

## **Minutes of the Florida MPO Advisory Council**

### **Governing Board**

**July 24, 2014**

#### **Governing Board Members in Attendance:**

Mayor Susan Haynie, Palm Beach MPO, Chairperson  
Vice Mayor Bryan Caletka, Broward MPO  
Mayor Walter T. Kelley, Bay County TPO  
Councilmember Delores Madison, Capital Region TPA  
Councilman Sam Saad, III, Collier MPO  
Councilmember Lara Bradburn, Hernando/Citrus MPO  
Councilman Jim Burch, Lee County MPO  
Councilman James Wood, Okaloosa-Walton TPO  
Commissioner Nat Birdsong, Polk TPO  
Councilman Jim Bennett, Sarasota/Manatee MPO  
Mayor Kathy Meehan, Space Coast TPO  
Ms. Kathryn Hensley, St. Lucie TPO School Board member

#### **Others in Attendance:**

Howard Glassman, MPOAC Executive Director  
Paul Gougelman, MPOAC General Counsel  
Brigitte Messina, MPOAC  
Jeff Kramer, USF/CUTR  
Karen Seggerman, USF/CUTR  
Karen Brunelle, FHWA  
Jim Wood, FDOT Policy Planning  
Mark Reichert, Florida Transportation Commission  
John Robert Smith, T4America  
Greg Stuart, Broward MPO  
Harry Reed, Capital Region TPA  
Bob Herrington, Charlotte County-Punta Gorda MPO  
Lucie Ayer, Collier MPO  
Mary Bo Robinson, Florida-Alabama, Okaloosa-Walton and Bay County TPOs  
Donald Scott, Lee County MPO  
Johnny Limbaugh, Lee County MPO  
Harold W. Barley, MetroPlan Orlando  
Tom Deardorff, Polk TPO  
Lois Bollenback, River To Sea TPO  
Peter Buchwald, St. Lucie TPO  
Ned Baier, Jacobs Engineering

## **1. Call to Order**

Mayor Susan Haynie, Palm Beach MPO, Chair called the meeting to order at 3:50 p.m. The Chair welcomed those in attendance. All stood for the Pledge of Allegiance. Madame Chair thanked the Lee County MPO for hosting the meeting. She noted the need to reorder the agenda to accommodate the schedule of one of the speakers suggesting Item #7 be heard before Item #4. Mayor Walter T. Kelley, Bay County TPO, made the motion and Councilman Jim Burch, Lee County MPO seconded. The motion carried unanimously.

## **2. Approval of Minutes**

Mayor Kathy Meehan, Space Coast TPO, made a motion to approve the minutes of the April 24, 2014 Joint Meeting of Governing Board & Staff Directors' Advisory Committee. Councilmember Delores Madison, Capital Region TPA, seconded the motion. The motion was approved unanimously.

## **3. Public Comments**

No public comments were made.

## **4. Executive Director's Report**

Mr. Howard Glassman, MPOAC Executive Director, provided a status report on the MPOAC budget referring to Attachment 1 of the MPOAC agenda package under the Executive Director's Report. He noted that \$444,937 were spent over the fiscal year ending on June 30, 2014 with \$10,563 remaining.

Mr. Glassman then discussed the MPOAC legislative policy positions and related them to the outcome of the 2014 Florida legislative session. He reviewed the policy development process, noting that the MPOAC Priorities and Policy Positions were streamlined and made more descriptive for the 2014 session. Noting that the MPOAC Policy and Technical Subcommittee meeting will be held on August 20<sup>th</sup> in Port St. Lucie, he welcomed those interested in attending and suggested members make their legislative issues and suggestions known to their staff director. A written summary of transportation-related State Legislation passed in 2014 was provided as Attachment 2 in the agenda packet. Mr. Glassman noted that during the last session, he made a number of presentations and distributed a brochure around the state regarding the MPOAC Legislative Priorities and Policy Positions.

