

**Florida MPO Advisory Council
Meeting of the Staff Directors
April 29, 2021
Orlando, Florida
Meeting Minutes**

Staff Directors in Attendance:

IN-PERSON (STAFF DIRECTORS – A TOTAL OF 16 WITH 9 MAKING AN IN-PERSON QUORUM):

Donald Scott, Chair, Lee County MPO
Dave Hutchinson, Vice-Chair, Sarasota/Manatee MPO
Greg Stuart, Broward MPO
Greg Slay, Capital Region TPA
Gary Harrell, Charlotte County - Punta Gorda MPO
Austin Mount, Florida-Alabama TPO
Whit Blanton, Forward Pinellas
Marybeth Soderstrom, Heartland Regional TPO
Steve Diez, Hernando/Citrus County MPO
Brian Freeman, Indian River County MPO
Beth Beltran, Martin MPO
Gary Huttman, MetroPlan Orlando
Rob Balmes, Ocala/Marion TPO
Dawn Schwartz, Okaloosa-Walton TPO
Nick Uhren, Palm Beach TPA
Carl Mikyska, Pasco County MPO
Peter Buchwald, St. Lucie TPO

IN-PERSON (OTHERS):

Jeff Kramer, MPOAC Interim Executive Director, CUTR
John Waldron, MPOAC
Paul Gougelman, MPOAC General Counsel
Abra Horne, Florida Department of Transportation
Mark Reichert, Florida Department of Transportation
Alison Stettner, Florida Department of Transportation
Brad Thoburn, Florida Department of Transportation
Brenda Young, Florida Department of Transportation
Virginia Whittington, MetroPlan Orlando
Jason Loschiavo, MetroPlan Orlando
Steven Bostel, Space Coast TPO

VIRTUAL (STAFF DIRECTORS – A TOTAL OF 8 THAT CANNOT CONTRIBUTE TO A QUORUM):

Mary Beth Washnock, Bay County TPO
Brandy Otero, Collier MPO
Scott Koons, Gainesville MTPO

Beth Alden, Hillsborough TPO
Mike Woods, Lake Sumter MPO
Ryan Kordek, Polk TPO
Lois Bollenback, River to Sea TPO
Laura Carter, Space Coast TPO

VIRTUAL (OTHERS):

Tia Boyd, CUTR
Stacie Blizzard, Federal Highway Administration
Karen Brunelle, Federal Highway Administration
Jamie Christian, Federal Highway Administration
Carlos Gonzalez, Federal Highway Administration
Cathy Kendall, Federal Highway Administration
Jim Martin, Federal Highway Administration
Holly Liles, Federal Transit Administration
David Powell, Federal Transit Administration
Rob Sachnin, Federal Transit Administration
Dwayne Weeks, Federal Transit Administration
Siaosi Fine, Florida Department of Transportation
Wayne Gaither, Florida Department of Transportation
Rakinya Hinson, Florida Department of Transportation
Scott Philips, Florida Department of Transportation
Dana Reiding, Florida Department of Transportation
Erika Thompson, Florida Department of Transportation
Commissioner William McDaniel, Collier MPO, MPOAC Governing Board member
Paul Calvaresi, Broward MPO
Paul Flavien, Broward MPO
Chelsea Favero, Forward Pinellas
Ron Gogoi, Lee County MPO
Cynthia Lambert, MetroPlan Orlando
Leilani Vaiaoga, MetroPlan Orlando
Oscar Camejo, Miami-Dade TPO
Liz Mitchell, Ocala Marion TPO
Greg Scott, Polk TPO
Sarah Kraum, Space Coast TPO
Kim Smith, Space Coast TPO
Erich Zimmermann, National Association of Regional Councils
John Kaliski, Cambridge Systematics
Michael Williamson, Cambridge Systematics
Matt Wiesenfeld, HDR
Daniel Crotty, Whitehouse Group
Ned Baier, Volkert

There were an additional 4 people attending virtually who were unlabeled or identified only by a phone number.

- **CALL TO ORDER**

Don Scott, Chair, Lee County MPO, called the meeting to order at 11:37 am and a quorum was determined. All were asked to rise for the Pledge of Allegiance. All in attendance introduced themselves. Those attending online were then given an opportunity to introduce themselves.

A motion to allow online members to participate in the meeting due to the extraordinary circumstances of COVID-19 was made by Carl Mikyska, Pasco County MPO, and seconded by Gary Harrell, Charlotte County-Punta Gorda MPO. The motion was approved unanimously.

- **APPROVAL OF MINUTES: JANUARY 28, 2021 MEETING**

A motion to approve the minutes of the January 28, 2021 meeting of the MPOAC Staff Directors' Advisory Committee was made by Greg Slay, Capital Region TPA, and seconded by Greg Stuart, Broward MPO. The motion was approved unanimously.

- **PUBLIC COMMENTS**

No public comments were made.

- **EXECUTIVE DIRECTOR'S REPORT**

- A. **UPWP REPORT**

Mr. Jeff Kramer, Interim MPOAC Executive Director/Center for Urban Transportation Research (CUTR), presented the Unified Planning Work Program (UPWP) Report showing expenditures and budget for the third quarter of state fiscal year 2021 (January-March 2021). During his presentation, Mr. Kramer thanked the group for the opportunity to serve as the MPOAC Interim Executive Director. He shared that the MPOAC is operating under budget. Mr. Kramer explained that there was less travel and lower labor costs in the budget because a full-time executive director is not in place. AMPO and NARC dues, which represent significant costs, were paid in the 3rd quarter. The summary financial table was provided in the agenda packet.

