



March 19, 2019

AGENDA ITEM 6A

FLORIDA METROPOLITAN PLANNING ORGANIZATION ADVISORY COUNCIL (MPOAC) UPDATE

TYPE OF ITEM: Discussion

STATEMENT OF ISSUE

Consistent with a request by the CRTPA Board, Carl Mikyska, Executive Director of the Florida MPOAC, will provide an update on efforts of the council. Specifically, legislative proposals from this year's legislative session will be discussed including the MPOAC's 2019 Legislative Priorities and Policy Positions (provided as **Attachment 1**). **Attachment 2** provides a letter from the MPOAC to the Florida Senate President, dated February 28, related to support for prioritizing the needs of the existing transportation system.

As a background, the MPOAC represents the collective interests of Florida's 27 MPOs and assists the MPOs in carrying out the urbanized area transportation planning process by serving as the principal forum for collective policy discussion. The MPOAC was created by the Florida Legislature pursuant to Section 339.175, Florida Statutes, to augment and not supplant the role of the individual MPOs in the cooperative transportation planning process.

ATTACHMENTS

Attachment 1: 2019 MPOAC Legislative Priorities & Policy Positions

Attachment 2: MPOAC Letter to Florida Senate President dated February 28

2019

LEGISLATIVE PRIORITIES & POLICY POSITIONS

The MPOAC supports State Legislation that:

- Implements the recommendations from the MPOAC transportation revenue study and other options for expanding transportation revenue sources.
- Regulates distracted driving as a *primary* offense by prohibiting the use of handheld electronic wireless communications devices and other similar distracting devices while operating a moving motor vehicle.
- Restores funding to 2007 levels for the Transportation Regional Incentive Program (TRIP).
- Allows Strategic Intermodal System (SIS) funds to be used on transportation facilities not designated on the SIS if the improvement will enhance mobility or support freight transportation on the SIS.
- Establishes flexible and predictable funding for transit projects (capital and operating) identified through the metropolitan transportation planning process by removing various funding limitations for the State Transportation Trust Fund (STTF).
- Recognizes that federal metropolitan transportation planning funds shall not be regarded as state funds for purposes of expenditure.
- Supports the advancement of innovative transportation mobility solutions and policies that make Florida the national leader in creative approaches to addressing transportation needs, while simultaneously protecting citizens from malicious tampering with such technologies by making tampering a punishable offense.



Florida Metropolitan Planning Organization Advisory Council

MPOAC

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MPOAC

The Florida Metropolitan Planning Organization Advisory Council (MPOAC) represents the collective interests of Florida's 27 MPOs, and assists the MPOs in carrying out the urbanized area transportation planning process by serving as the principal forum for collective policy discussion. The MPOAC was created by the Florida Legislature pursuant to Section 339.175, Florida Statutes, to augment and not supplant the role of the individual MPOs in the cooperative transportation planning process.

The organization is made up of a 27 member Governing Board consisting of local elected officials from each of the MPOs and a Staff Directors' Advisory Committee consisting of the staff directors from each of the MPOs. The MPOAC annually prepares legislative policy positions and develops initiatives to be advanced during Florida's legislative session. The MPOAC actively participates in the activities of the national Association of MPOs (AMPO) and the National Association of Regional Councils (NARC) in Washington DC and works with other stakeholder groups to help shape state and national policy regarding metropolitan transportation issues.

PRIORITY POLICY POSITIONS

The MPOAC Supports State Legislation that:

1. Implements the recommendations from the MPOAC transportation revenue study and other options for expanding transportation revenue sources.