### *1. Implement key recommendations of 2012 MPOAC transportation revenue study.*

- a. Redirect 2009 additional tag and title fees from General Revenue to State Transportation Trust fund – partially successful two years ago. The House Finance and Tax Committee did propose that \$100 million be moved from the*

General Revenue Fund to the State Transportation Trust Fund. Instead, a reduction was approved equal to the remaining 2009 tag and title fees.

- b. *Expand Charter County Surtax to include cities over 150,000 in population and all MPO counties - no action*
  - c. *Index local option gas taxes in a manner similar to indexing of state gas taxes - no action*
  - d. *Direct FDOT to plan for a mileage based user fee approach in lieu of the traditional fuel tax, without using GPS technology as a tracking device.- activity at the federal level*
2. *Restore funding to the Transportation Regional Incentive Program (TRIP) to promote regional planning and project development. – no action this session; however TRIP was considered in the \$100 million from General Revenue and will likely be discussed again next year.*
  3. *Allow Strategic Intermodal System (SIS) funds to be used on non-SIS facilities if it will enhance mobility or support freight transportation on the SIS – no activity.*
  4. *Allow State Transportation Trust Fund to be used for capital expenses associated with the development of multi-use regional trails. – passed, approximately \$15 million success!*
  5. *Reduce distracted driving by regulating as a Primary offence the use of electronic wireless communication devices while operating a motor vehicle. – some activity; however nothing passed.*
  6. *Remove the 19 member cap on the number of board members who can serve on an MPO. – Cap was raised to 25 members as part of the major transportation bill along with discretion in appointing other members such as transit organizations; some success.*
  7. *Promote universal, interoperable and multi-modal fare payment technology systems. – FDOT given discretion to work with local governments to use their fare collections systems and allows FDOT to return those proceeds back to the local entity, expanding interoperability. Some success.*
  8. *Encourage growth of car-sharing services by exempting program from rental car surcharge. – Obtained reduction. Some success.*

*Other transportation-related legislation that passed included:*

- ▶ *\$10.1 billion FDOT budget (\$9.3 billion in WP)*
- ▶ *Strategic airport investments up to 100% of project costs*
- ▶ *\$15 million for interconnected multiuse trails*
- ▶ *\$10 million for quiet zone grant program*

- ▶ *Intermodal Logistics Center Infrastructure Support Program minimum funding \$5 million per year*
- ▶ *Access road improvements to state parks*
- ▶ *Conveyance of surplus property by FDOT*
- ▶ *Repeal of Statewide Passenger Rail Commission*
- ▶ *Parking meter revenue study by FTC*
- ▶ *Autonomous vehicle testing*

The MPOAC Policy Committee will meet on August 20, 2014 in Port St. Lucie to develop draft 2015 legislative priorities and policy positions. They will be presented to the Staff Directors and the MPOAC Governing Board for action at the October 30, 2014 meeting in Orlando. MPOAC staff will meet with key legislators and seek bill sponsors and work with stakeholders and partner organizations to advance legislative initiatives for the adopted MPOAC legislative priorities and policy positions.

He drew the member's attention to an FDOT customer satisfaction survey that was distributed and asked that they fill it out at their convenience.

Mr. Glassman then informed the members that he is in Florida's Deferred Retirement Option Program (DROP) and his last day will be the end of May 2015. (Note: information regarding DROP is available at [http://www.dms.myflorida.com/workforce\\_operations/retirement/members/deferred\\_retirement\\_option\\_program\\_drop](http://www.dms.myflorida.com/workforce_operations/retirement/members/deferred_retirement_option_program_drop)). He further noted a number of critical legislative issues coming up in the coming year and expressed an interest in continuing to work for the MPOAC. The Chair stated that the MPOAC has not had to replace its Executive Director since its inception 19 years ago. The Executive Committee made up of Chair and Vice-Chair of the Staff Directors and the Governing Board as well as Paul Gougelman, Legal Counsel, and Howard Glassman met on Wednesday, July 23<sup>rd</sup>, to discuss the situation.