- B. **LEGISLATIVE UPDATE**

Mr. Kramer presented a legislative update of bills that MPOAC and the transportation community are tracking through the 2021 Florida Legislative Session. Mr. Kramer thanked Carl Mikyska, Pasco County MPO, for continuing to update and share the Florida legislative

newsletter. He encouraged those who receive the newsletter to share it with anyone who will benefit from the information and to call with questions they may have.

Mr. Kramer reminded the meeting attendees that April 30th is the last day of the regular session. There are several high profile, controversial proposals and as a result there was somewhat less time for transportation proposals. The following items were discussed:

- The 72 hour cooling off period following the publication of the general appropriations act
- The state budget is \$101.5B compared to \$92B in the current fiscal year. A smaller budget was expected, but revenue estimates increased (including federal American Rescue Plan funds, much of which will be for transportation purposes). The total transportation budget is \$10.4 billion, with \$9.4 billion in the FDOT Work Program.
- Key Transportation Bills include:
 - SB 100 – eliminates Multi-Use Corridors of Regional Economic Significance (M-CORES) as we know it, but maintains improvements for US 19 North and funds a PD&E study for an extension of Florida’s Turnpike to the Suncoast Parkway
 - HB 353 – permits bikes with no seats (elliptical bikes) to operate on public roadways
 - SB 566 – relating to motor vehicle rentals and peer-to-peer car-sharing program surcharges
 - SB 950 – revising requirements for motor vehicles passing bicyclists and other non-motorized vehicles
 - HB 1113 - Midblock crossing (still being considered as of 04/28/2021)
 - HB1126 - general transportation bill. Moves due dates for MPO project priorities from Oct 1st to Aug 1st
 - SB 1194 - transportation “train” that includes language separating the Chairs Coordinating Committee (CCC) from the Tampa Bay Area Regional Transit Authority (TBARTA) and does not require that TBARTA coordinate the regional Transit Development Plan (TDP) with area MPO plans
 - HB1289 – autonomous vehicle (AV) bill allowing low speed autonomous delivery vehicles to operate on roadways with 35mph speed limits
- Bills to keep an eye on next legislative session include:
 - SB138/140 electric vehicle (EV) infrastructure – did not pass, but would have required a registration fee for electric vehicles comparable to state gas tax paid by an average internal combustion vehicle
 - SB 62 Regional Planning Councils (RPCs) – did not pass, but would have repealed several provisions pertaining to Regional Planning Councils
 - There were hopes for a hands free driving bill, but such a bill was not considered this legislative session

Peter Buchwald, St. Lucie TPO, asked how SB 950 would change what’s currently in law. It was clarified by Carl Mikyska, Pasco County MPO, that the bill allows a vehicle to cross a double stripe line to pass bicycles and pedestrians without being ticketed. Greg Stuart, Broward MPO, shared that Representative Christine Hunschofsky sponsored SB 950 on the House side and Senator Book sponsored the bill on the Senate side. They worked with the

bicycle association to address concerns regarding how the bill was rewritten. In 2023, Broward MPO plans to give Senator Book and Representative Hunschofsky an award at the Safe Streets Summit for sponsoring this bill.

• AGENCY REPORTS

A. FLORIDA DEPARTMENT OF TRANSPORTATION

Mr. Brad Thoburn, Assistant Secretary for Strategic Development, Ms. Alison Stettner, Director of the Office of Policy Planning, and Mr. Mark Reichert, Administrator for Metropolitan Planning, Florida Department of Transportation (FDOT), updated the members on FDOT activities and brought forward information of importance to the membership.

Mark Reichert updated the group on the following topics:

- Federal stimulus funds
 - CARES (Coronavirus Aid, Relief and Economic Security Act) – March 2020, FAST Act extension with an additional \$39M in general funds of which \$31M is allocated through the Surface Transportation Block Grant (STBG) program of which \$13M were STBG–urban allocation (SU) funds
 - CRRSSA (Coronavirus Response and Relief Supplemental Appropriations Act) – December 27, 2020, \$470M went to FDOT, \$89M was sub-allocated to Transportation Management Areas (TMAs). The TMA funds are mostly boxed for next year to make sure budget is available to spend. There is no guidance yet on the remaining \$381M
 - American Rescue Plan – March 11, 2021, \$1.9T was allocated for various programs. \$10.2B went to Florida and the Governor said that \$2B will be used for transportation. The plan has a carve-out of \$30.5B for transit and \$8B for airports. There is no guidance from FHWA or FAA on how much will come to Florida.
 - American Jobs Plan - \$2.3T, of this amount, \$932B is for infrastructure of which \$571B is for transportation - \$115B to highways, \$80B to intercity rail, \$135B to electric vehicle infrastructure, \$110B to transit, \$25B to airports, \$17B to ports, \$44B to megaprojects, \$20B to Safety, and \$25B to equity
 - Highway funding is directed towards “fix-it-first” projects rather than new capacity, which could be problematic for states like Florida
 - Reauthorization of the FAST Act is still to come, but FDOT has taken the following positions:
 1. The new authorization must provide state, local and private partners the long-term funding certainty they need to effectively plan and deliver projects
 2. Such reauthorization must, at a minimum, address the long-term solvency of the Highway Trust Fund in a fiscally responsible manner
 3. Congress should distribute funds to the states using existing funding formula mechanisms

