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 Paul'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 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?*

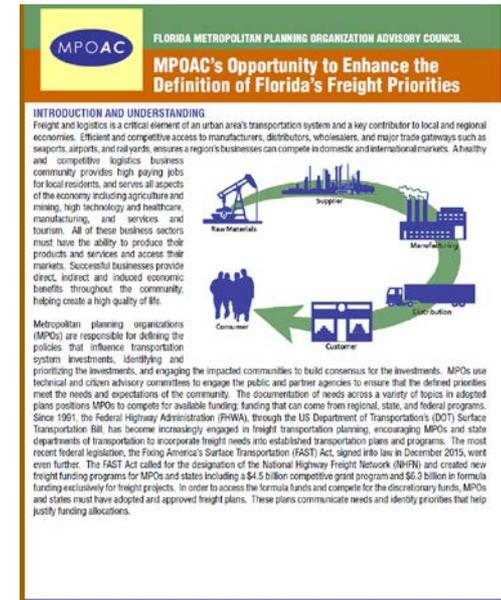
- To ensure MPOs have an opportunity to identify high priority freight projects on an annual basis, and that the MPOAC, as the association representing all MPOs in Florida, has the opportunity to promote and endorse these priorities on behalf of its members, for consideration by the FDOT*



# 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 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 provided at the meeting.

## **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 and Vice-Chair 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 Staff Directors' Committee Chair and Vice-Chair serve on the MPOAC Executive Committee along with 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 Staff Directors' Committee **Chair** for calendar year 2018.
2. Nomination and approval of a candidate to serve as MPOAC Staff Directors' Committee **Vice-Chair** 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 Staff Directors' Committee will be determined by the schedule set by the MPOAC Governing Board under their agenda item: Action Items, Item 4a.