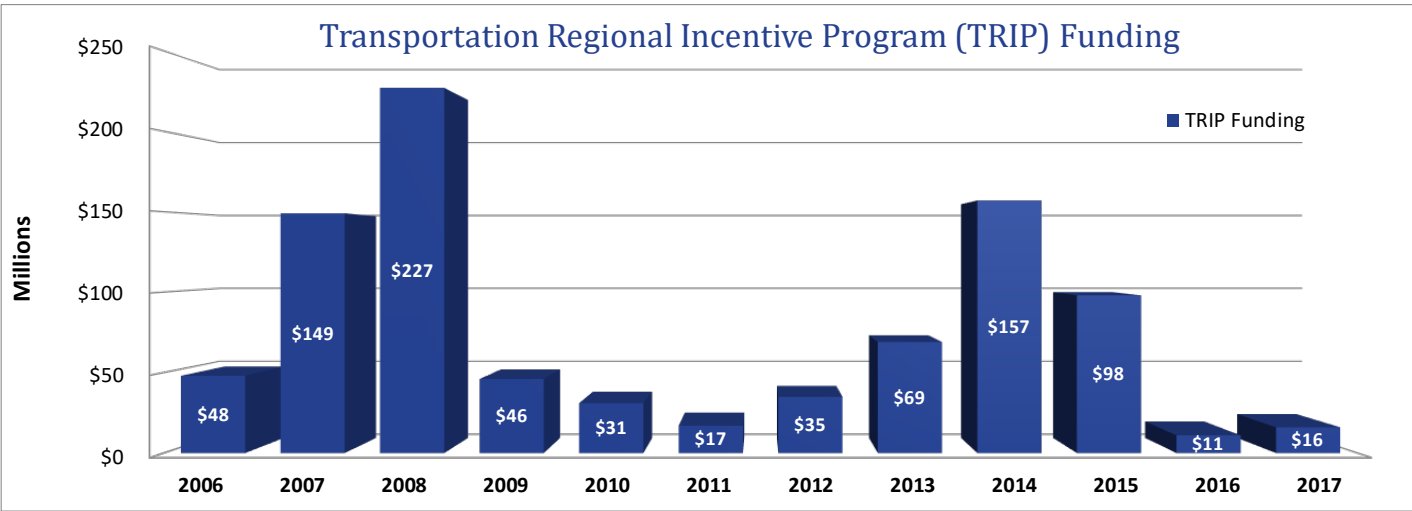
Key Recommendations:

- Expand the Charter County and Regional Transportation System Surtax to allow municipalities over 150,000 in population (or the largest municipality in a county) and all counties located in MPO areas to enact up to a one cent local option surtax by referendum.
- Index local option fuel taxes to the consumer price index in a manner similar to the current indexing of state fuel taxes.
- Identify potential revenue replacement sources for the current motor fuels tax which is no longer able to fully support the current or future needs of the transportation system.
- Charge alternatively fueled vehicles a fee equal to the fuel tax paid by gasoline or diesel fueled vehicles.
- Ban legislative appropriations for individual transportation projects (commonly referred to as earmarks). As an alternative, create a competitive grant program that benefits local projects.

2. Regulates distracted driving as a primary offense by prohibiting the use of handheld electronic wireless communications devices and other similar distracting devices while operating a moving motor vehicle.

The 2013 Florida legislature enacted the "Florida Ban on Texting While Driving Law." The law prohibits operation of a moving motor vehicle while manually typing, sending or reading interpersonal communication (texting, e-mailing, instant messaging, etc.) using a wireless communications device, with certain exceptions. The law provides for enforcement of the ban as a secondary offense, meaning a driver would have to be pulled over for some other violation to get a ticket for violating the ban on texting. The 2014, 2015, 2016, 2017, and 2018 Florida Legislatures underscored the severity of distracted driving by considering bills that would have substantially increased the penalty for distracted driving, including making it a primary offense. Additionally, the legislature considered expanding the applicability of the law to include all uses of handheld electronic devices while driving. This legislative proposal would seek to strengthen the enforcement mechanism for the texting while driving ban by making it a primary offense to use handheld electronic wireless devices while driving.

3. Restores funding to 2007 levels for the Transportation Regional Incentive Program (TRIP).



ADDITIONAL POLICY POSITIONS

The MPOAC Supports State Legislation that:

4. Allows Strategic Intermodal System (SIS) funds to be used on transportation facilities not designated on the SIS if the improvement will enhance mobility or support freight transportation on the SIS.

Current state law does not permit SIS funds to be spent on roads or other transportation facilities that are not part of the SIS, even if proposed improvements would directly benefit users of SIS facilities by enhancing mobility options or supporting freight movement in a SIS corridor. This legislative proposal would broaden the State's ability to improve passenger and freight mobility on SIS corridors by making eligible the expenditure of SIS funds on non-SIS roads and other transportation facilities where the benefit to users of SIS facilities can be demonstrated.

5. Establishes flexible and predictable funding for transit projects (capital and operating) identified through the metropolitan transportation planning process by removing various funding limitations for the State Transportation Trust Fund (STTF).

Current state law limits the amount of funding that can be made available from the STTF for transit projects for both capital and operating expenses. These limitations, which are not in place for roadway funding, makes transit funding from the STTF less predictable for the purposes of planning and project implementation and artificially limits the ability of MPOs to implement priority transit projects. This proposal recognizes the critical role transit plays in moving people and goods within and between Florida's metropolitan areas by removing the distinction between transit and highway projects for the purpose of spending funds from the STTF.