4. Due to Florida's explosive population growth, Congress should use the most-current census data available in distribution formulas
 5. Congress should emphasize streamlining and program simplification – while resisting new program creation
- Legislative update
 - Overall State Budget is \$101.B. FDOT's budget is \$10.26B of which \$9.447B is for the FDOT Work Program. Member projects total \$89.46M. The \$2B extra for FDOT is outlined in the federal appropriations bill, contingent upon receiving the COVID-19 Relief funds. \$1.750B is for state highway system projects, with the remaining \$250M being appropriated to the state's seaports. There is also a \$17M sweep of the State Transportation Trust Fund (STTF)
 - Status of bills as of 10:00 am 4/29/21
 - SB 1126 (Department Bill) – is back in Senate as of 4/29. It revises the date for MPO's annual submissions of project priorities to the FDOT districts for purposes of developing the FDOT's tentative work program and MPO transportation improvement programs from October 1 to August 1
 - HB 1385 (Department Bill) – House companion bill was laid on the table on 4/27
 - SB 1194 (Transportation Train) – Passed the Senate 39 – 0 and on the Third Reading Calendar in House 4/27. 4/28 passed House, sent back to Senate
 - HB 57 (Transportation Train) – Laid on the table in House on 4/27
 - M-CORES (SB 100) – Passed Senate 39 – 1. Passed House 115 – 0. It allows for alternatives to extend Suncoast using US 19 and an extension of the Turnpike to a logical terminus, but eliminates the original southern corridor
 - FDOT planning award ceremony was held on April 9th
 - 2020 Planning Professional of the Year: Conroy Jacobs (Osceola County, Transportation & Transit)
 - 2020 Planning Organization of the Year: Forward Pinellas
 - 2020 Planning Innovation of the Year: Mayor Castor's Crosswalks to Classrooms Program (City of Tampa)
 - MPOAC Leadership Meeting
 - The meeting was held in person on April 19th-20th. Secretary Thibault joined the meeting
 - Notes have been shared with the group
 - Partnership Quarterly Meeting
 - Notes will be shared from the March 9th quarterly meeting
 - Don Scott, Lee County MPO, and Jeff Kramer, MPOAC Interim Executive Director/CUTR, participated for the MPOs.
 - FHWA Florida Planning Finding meeting in July
 - The group was reminded that the meetings are annual and the next meetings are scheduled for July 6 and 7th. Mr. Reichert invited the staff directors to participate
 - FHWA Peer Exchange on Transportation Performance Management (TPM)

- On April 9th, FDOT participated in an FHWA sponsored Peer Exchange with other state DOTs on the coordination efforts between FDOT and our MPOs on TPM. FDOT was asked to participate because of how well they have coordinated on the effort
- Unified Planning Work program (UPWP) template
 - On April 14, there was a working group meeting to discuss the UPWP template. Mr. Reichert shared that there was a lot of MPO participation. There is a follow-up on May 7th, 2021 and the group was asked to participate in this meeting. It was stated that the goal is to have an end product to help the review process
- UPWP amendment thresholds
 - Recommendations are being developed based on the 2020 findings. The first meeting was on April 5th and they are making progress. Mr. Reichert shared that everyone is on board to cut down on UPWP amendments
- UPWP invoice tracker
 - The UPWP invoice tracker was created by an MPO Liaison in District 4. The tracker was shared with Liaisons to help with the budgeting process and liaisons are sharing it with MPOs. The group was encouraged to ask their Liaison about the tracker if they haven't received it yet
- UPWP Funds
 - The group was reminded to spend conservatively in the 1st Quarter of the fiscal year, but to still spend their funds - \$4.7M was left on the table during the Close-Out process
- FTA allocations
 - The annual FTA allocations have been released. MPO Staff Directors were encouraged to reach out to their Liaison if their Liaison has not yet reached out themselves. The allocations are for FFY 20/21 and available for spending by the MPO in state fiscal year 21/22
- Portal Update
 - FTA has indicated that they continue to have technical issues with the Portal on their side (it may be a Firewall issue), and as a result, they will no longer be using the Portal, not even as a document repository. Nothing changes for the MPOs. The MPO Staff Directors were asked to please continue to upload planning documents and amendments into the portal. FDOT will continue to conduct its reviews in the Portal and send copies of the document to FTA
- Public Transportation Agency Safety Plan (PTASP) targets
 - Due to the COVID-19 national emergency, FTA granted an extension of the Public Transportation Agency Safety Plan (PTASP) performance target compliance date to 7/20/21. The 180-day timeframe for MPOs to set targets begins when the MPO receives the safety targets from the transit providers. FDOT and MPO LRTP and STIP/TIP updates or amendments approved on or after this date must include Transportation Performance Management (TPM) elements for applicable transit safety performance measures and targets. The expectation from FTA is for MPOs to adopt transit safety targets ASAP if the transit agency has already adopted the PTASP regardless of the 180-day timeframe