Madame Chair reviewed the options discussed by the Executive Committee for a clear, transparent process to be developed including:

- Have an analysis or study performed by CUTR to lay out the different options available and the benefits of those options.
- Proposed Timeline: If the Staff Directors approve of this direction, the scope for the proposed study would be developed during the Policy Committee meeting on August 20<sup>th</sup> and brought before the Staff Directors and the Governing Board for action during the October 30<sup>th</sup> meeting. The report would be distributed in December for consideration at the January meeting. A decision would be made

regarding the best way to move forward and a final decision would need to be made in April.

A discussion ensued at the Governing Board meeting that included the following comments:

- concern regarding both the need for and cost of a study,
- the importance of having a known presence in Tallahassee,
- concern that May was not the most opportune time for a transition and that an interim contract might be desirable, along with the suggestion that the April MPOAC meeting in Tallahassee be an earlier date so that MPOAC members have an opportunity for dialogue with legislators earlier in the session.
- rehiring restrictions within the Florida Retirement System and Deferred Retirement Option Program (DROP),
- concern regarding attitudes toward “double-dipping” (receiving retirement benefits and drawing a salary at the same time),
- interest in beginning a search for a new executive director and requesting letters of interest and resumes,
- the importance of mentoring the next director, and
- the importance of establishing a transparent process.

The Chair explained that no action could be taken because the item did not appear on the agenda. She suggested that the Board direct Mr. Gougelman to look into the legal requirements of the FRS and DROP. She further suggested that Mr. Glassman perform a salary review of the directors of similar organizations. Madame Chair stated that the process could be further refined through the Policy and Technical Subcommittee and a direction discussed at the October meeting.

Mr. Paul Gougelman, General Counsel, drew attention to the draft 2014 Rules of Procedure that were distributed to the members during the meeting as well as by email earlier in the week. Because the MPOAC is no longer governed by the Administrative Procedures Act, the Governing Board will be asked to repeal the existing rules and replace them with new draft Rules of Procedure at a future meeting. The draft was provided for a 45-day comment period from Monday, July 20, 2014 to Thursday, September 11, 2014. Mr. Gougelman stressed that Governing Board members work through their MPO to submit comments rather than providing individual comments that may place them at odds with the Florida Sunshine Law. Mr. Gougelman asked that each MPO ensure that the correct legal name of the MPO is listed in Rule 3 (per their adopted interlocal agreement) of the proposed Rules of Procedure. He noted that Rules 1-9 have been in effect since the mid-1990s and that only minor revisions have been

made to them over the years. He further noted that Rules 10-12 were recently adopted by the MPOAC Governing Board. Comments should be sent to Howard Glassman or Paul Gougelman.

Mr. Greg Stuart, Broward MPO, summarized the Freight Committee meeting that took place earlier in the day regarding performance standards. Mr. Stuart thanked everyone who attended and participated in the lively discussion regarding performance measures. The next meeting will be held in Orlando on October 30<sup>th</sup>.

## **5. Transportation for America (previously 7)**

John Robert Smith presented *Saving the Nation's Transportation Fund* reinforcing that the National Highway Trust Fund is headed for insolvency. He noted that MAP-21 consolidated 90 funding programs into 10 programs, thus increasing competition for dollars within fewer categories. Stressing that the transportation trust fund is bankrupt, he described some basic reasons including changes in driving habits and increase in fuel efficiency. The gas tax has stayed fixed with no increase along with inflation. He presented the various proposals that have recently been put forth in Congress to address transportation funding, including a short term patch (8 months) using pension smoothing over 10 years (LUST funds). Other solutions include: just taking the 40% budgetary hit; turning the program over to the states; funding transportation through a one-time boost from tax reform; implementing a 15-cent gas tax increase and conducting a VMT pilot study. Other ideas include replacing the gas tax with a per barrel oil fee, increasing the gas tax by 12 cents, and indexing the fuel gas tax.

