

January 19, 2021



## RETREAT AGENDA ITEM

# **METROPOLITAN PLANNING ORGANIZATION ADVISORY COUNCIL (MPOAC) LEGISLATIVE UPDATE**

### **STATEMENT OF ISSUE**

An update on the Florida MPOAC's legislative priorities for 2021 will be provided by Carl Mikyska, Executive Director of the Florida MPOAC. **Attachment 1** provides the MPOAC's 2021 Legislative Priorities and Policies Positions.

# LEGISLATIVE PRIORITIES AND POLICY POSITIONS

## The MPOAC supports State Legislation that:

- Expands transportation revenue sources and stabilizes transportation funding levels.
- Regulates distracted driving by prohibiting the handheld use of electronic wireless communication devices and other similar distracting devices while operating a motor vehicle on any roadway.
- Adds provisions to Florida's Sunshine Law to allow all government entities to hold virtual meetings during a declared emergency plus a period of 90 days past the declared emergency dates.
- 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.
- Allows Strategic Intermodal System (SIS) funds to be used on roads, transit, and other 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 promote creative approaches to addressing transportation needs, while simultaneously protecting citizens from malicious tampering with such technologies by making tampering a punishable offense.



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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.

THE MPOAC SUPPORTS STATE LEGISLATION THAT:

1. Expands transportation revenue sources and stabilizes transportation funding levels.

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.
- Use the existing MPO and local planning processes to select individual transportation projects rather than legislative appropriations (commonly referred to as earmarks). Ensure that all legislative appropriations that are passed come from non-transportation funding sources (i.e. general revenue funds).
- Fund the Transportation Regional Incentive Program (TRIP) at a predictable level of \$250 Million per year.

2. Regulates distracted driving by prohibiting the handheld use of electronic wireless communication devices and other similar distracting devices while operating a motor vehicle on any roadway.

The 2018 Florida legislature enacted the "Wireless Communications While Driving" law that makes texting while driving a primary offense. One of the expressed concerns of opponents of this law is the potential for racial profiling during enforcement. This legislative proposal would increase roadway safety by prohibiting the handheld use of electronic wireless devices for any purpose, making enforcement easier and reducing the potential for racial profiling.

3. Adds provisions to Florida's Sunshine Law to allow all government entities to hold virtual meetings during a declared emergency plus a period of 90 days past the declared emergency dates.

The ability to hold virtual meetings during the COVID-19 pandemic, resulting from Executive Orders issued by the Governor, has been a significant benefit to government agencies and the people of Florida. This proposal would permit units of government to meet virtually, so long as there is an opportunity for the public to participate, upon the declaration of an emergency by the Governor of Florida or the federal government. Recognizing that some declared emergencies can take extended periods of time to recover, this legislative proposal would also include an additional 90 days for governments to repair damaged facilities used to hold meetings or to hold meetings that have already been advertised as being virtual.

4. Allows Strategic Intermodal System (SIS) funds to be used on roads, transit, and other 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, transit, 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. Additionally, the newly created Federal Transportation Performance Measures (TPM) apply to a larger network than just the Strategic Intermodal System. Therefore, it is appropriate to direct SIS funding to transit and roadway projects that relieve the SIS.

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.

Additionally, state law should be changed to:

- Make FDOT and TDTF Grants more flexible:
  - Extend TDTF Grants for Each County to the next year
  - Allow TDTF Funds to be used for Meal, Grocery, and Prescription Deliveries
  - At a minimum, earmark the TDTF dollars to ensure the Funds go back to the TD Trust Fund and not moved elsewhere.
  - Allow other FDOT Grants to be used on Transit Improvement and Operating Funds.
- Waive the 50/50 match for the State Public Transit Block Grant for a set period of time and include a sunset provision.

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 promote 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 state laws and funding mechanisms support the development and implementation of these technological advances in the way people and freight will move 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 policies while protecting the health and welfare of Florida's citizens and visitors.

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