- Rob Sachnin, Federal Transit Administration (FTA), shared that upcoming Statewide Transportation Improvement Program (STIP) approval in July 2021 is the “line in the sand action” that should incorporate PTASP performance targets. Dwayne Weeks, FTA, restated that the deferral enforcement action for transit providers to complete the agency plan by July 20, 2021 and the deadline for MPOs to set performance requirements is 180 days from the transit provider’s submittal. He stated that they will apply a level of flexibility to these deadlines. Mr. Weeks informed the group that placeholder targets can be adopted until transit providers provide their targets
- Transportation Improvement Program (TIP) consensus document
 - In the past, the TIP was used as vehicle to submit MPO Governing Board approval of the consensus document and, as a result, the consensus document approval died every year as the TIP was updated. It was recommended that MPOs take the consensus document to their Governing Board as separate document. Five MPOs decided to continue to use the TIP as the vehicle for Board approval of the Consensus Document and therefore, they must continue to do so this cycle. The five MPOs are: Charlotte County-Punta Gorda MPO, Hillsborough MPO, Indian River County MPO, River to Sea TPO, and St. Lucie TPO
- Research projects
 - RSG (an FDOT consultant) will be reaching out to some of the Florida MPOs about a briefing paper addressing Transportation Equity. Also, Gannett-Fleming will be reaching out on a Resiliency project. In this project, they will be assessing the current state of practice in Florida for how MPOs are integrating resiliency into their long-range planning process and will be reviewing the 2045 LRTPs (that are available). They will also be assessing the specific data, tools, and guidance needed to advance climate planning for regional transportation agencies. They are hoping that the relevant MPO staff will meet with them (virtually) to share their perspectives on the current state of practice and needs. They will be reaching out in May to schedule interviews
- Announcing new FDOT Metropolitan Planning Administrator
 - Mr. Reichert shared that he will be retiring and tomorrow (04/30/2021) is his last official day with FDOT. Ms. Abra Horne will be his replacement. Mr. Reichert shared the following: Abra is a transportation planner with more than 25 years of experience. She has served as a local government representative at two MPOs. Managed eleven MPO push button contracts. Managed projects that required coordination with nine MPOs. And conducted corridor and policy studies throughout Florida. Abra also served as an in-house PD&E consultant project manager at the Turnpike Enterprise

Assistant Secretary Brad Thoburn made the following remarks on the legislative update, revenue declines, stimulus reauthorization, earmarks, new personnel, and the freight group:

- Federal Updates
 - FDOT is keeping an eye on legislation to remove the floor for modal investments at 15% and replace it with a cap of 25%. There was also legislation attempting to cap Construction Engineering and Inspection (CEI) and design at 5% of a project. The

Department will complete a study on this proposed change and report on the findings. It is suspected that this legislation may come up again

- The \$2B from the stimulus for transportation is an exciting opportunity. The language may have some limiting aspects, but the Department will work through these issues. FDOT's first order is to give priority to those items that were deferred. When revenue declined, FDOT had vacancies and difficulty retaining salary budget and positions, but they were able to stave off the need to eliminate positions. There will be challenges because there is now a need for organizational capacity to deliver these projects
- The stimulus and reauthorization changes the landscape on the federal side and the definition of infrastructure is expanding. Currently, reconciliation cannot be used for reauthorization, but they are having conversations on the policy around the reauthorization that include climate, equity, and resiliency. It is expected that there may be a desire for more control at the federal level and more direct payments at the local level. There may be more discretionary grant opportunities, which means a collaborative effort is needed to identify strategies to leverage Florida resources to bring in more federal funding
- Earmarks have returned to federal transportation legislation. It was noted that the Department does not advocate for earmarks, but has previously acted as a technical resource
- Personnel Updates
 - Kenyatta Lee was hired as the new chief of modal development a few months ago. Asst. Sec. Thoburn shared that Ms. Lee has experience in ports, transit, and transportation technology
- The freight group developed a work group to internally assess the current approach to passenger rail in Florida. Projects will be driven by policy and MPOs will have opportunities to be engaged in this conversation

The meeting attendees had a discussion that included the following topics:

- Peter Buchwald, St. Lucie TPO, asked for clarification on where the \$13M in SU funds from the CARES ACT are going. Asst. Sec. Thoburn answered that the Department will investigate it. Mr. Buchwald asked if the \$89M in CRRSSA would be available for FY 21/22. Asst. Sec. Thoburn clarified that it would be. Mr. Buchwald asked when MPOs will be able to provide input for the threshold for amendments for the UPWP that the Department and FHWA are negotiating. The meeting attendees were informed that MPOs will be included in the conversations and be able to add input. Comments from MPOs given at the Florida Metropolitan Planning Partnership (FMPP) meeting will also be shared
- Greg Stuart, Broward MPO, stated that apportionments were published by FHWA and FTA for the CARES Act by Transportation Management Associations (TMA), which was sent out by Carl Mikyska. In regards to earmarks, Broward MPO took a conservative approach when submitting projects. Only about \$5.5M worth of projects that weren't in the TIP were submitted by local governments to leverage funds in the Work Program. Tuesday (04/27/2021) was the deadline for submittals to Congress and the Broward MPO

submitted everything that was necessary. On the equity side, there's a survey on equity from University of Texas to see how the MPOs make decisions on equity.