He stressed the need to secure \$30 billion in funding along with additional steps including:

- Fixing what we need to fix,
- Improving communities and expanding opportunity,
- Spurring local innovation, and
- Increasing accountability and local control.

He presented the concept of in-state competitive grants for local transportation projects through H.R. 4726, the Innovation in Surface Transportation Act. This Act would provide \$254 million for local projects in Florida which would be selected by a new, diverse selection panel. The details of this proposal are in Item 7, Attachments 1-3 of the agenda packet.

Mr. Smith asked members to endorse the Innovation in Surface Transportation Act, H.R. 4726.

Discussion ensued in which members raised concerns regarding the creation of another layer of government and many felt that the cooperation between FDOT and MPOs is working well for Florida's MPOs.

A motion was made by Councilmember Lara Bradburn, Hernando/Citrus MPO and seconded by Councilman Sam Saad, III, Collier MPO to not send a letter of support for H.R. 4726. The motion carried. Mayor Kathy Meehan, Space Coast TPO, voted against the motion.

## **6. Agency Reports (previously Item #5)**

### **a. FDOT Agency Report**

Mr. Jim Wood, Florida Department of Transportation (FDOT), provided an update of FDOT activities. He encouraged those in attendance to fill out the customer satisfaction survey that Mr. Glassman mentioned earlier in the meeting.

He mentioned that the visioning process for the Florida Transportation Plan (FTP) and the Strategic Intermodal System (SIS) Strategic Plan updates are being addressed in a combined process and are expected to be complete in 2015. FDOT looks forward to the continued participation of the MPOs in the visioning process and the Steering Committee process to follow. He noted that activity is continuing regarding the Future Corridor study area of the Tampa through Central Florida corridor focusing on the Pilot Study Area between Orlando and Brevard Counties. He showed a map illustrating unfunded needs, concepts, and proposals for this corridor. The East Central Florida Task Force is on a short timeline to evaluate potential multimodal corridors illustrated through Orange, Osceola, and Brevard Counties as part of the Deseret Ranch selected area plan. [www.ecfcorridor taskforce.org](http://www.ecfcorridor taskforce.org). He noted the meeting schedule Task Force would be as follows:

- August 22 – Osceola Heritage Park
- September 15 – MetroPlan Orlando
- October 9 – Brevard Zoo
- November 13 – Osceola County location to be announced
- *December 1 – Final Report to Governor*
- FDOT Pilot Study Evaluation Report will be developed after Task Force Report

The Task Force Report will include guiding principles, a framework for moving forward, and a general discussion of corridors, including statements of purpose and need.

In regard to the Tampa-to-Northeast Florida corridor, operational improvements are being examined, including improvements to the interchange at I-75 and the Florida Turnpike; managed lanes on I-75; a US 301 study, and, the extension of the Suncoast Parkway. These actions will set the stage for longer term projects connecting to Gainesville and northeast Florida.

FDOT has been following the planning performance measure rulemaking and FDOT staff, David Lee in particular, has played a lead role in the review of the Notice of Proposed Rulemaking by the American Association of State Highway and Transportation Officials (AASHTO). The draft

AASHTO comments will be completed soon. Those comments will be used as the basis for the Department's comments. The Performance Measures Collaboration Task Force composed of District and an MPO representative from each District will continue to meet regarding NPRMs and other performance measure issues. FDOT will host a webinar on Thursday, August 7<sup>th</sup> at 2:00 pm ET to brief all Florida MPOs on the key areas of concern identified in the planning NPRM. Issues include confirming state discretion in establishing the performance targets and clarifying certain terminology.

The Quiet Zone Grant Program contains \$10 million for July 1, 2014 – June 30, 2015. Funding will not exceed 50 percent of the total costs of any Quiet Zone capital improvement project. FDOT will distribute the funds with consideration of:

- Percentage \$ contributed by Quiet Zone Applicant
- Number of rail crossing closures to enhance safety
- Availability of funds within the fiscal year deadline

For further information, contact Andre Goins with FDOT Rail Office at [Andre.Goins@dot.state.fl.us](mailto:Andre.Goins@dot.state.fl.us).