6. Recognizes that federal metropolitan transportation planning funds shall not be regarded as state funds for purposes of expenditure.

The United States Department of Transportation (USDOT) provides funding to metropolitan planning organizations (MPOs) to carry out their federally required duties. Those federal funds are given to states who in turn distribute them to MPOs based upon a formula agreed upon by the Florida Department of Transportation (FDOT) and the Florida MPOs and then approved by the Federal Highway Administration (FHWA). The Florida Department of Financial Services (DFS) has determined that the expenditure of federal funds by MPOs shall be subject to all state requirements, laws and regulations even where such laws conflict with federal laws, regulations and requirements. This limits the ability of the Florida MPOs to use federal funds for their intended purpose and impinges on their ability to carry out their responsibilities as outlined in federal rule. This proposal would clarify that federal monies passed through the State of Florida to MPOs and the Florida MPO Advisory Council (MPOAC) shall not be regarded as state funds for purposes of expenditure.

7. Supports the advancement of innovative transportation mobility solutions and policies that make Florida the national leader in creative approaches to addressing transportation needs, while simultaneously protecting citizens from malicious tampering with such technologies by making tampering a punishable offense.

Transportation technologies have undergone a revolutionary leap forward over the past several years. A variety of transportation technologies are under development including autonomous vehicles and the hyperloop. It is the responsibility of the Florida legislature to ensure that the states laws and funding mechanisms support the development and implementation of these technological advances in the way people and freight will move in in and between our metropolitan areas. At the same time, it is incumbent upon the Florida legislature to ensure that the health and welfare of Florida's citizens and visitors are protected from possible harm presented by these new technologies, including the malicious and intentional interference of the proper functioning of transportation vehicles and systems. This proposal supports legislative efforts to implement innovative mobility solutions and polices while protecting the health and welfare of Florida's citizens and visitors.

Florida Metropolitan Planning Organization Advisory Council



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Carl Mikyska, MPOAC Executive Director



The Florida Metropolitan Planning Organization Advisory Council

Commissioner Nick Maddox
Chairman

February 28, 2019

Senator Bill Galvano, Senate President
404 South Monroe Street, Suite 409
Tallahassee, FL 32399-1100

Dear Senator Galvano,

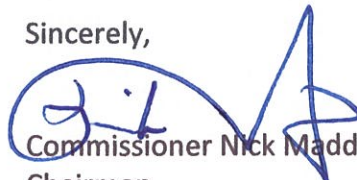
On behalf of the twenty-seven members of the Florida Metropolitan Planning Organization Advisory Council (MPOAC), I want to express our appreciation for your leadership in advocating for innovative approaches to enhancing and funding Florida's infrastructure as expressed in your January 30, 2019 memorandum to members of the Florida Senate.

We agree that transportation improvements can and should be considered within the broader context of the overall infrastructure needs of a corridor, region or state. As representatives of planning agencies, we too recognize that decisions to invest in transportation infrastructure are not made in a vacuum. In order to be successful, we need to plan for and fund infrastructure using a holistic approach, one that takes into account the interconnectedness of traditional transportation elements and other infrastructure resources. The newly formed Committee on Infrastructure and Security will enhance the Florida Senate's ability to address the existing and future needs of our infrastructure systems. While communications, security and other infrastructure are not in our purview, we applaud your vision and recognize how important connected infrastructure is to our future.

That said, we encourage you and the members of the Senate to prioritize the needs of our existing transportation network. Florida's transportation system is in excellent condition due to many years of proper funding of maintenance and a policy of first maintaining our existing assets. We recognize the necessity to plan for and invest in infrastructure expansion that supports the growing needs of our state. We believe that our top priority is to ensure the preservation and enhancement of Florida's existing transportation system. But as you correctly point out in your memorandum, our efforts to ensure the continued effectiveness of the state's existing transportation system should be considered in tandem with the needs of other infrastructure systems. As we look to expanding our infrastructure we ask that you consider ways to insure the new infrastructure is financially self-sustaining so as to allow existing infrastructure to continue to be maintained in a state of good repair.

We look forward to working with you to improve Florida's transportation system to the benefit of Florida's citizens, visitors and businesses.

Sincerely,



Commissioner Nick Maddox
Chairman