- Meeting attendees thanked Mark Reichert for his service as the FDOT Administrator for Metropolitan Planning
- Nick Uhren, Palm Beach TPA, asked for clarification on earmarks and how it plays out for projects funded through a congress member's request. He asked if the funds would be delivered via Local Agency Program (LAP) agreement and, if so, is the Department anticipating the staffing impacts of administering those additional LAP agreements? It was clarified that it depends on the project
- Dave Hutchinson, Sarasota/Manatee MPO, asked about potential expectations management issues if the earmark is a portion of project costs and allows advanced work. It was shared that the Department provided guidance on this issue. Jeff Kramer stated that the MPOAC Weekend Institute also discusses the pros and cons of earmarks. Attendees are encouraged to talk to their MPO Staff Directors and discuss any concerns and determine if an amendment is needed. Mr. Kramer stated that the slides from the MPOAC Weekend Institute for Elected Officials can be shared to help with the conversation
- Lois Bollenback, River to Sea TPO, requested the notes about the transportation trust fund "sweep". She asked for confirmation whether or not a portion of the stimulus funding was being placed into the state budget and was going to be general revenue funds. It was then asked if those funds would be subject to the restrictions that state funds have in terms of where they can be spent. The answer was that they are waiting for the study to clarify how the funds can be spent and the backup for the bill describing how the funds are to be utilized.

B. FLORIDA DIVISION OF FEDERAL HIGHWAY ADMINISTRATION

Ms. Cathy Kendall, Team Leader of the Planning Team, and Ms. Karen Brunelle, Director of Program Development, Florida Division, Federal Highway Administration (FHWA), updated the members on the activities of the Florida Division Office of FHWA and brought forward information of importance to the membership.

- General announcements
 - Cathy Kendall shared a notice from the US Census Bureau. The notice stated that they are taking comments on the proposed criteria to define urban areas based on the 2020 Census. Comments are due by May 20, 2021
 - Karen Brunelle shared an announcement about the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grants (former TIGER and BUILD). The information provided in the packet includes the links for accessing the grants, which are due on July 12th, 2021. The grants focus on planning and capital projects. She encouraged everyone to reach out if they had questions
- Transportation Performance Management updates
 - For PM2 Bridge data, most MPOs are in fair or good condition and only a few have bridges that are considered poor. Those in fair condition will move to poor if projects

- aren't submitted in a timely manner. The tables included in the agenda packet provide useful talking points when talking to FDOT about bridge replacement projects.
- PM3 tables included in the agenda packet include travel time reliability, sources are provided on each presentation slide. She encouraged everyone to reach out to planners if there are questions
 - CRRSAA guidance
 - The guidance memo is included in the agenda packet. The slides from the presentation can be used as a cliff notes for the guidance document

● BUSINESS ITEMS & PRESENTATIONS

A. MPOAC FREIGHT PROJECT PRIORITIES LIST

Michael Williamson, Cambridge Systematics, and Daniel Crotty, Whitehouse Group, presented this item. The MPOAC Freight Committee identifies high priority freight projects on an annual basis to provide MPOs from across the state with an opportunity to collectively promote and endorse these projects for funding under the National Highway Freight program and other federal and state sources. The Freight Committee worked with the 27 Florida MPOs to develop the statewide MPOAC freight project priority list which will be shared with FDOT for consideration during the upcoming 5-Year Work Program development cycle. All projects have been screened by the Freight Committee to ensure that the projects support the agreed upon intent of the program. Each project listed in the document has the same priority.

Mr. Williamson described the program purpose and the summary of submittals. He reported that 18 of 27 MPOs submitted projects for a total of 36 projects. They worked with District freight coordinators and asked if projects were a District freight coordinator priority.

Mr. Crotty shared a map of the identified projects and noted that there is at least one project in each District. He proceeded to describe the list of projects for each district, concluding by requesting that Committee recommend approval of the 2021 MPOAC Freight Project Priorities List to the MPOAC Governing Board.

Nick Uhren, Palm Beach TPA, asked if the passage and transmission of the MPOAC Freight Priorities list had any demonstrable or anecdotal impact on funding decisions. Mr. Crotty shared that every time the MPOAC presents FDOT with this list, they take it into consideration and apply extra points in the formula used to make project selection decisions. Funds are then applied to the Freight Mobility and Trade Plan (FMTP) list.

Dave Hutchinson, Sarasota/Manatee MPO, made a motion to recommend approval of the 2021 MPOAC Freight Project Priorities List and that the list be transmitted to Florida DOT. Carl Mikyska, Pasco County MPO, seconded. The motion passed unanimously.

A conversation then ensued over multiple proposals made during the Freight Committee meeting related to modifying the eligibility requirements for the Freight Project Priority List, expanding the scope and purpose of the Freight Committee to include passenger rail development, updating the name of the Freight Committee to match the expanded scope and purpose, and to conduct a review of the membership of the Freight Committee.

The stated purpose for modifying the eligibility requirements was to allow projects to be considered for inclusion on the MPOAC priority list that were not already funded at some level and projects that might supplement or support the national freight network, but are not on the freight network. The purpose for considering a change in the Freight Committee scope and purpose was to include passenger rail development to the committee focus on freight development, including freight rail development. The suggested change in the Freight Committee scope and purpose was also to include a name change to add rail considerations along with freight. It was further suggested that it would be a good opportunity to revisit the Freight Committee membership.

Greg Stuart, Broward MPO, explained that, should the Governing Board approve all of the recommendations, that the Broward MPO would meet with their consulting team and MPO Governing Board members to discuss expanding the scope of the consulting contract and to provide funding to include rail considerations.