FDOT will hold the Florida Transportation Data Symposium on September 25-26, 2014 in Orlando. The event will bring together public and private transportation data providers to share knowledge regarding data needs, availability and methods for sharing and integrating data to provide optimum value. For more information, contact Kaitlin Porter with FDOT Systems Planning at [Kaitlin.Porter@dot.state.fl.us](mailto:Kaitlin.Porter@dot.state.fl.us).

The second Florida Automated Vehicles Summit will be held December 15-16 in Orlando (The first was held in November 2013). The first day will be in a conference setting and the second day will be held on the Disney Raceway. More information is available at <http://www.dot.state.fl.us/agencyresources/meetings/automatedvehicles.shtm>). More information regarding automated vehicles information is available at [www.automatedfl.com](http://www.automatedfl.com).

Mr. Wood stated that \$15.9 million will be programmed for improvements to the Coast to Coast Connector covering eleven projects in nine counties. FDOT's goal was to move all of the gaps forward to the next phase resulting in the programming of \$15.9 million rather than the required \$15.5 million.

Councilmember Lara Bradburn, Hernando/Citrus MPO, expressed concern about a portion of the Coast to Coast Connector in Hernando County that is not correctly depicted and asked to meet with Mr. Wood to discuss the issue.

## **b. FHWA Agency Report**

Ms. Karen Brunelle, Director, Federal Highway Administration (FHWA) Office of Project Development shared FHWA activities. Ms. Brunelle reminded members of the Notice of Proposed Rulemaking (NPRM) related to planning and encouraged MPOs to participate in the process. Comments are due September 2<sup>nd</sup>. Action regarding the Highway Trust Fund is anticipated; however, if Congress does not take action, federal government offices will implement cash management procedures as the federal government will be unable to refund the states for expenditures. Florida would be allowed reimbursement of 4.81% on eligible expenditures. FHWA will also implement travel and administrative restrictions.

FHWA received 797 TIGER Grant applications totaling \$9.5 billion for the \$600 million available. Applications are being assessed at this time. She noted that the annual Statewide Assessment will take place on July 30th wherein FHWA examines the State planning process as part of the State Transportation Improvement Program (STIP) approval process. FHWA makes a determination or Planning Finding as to whether the State is in compliance with all federal rules and requirements. All MPOs are welcome to comment and/or participate in the meeting. Contact Ms. Brunelle if interested.

Ms. Brunelle stated that an Everyday Counts (EDC) regional summit will be held in Charlotte, NC for this region during October or November. Of interest is the topic entitled Regional Models of Cooperation being addressed by a team that includes Yvonne Arens, FDOT. Filing of environmental impact statements (EIS) is now required electronically through e-NEPA website (<http://www.epa.gov/compliance/nepa/submiteis/index.html>).

## **7. Florida Transportation Commission (previously Item #6)**

Mr. Mark Reichert, Assistant Director of the Florida Transportation Commission, gave a presentation on fuel tax sustainability. He reminded members that the FTC is a nine-member, Governor-appointed Board that oversees the Florida Department of Transportation and 10 of the state's expressway and regional transportation authorities.

The presentation was in regard to the fuel tax, Florida's primary source of transportation funding. For decades, this consumption-based tax has provided a steady stream of revenue for funding the state's transportation needs. However, economic pressures associated with the recession that began in 2006 resulted in a seismic shift in driving habits which, combined with increased fuel economy standards, have rendered the fuel tax as an unsustainable primary source of funding for our transportation system.

Mr. Reichert stressed that we must begin the process of identifying viable alternative funding sources to replace or supplement the fuel tax before diminishing fuel tax receipts reaches a

crisis level. Transportation funding shortfalls will grow more acute in the coming years as improved vehicle fuel efficiency and more alternatives fuel vehicles reduce federal, state, and local fuel tax receipts by billions of dollars.

