

## FLORIDA METROPOLITAN PLANNING ORGANIZATION ADVISORY COUNCIL

### 2019 DRAFT LEGISLATIVE POLICY POSITIONS

2019 Legislative Policy Position:

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. (work with DOT to revise)

Staff Recommendations for 2020: Staff Recommendations removing references to the revenue study which is getting older (2012) and instead focus on the issue of revenues not keeping pace with the needs of our transportation system.

Staff Recommended Language for 2020: The MPOAC supports state legislation that will expand transportation revenue sources and stabilize transportation funding levels

Keep the 5 bullet points.

2019 Legislative Policy Position:

2. Regulates distracted driving as a *primary* offense by prohibiting the use of two-way electronic wireless communications devices and other similar distracting devices while operating a 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 and 2017 Florida Legislatures underscored the severity of distracted driving by considering bills that would have substantially increased the penalty for distracted driving. This legislative proposal would seek to strengthen the enforcement mechanism for the texting while driving ban by making it a primary offense.

Discussion points:

The 2019 legislature approved texting while driving as a primary offense. In addition, the law provided a ban of handheld devices in school and work zones. The Senate bill sponsor was Wilton Simpson who stated that he wanted a full ban on handheld electronic devices while driving. Senator Simpson is slated to be the next Senate President and it is likely that he will be interested in passing a ban on handheld electronic devices while driving and would appreciate support from the transportation community.

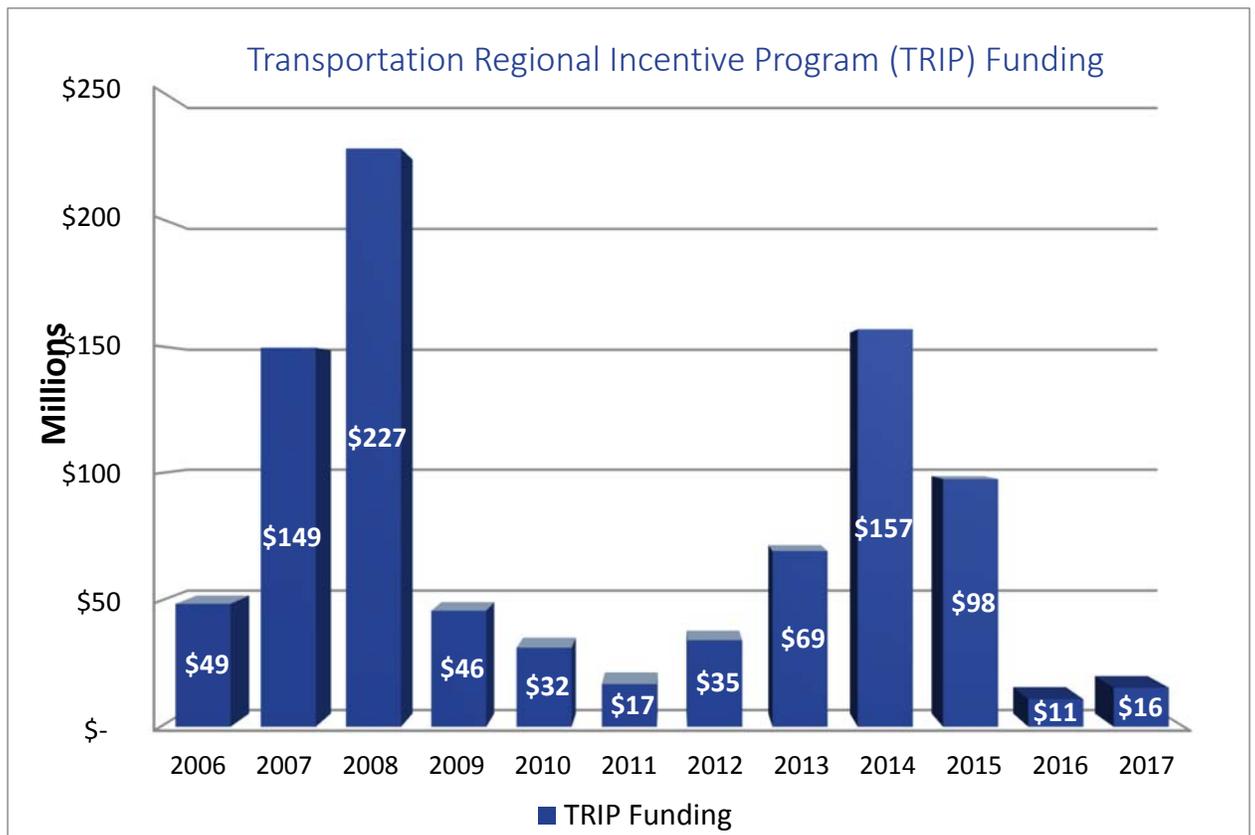
Staff recommendation for 2020: Rewrite to reflect the action taken by the 2019 Legislature related to texting while driving and build on their ban of handheld devices in work and school zones:

Staff Recommended Language for 2020: Regulates distracted driving by prohibiting the use of handheld two-way electronic wireless communications devices and other similar distracting handheld devices while operating a motor vehicle on any roadway.

2019 Legislative Policy Position:

- Restores funding to 2007 levels for the Transportation Regional Incentive Program (TRIP). The TRIP leverages state documentary stamp tax proceeds to promote regional planning and project development by providing state matching funds for improvements to regionally significant transportation facilities identified and prioritized by regional partners. This proposal seeks to restore TRIP funding by reducing diversions of documentary stamp proceeds for non-transportation purposes.

Staff Recommendation for 2020: No change other than to update the table below with the latest year of TRIP funding information. Consider moving to Additional Policy Positions and moving up Policy Position number 4.



2019 Legislative Policy Position:

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

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.

Staff Recommendation for 2020: Move to Priority Policy Positions, keep the language with the addition of a reference to TPM.

Staff Recommended Language for 2020: Allows Strategic Intermodal System (SIS) funds to be used on roads and other transportation facilities not designated on the SIS if the improvement will enhance mobility or support freight transportation on the SIS. The newly created Federal Transportation Performance Measures (TPM) apply to more than just the SIS facilities and it is appropriate to direct funding to these "gap" facilities that are not part of the SIS but are part of the TPM system. (Make it clear that transit is part of this policy position).

2019 Legislative Policy Position:

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

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.

Staff Recommendation for 2020: No Change.

2019 Legislative Policy Position:

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.

Staff Recommendation for 2020: No Change.

2019 Legislative Policy Position:

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 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. (report back to MPOAC on successes).

Staff Recommendation for 2020: No Change.