Dave Hutchinson, Sarasota/Manatee MPO, made a motion to recommend approval to:

- modify the eligibility requirements for the Freight Project Priority List to include projects that were not already funded at some level and projects that might supplement or support the national freight network, but are not on the freight network
- update scope and purpose of the Freight Committee to incorporate rail
- change the name of the “Freight Committee” to the “Freight and Rail Committee”
- review and update the Freight and Rail Committee membership list

Peter Buchwald, St. Lucie TPO, seconded. The motion passed unanimously.

B. MPOAC EXECUTIVE DIRECTOR

Don Scott, Chair of the Staff Directors’ Advisory Committee, presented this item. Mr. Scott described that in February 2021, the MPOAC Executive Director announced his resignation, effective March 5, 2021. The MPOAC has limited experience filling the position of Executive Director (there have only been 2 Executive Directors in the history of the organization) and requires time to consider how to approach filling the position. At the request of the MPOAC Executive Committee made during a meeting held on February 24, 2021, Mr. Jeff Kramer with the Center for Urban Transportation Research (CUTR) at the University of South Florida (USF) has agreed to act as the Interim MPOAC Executive Director, providing the MPOAC with time to develop and execute a plan for filling the position of MPOAC Executive Director. Mr. Scott indicated that the MPOAC Executive Committee is in a

position to develop such a plan and to begin taking steps in executing the plan (preparing a job description, soliciting resumes, conducting an initial screening of candidate resumes, conducting initial interviews, recommending a candidate to the Governing Board, etc.), subject to approval by the MPOAC Governing Board. He recommended that the MPOAC Staff Directors' Advisory Committee consider such a recommendation and then opened the item for member discussion.

Nick Uhren, Palm Beach TPA, asked for clarification on the language in statutes to determine if the MPOAC Executive Director has to be an employee of FDOT. He also asked if there is flexibility with the existing language or if a modification to state law is needed. Mr. Scott stated that some clarifying language had been developed by Mr. Paul Gougelman, MPOAC Counsel, at the direction of the MPOAC Executive Committee to amend statutes should the organization conclude that a change in statute was required.

Greg Stuart, Broward MPO, stated that the structure in the discussion sounded like a hosting agreement versus an employment agreement. Mr. Gougelman stated that the language is open to interpretation, but agreed that it seems more geared to a hosting agreement. Members asked if legal research was needed to clarify the roles and functions of the MPOAC and the Department. It was explained that there is no contract between the MPOAC and the Executive Director and the role has previously been managed by FDOT and that the position was an FDOT position.

Mr. Stuart suggested that the MPOAC could ask CUTR to assess the pros and cons of a split from FDOT versus maintaining the current arrangement and if there were other options that the group could consider. It was stated that once the research is done, it can be brought to the Governing Board for further discussion. A suggestion was made to rotate MPO Executive Directors and work with Jeff Kramer, MPOAC Interim Executive Director/CUTR, to give CUTR enough time to do the needed research.

Nick Uhren, Palm Beach TPA, asked for clarification on who makes the final decision on how to proceed. It was answered that guidance is needed to make a decision. The Staff Directors discussed that they need to make recommendations to the Governing Board on a number of issues including what should be included in the position description and the advertisement, where the position should be advertised, the vision and mission of the MPOAC as stated in the Strategic Directions Plan and how that relates to filling the vacant position, how to handle the MPOAC Transportation Planner position, and the costs and mechanics associated with this process. Alison Stettner, FDOT Office of Policy Planning, stated that the Department is ready to help with any decision the MPOAC makes.

Dave Hutchinson reminded the group that there was discussions of having a decision by December, with a start date in January. He also reminded the group that there is a contract being processed with FDOT and CUTR for Jeff Kramer to serve as the Interim Executive Director that will last until the end of December.

It was clarified that the decision is up to the Governing Board and the research findings and recommendations should be brought back to the Governing Board in July. Recommendations should include a hiring strategy that can be implemented by January 2022, an analysis for an amendment to the current statute for the MPOAC to pursue independence from FDOT, and an analysis for a transition within FDOT to be consistent with other director and senior management positions within the Florida Retirement System (FRS). Mr. Hutchinson stated that this strategy would allow the MPOAC Governing Board to choose a direction in the July meeting and also have time to make a decision with input from the Staff Directors.

Greg Stuart asked if a job description for the Florida Transportation Commission Executive Director was available and if it is similar to the Executive Director for the MPOAC. It was stated that the position description will be looked up. The group members were encouraged to reflect on the purpose of the MPOAC, and consider healthcare, retirement, advertisement, transitions and transfers, etc. as the position description is developed. Carl Mikyska requested that strong consideration be given to John Waldron if the MPOAC becomes an independent entity as he has many years invested in the retirement system.

Lois Bollenback, River to Sea TPO, stated that she agrees with the discussion and that time is needed before a decision can be made. She stated that filling the position can be accomplished through the executive committee or any committee once they get to that point. Ms. Bollenback indicated that it is unclear in the discussion how to manage the MPOAC operations and how to keep it afloat in the interim. Mr. Stuart shared that the California Staff Directors rotate the agency responsibilities for their statewide association. He suggested that a similar model could be applied in Florida. Ms. Bollenback asked how often the rotations occur. Mr. Stuart explained that it was just an option they could consider and restated that the group needs to be thoughtful in making this decision.