Finally, Mr. Reichert indicated that the FTC would like the MPOs to help in getting the word out on this looming funding crisis even as he noted that the discussion of alternatives is temporarily on hold during the current election season. A member cautioned MPOs in regard to showing a constant growth in gas tax revenue through 2040 which has the effect of suggesting that there is no issue to be addressed. Mr. Glassman noted that when the MPOAC began presentations on this topic, we were essentially a lone voice in the state and that support from the FTC would be greatly appreciated. Mr. Reichert noted that Florida Legislative leadership chose not to address the issue during previous legislative sessions, but that the FTC anticipates more cooperation in the future.

### **8. Lee County Complete Streets Initiative TIGER Grant**

Mr. Donald Scott, Executive Director of the Lee County MPO gave a presentation on the Lee County Complete Streets Initiative TIGER Grant. The MPO received a grant in the amount of \$10,473,900 toward the total project cost of \$13,210,918. Local match dollars totaling \$2.7 million were provided from the County, City, and State on projects within the area. US DOT Sec. Foxx came to present the grant. The project will complete three sections of the regional trail network: the Tour de Parks Loop, the University Loop, and the Bi-County Connector covering areas from Northern Lee County to Collier County. Projects include filling network gaps with bicycle and pedestrian ways, paved shoulders, and access to transit. A goal was to make bicycle and pedestrian travel safer in the County. A design-build approach is being used. He outlined the project schedule which should be complete by September of 2016 noting annual performance measures must be reported from November 2017 through November 2022. Measures include average daily bicycle/pedestrian counts, annual non-vehicle crash rates by type and severity, transit passenger counts, and customer survey.

### **9. Communications**

Mr. Howard Glassman noted the communications for the quarter were included in the agenda packet:

- Letter to Jim Wood, FDOT Office of Policy Planning, from James Christian, FHWA Division Administrator, approving the MPOAC Unified Planning Work Program, dated June 4, 2014.
- Letter to Senator Andy Gardiner from Howard Glassman, MPOAC, on passage of SB 2514 on multiuse trails and the Coast-to-Coast Connector, dated June 19, 2014.
- Letter to Senator Jeff Brandes from Chairman Karen Seel, Pinellas County MPO, on the Florida Ban on Texting While Driving Law, dated June 25, 2014.

- Letter to U.S. Department of Transportation from DeLania Hardy, AMPO Executive Director on the NPRM for the National Performance Management Measures: Highway Safety Improvement Program, dated June 25, 2014.
- Letter to Howard Glassman, MPOAC, from Joanna Turner, NARC Executive Director on NARC membership renewal, dated June 17, 2014.

## **10. Member Comments**

Councilmember Lara Bradburn thanked the hosts and suggested an annual visit to the area. She also reiterated the need to meet in Tallahassee earlier in the spring to provide members with an opportunity to meet with members of the state legislature earlier in the legislative session. It was agreed that this would be discussed at the next meeting.

Councilman Jim Burch directed everyone to ideal locations to watch the sunset.

Councilman James Wood noted that Northwest Regional TPO organized the Emerald Coast Transportation Symposium held May 29<sup>th</sup> and 30<sup>th</sup> in Pensacola Beach, including participation by Howard Glassman, Mark Reichert, Carl Mikyska, and Harry Reed.

Madame Chair informed the membership that the Urban Land Institute (ULI) held their Southeastern and Caribbean Transportation Symposium last week in Fort Lauderdale. Greg Stuart, Nick Urhen, and Wilson Fernandez gave a presentation on the region during the symposium.

The Policy Committee will be meeting on August 20<sup>th</sup> in Port St. Lucie. The next MPOAC meeting will be Thursday, October 30, 2014 at the Orlando Airport Marriott, 7499 Augusta National Drive, Orlando, FL.

**The meeting was adjourned at 6:22 pm.**