Dave Hutchinson stated that 9 months should be adequate time to analyze options and fill the position, and that there may be other ways to resolve the concerns with salary and retirement without extricating from FDOT. It was restated that by July, the Executive Committee, with input from other committees, could come back with recommendations based on the analysis of the options so that the Governing Board can make a decision. Mr. Gougelman reminded the group of the statute by which the MPOAC is created (Section 339.175(11), Florida Statutes).

Meeting attendees asked for clarification on the recommendations that are requested by July. The group was asked if they wanted to change statute or work within the existing structure keeping in mind that there are issues with salary and that the MPOAC Executive Director position is not in the senior management tier of the Florida Retirement System (FRS). It was added that the role of the MPOAC and the Executive Director needs to be better defined. The group continued the discussion on the following items:

- The timeline to fill the position based on the end date set by FDOT for Jeff Kramer to serve as Executive Director in the interim,
- The need for an interim Executive Director,
- The number of MPOAC quarterly meetings that will occur between April and December,
- The possibility of rotating the Executive Director responsibilities between Staff Directors, and
- The position description and benefits, staff, etc.

Lois Bollenback, River to Sea TPO, made a motion recommending that the Policy and Technical Committee explore options for the MPOAC Executive Director position and the future of the MPOAC, research some of the issues at hand, and share findings and recommendations with the Executive Committee and other necessary committees. Second by Peter Buchwald, St. Lucie TPO.

The group had additional discussion on their concerns regarding the time constraints to complete the tasks needed for these recommendations. It was stated that there will need to be at least two (2) meetings for the Policy and Technical Committee before recommendations could be made. A request was made to clarify that the motion is without a date certain. An amendment was made to the motion and clarified by Lois Bollenback, River to Sea TPO, to state that information and considerations would be sent to the Executive Committee to move forward and then sent back to the Staff Directors for consideration. Second by Peter Buchwald, St Lucie TPO.

Austin Mount, Florida-Alabama TPO, asked for clarification on the purpose of including the Policy and Technical Committee as stated in the first motion. It was clarified that the purpose of the Policy and Technical Committee was to broaden the input beyond the Executive Committee while preserving the role of the Executive Committee. The group had additional discussion on the timeline for the Executive Committee to make decisions and it was decided that the Executive Committee could determine a timeline at their meeting.

Scott Koons, Gainesville MTPO, asked for clarification on the process and the authority of the Executive Committee in this process. It was stated that the Executive Committee could be given the responsibility with the motion made today, but it would first go to the Policy and Technical Committee, then to the Executive Committee, then to the Staff Directors' Advisory Committee, and then to the Governing Board. Paul Gougelman, MPOAC Counsel, clarified that the authority of the Executive Committee depends on what they are being asked to do. If they are devising a plan to hire, they can delegate that authority to the Executive Committee, which is the motion in the agenda package.

It was further clarified that the recommendation made at this meeting would be sent independently to the MPOAC Policy and Technical Committee, then to the Staff Directors' Advisory Committee to codify the recommendations in July, and then to the MPOAC Governing Board to make their decision based on those recommendations. The Governing Board could then recommend that the MPOAC Executive Committee advertise the

position, review the candidates, and then come back with the recommended candidate for the Governing Board to consider. The MPOAC Governing Board would have the final decision.

The motion was restated by Lois Bollenback, River to Sea TPO, that the MPOAC Policy and Technical Committee explore options for the MPOAC Executive Director position, research the issues at hand, and share findings and recommendations with the Governing Board and other necessary committees. Second by Peter Buchwald, St. Lucie TPO.

It was clarified that the Policy and Technical Committee would provide information for the job description and the positives/negatives of extricating from or staying with FDOT, and then they will come back to Governing Board at a future date.

Don Scott, Chair, called for a roll call vote: 20 yes, 4 no. Motion passed.

It was requested that the group wait to make a motion for the Governing Board to delegate hiring authority to the Executive Committee until after the Policy and Technical Committee recommendations were made.

Mr. Gougelman recommended that the group consider assigning the authority to CUTR and himself to conduct the necessary research. The first Policy and Technical Committee meeting can be used to identify questions that need answering. There was concern about potential conflicts with who is tasked with doing this research.

The group discussed the hiring process when Carl Mikyska was hired as the MPOAC Executive Director. The selection process was conducted by the Executive Committee, and ratified by the Governing Board, but the letter of offer came from Mr. Gougelman and was signed by the Chair of the MPOAC Governing Board. In the advertisement, the position was listed as an FDOT position, but the selection process was conducted by the MPOAC. The process was as follows:

- A list of candidates was provided to the Governing Board,
- There were negotiations,
- The Executive Director was approved by the Governing Board,
- The start date was selected, and
- Mr. Mikyska was brought in as an FDOT employee working for the MPOAC.

Jeff Kramer expressed concern about who would be involved from CUTR to conduct the research and under what contract it would be accomplished. He confirmed that there is a conflict of interest if he were overly involved and added that time, budget, and data needs were also a concern. It was added that the Department doing the research also creates a conflict of interest. It was decided that the work could be completed by the MPOAC Policy and Technical Committee.

C. PRESENTATION BY NATIONAL ASSOCIATION OF REGIONAL COUNCILS

Mr. Erich Zimmermann, Deputy Director, National Association of Regional Councils (NARC), presented this item. Mr. Zimmermann described that NARC serves as the national voice for regions by advocating for regional cooperation as the most effective way to address a variety of community planning and development opportunities and issues, including in the area of transportation. Mr. Zimmermann discussed NARC services for its MPO members and provided an overview on current federal legislative and administrative issues, including the status of efforts to reauthorize federal transportation authorization legislation (FAST Act).

He also summarized the national and state level efforts to identify a sustainable replacement for the motor fuels tax. This is in response to direction from the MPOAC Governing Board at their January 2021 meeting to work with transportation partners to hold a discussion on alternative transportation revenue mechanisms as part of a future MPOAC meeting agenda item.

Items shared by Mr. Zimmermann included the following:

- 35 states have either enacted and implemented vehicle miles traveled (VMT) programs, are testing VMT pilot projects, or are currently researching VMT options
- Two regional groups of states, Road Usage Charging (RUC) West and the I-95 Corridor Coalition /Eastern Transportation Coalition (ETC), have coordinated efforts and resources around VMT issues to leverage resources and to focus funding efforts.
- The ETC recently reported results from a pilot study they conducted in Delaware and Pennsylvania
- RUC West members are organized into three tiers of member States including states with policies enacted to implement RUC programs, states testing RUC programs, state researching RUC programs
- Oregon (OReGO), Utah, and Virginia have active programs replacing gas taxes with mileage-based programs. Mr. Zimmermann described these programs in greater detail
- Florida is included in testing Implementation Paths for Mileage Based User Fees (MBUF): The Coalition studies MBUF through the ETC, however, there is no specific activity related to Florida at this time
- There has been federal legislation since the FAST ACT was authorized that funds some work in this area
 - The Surface Transportation System Funding Alternatives is the most recent distribution of funds (it is the 5th distribution of funds under this program).

Mr. Zimmermann made the following general observations based on his research:

- The road usage charge concept having been implemented in a red, a purple, and a blue state (Oregon, Utah and Virginia) indicates that the approach itself is somewhat nonpartisan
- These programs are not replacing what is being collected in terms of fuel tax
- At the state level there has been progress, but there is uncertainty as to whether there will be policy movement toward a similar approach at the federal level

Carl Mikyska, Pasco County MPO, made a request to delay items D & E on the agenda to a later date due to time constraints. Mr. Kramer stated that the brochure for the MPOAC transportation revenue study is in the handout and need not come back for presentation at a later meeting. He encouraged those with questions to reach out and ask. Ms. Brenda Young would be asked back to present on the Highway Safety Improvement Program at a later date.

F. CONSOLIDATED PLANNING GRANT IMPLEMENTATION STATUS

Mr. Mark Reichert, FDOT, presented this item. In early 2021, the FDOT Office of Policy Planning received approval from FDOT upper management to move forward with the plan to implement a Consolidated Planning Grant (CPG) in Florida. The CPG will consolidate the currently separate federal planning funding programs (FHWA PL funds and FTA 5305(d) funds) used to fund planning work by Florida's MPOs. Combining the federal planning funds into a single grant through the CPG would streamline contracting, improve fund tracking, simplify invoicing, provide MPOs with greater flexibility to use their planning funds, and make federal funding immediately available to MPOs at the start of the Federal Fiscal Year. The FDOT Office of Policy Planning worked with the FDOT Office of Work Program and Budget on the details of how to implement the CPG.

Mr. Reichert shared that the Department has been working internally over the past few months with the FDOT Office of Work Program and Budget to figure out how to implement the CPG. The Department looked at several different scenarios, including using the statewide PL formula for both sources of funding. However, when the FTA funds were moved into the PL pot, and then the PL funding allocation was applied to all of the money, the larger MPOs did not have a good outcome and this was viewed as being inappropriate. It was determined that the current FTA funding formula will be applied before they make the transfer into the PL funds and the current PL funds will be allocated under the current funding scenario. Both funding formulas were agreed to by the MPO Staff Directors many years ago, but they are always open for discussion. The funding scenarios remain the same and the funds will be merged under the CPG.

The current FTA grants go back to FY 17/18, and some have \$0 on them, but they are still open. These grants need to be closed out. They are working with FTA to see if the new Public Transportation Grant Agreement (PTGA) grants can use the deobligation process to be closed out when they move into the new UPWP cycle and then be reallocated under the new UPWP. They are on track to have the process implemented with the next UPWP cycle. The group is encouraged to reach out to Scott Phillips, FDOT, with questions.

G. MPOAC EXECUTIVE LEADERSHIP MEETING

Mark Reichert sent out the meeting notes from the MPOAC Executive Leadership meeting.

- **MEMBER COMMENTS**

The Charlotte County-Punta Gorda MPO is looking to hire a junior planner. Gary Harrell, Charlotte County - Punta Gorda MPO, announced that his retirement starts in July and they will need to advertise for a replacement.

Steve Diez, Hernando/Citrus County MPO, shared that the Hernando/Citrus County MPO will be advertising for the Executive Director position soon will also be retiring.

- **ADJOURNMENT**

The next meeting of the MPOAC Staff Directors' Advisory Committee will be July 29, 2021. A meeting notice will be sent out at least one month prior to the meeting date.

The Chair adjourned the meeting at 2:47pm