The Florida Metropolitan Planning Organization Advisory Council

MPOAC

Commissioner Vanessa Baugh
Chair

MPOAC Policy and Technical Committee

Date: **Wednesday, July 19, 2023**

Time: **9:00 a.m. – 12:00 p.m.**

Location: **The Don Cesar Hotel, Del Prado Room**
3400 Gulf Boulevard
St. Pete Beach, Florida 33706

Please join my meeting from your computer, tablet or smartphone.
https://meet.goto.com/MPOAC-Lisa

You can also dial in using your phone.
Access Code: 505-406-661
United States: +1 (312) 757-3121

Austin Mount, Presiding

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1. **Call to Order & Pledge of Allegiance**

2. **Approval of Minutes: July 6, 2022 Meeting**

3. **Introductions**

4. **Public Comments (non-agenda items)**

5. **Business Items & Presentations**
   - **A. PL Formula Revision**
     - **a. Cut-off for keeping PL base for MPOs that merge**
     - **b. Off the Top Funding for Freight and Rail Consultant**
   - **B. Legislative Impacts to MPOAC**
     - **a. HB 7041 Space Florida**
     - **b. HB 425 Transportation**
   - **C. FHWA Billing Compliance Review of MPOs**
   - **D. Complete Streets 2.5% Set-Aside of PL Funds**
   - **E. MPOAC Policy Positions**
   - **F. Policy and Technical Committee membership**

6. **Member Comments**

6. **Adjournment**

Mark Reichert, Executive Director
605 Suwannee Street, MS 28B · Tallahassee, Florida 32399-0450
850-414-4062, mark.reichert@dot.state.fl.us
www.mpoac.org

Any person who desires or decides to appeal any decision made by this Council with respect to any matter considered at this meeting will need a record of the proceedings. For such purposes, such person may need to ensure that a verbatim record of the proceedings is made which record includes testimony and evidence upon which appeal is to be based.

The needs of hearing or visually impaired persons shall be met by contacting the Council sponsoring such meeting at least 48 hours prior to the meeting. Please contact Lisa Stone at (850) 414-4037 or by email to Lisa.O.Stone@dot.state.fl.us.

Florida Metropolitan Planning Organization Advisory Council
Policy & Technical Committee
July 6, 2022
Boca Raton, Florida

- Draft Meeting Minutes -

ATTENDEES:

IN-PERSON (MPOs):
Don Scott, Lee County MPO
David Hutchinson, Sarasota/Manatee MPO
Greg Stuart, Broward MPO
Greg Slay, Capital Region TPA
Austin Mount, Florida-Alabama TPO
Beth Alden, Hillsborough TPO
Mike Woods, Lake-Sumter MPO
Beth Beltran, Martin MPO
Gary Huttman, MetroPlan Orlando
Carl Mikyska, Pasco MPO
Peter Buchwald, St. Lucie TPO
Chris Rosenberg, Miami-Dade TPO
Mary Tery Vilches, Miami-Dade TPO
Franchesca Taylor, Miami-Dade TPO
Brandy Otero, Collier MPO
Mike Woods, Lake-Sumter MPO
Elizabeth Watkins, Hillsborough TPO
Ryan Brown, Sarasota/Manatee MPO
Marci Larson, North Florida TPO
Georganna Gillette, Space Coast TPO
Whit Blanton, Forward Pinellas
Colleen Nicoulin, River to Sea TPO
Brian Freeman, Indian River MPO
Candice Ericks, Broward MPO
Mayra Uribe, Orange County
Carl Mikyska, Pasco County MPO
Paul Calvaresi, Broward MPO
Marybeth Soderstrom, Heartland Regional TPO
Aileen Bouclé, Miami-Dade MPO
Robert Weinroth, Palm Beach

VIRTUAL (MPOs):
N/A

IN-PERSON (OTHERS):
Mark Reichert, MPOAC
Lisa Stone, MPOAC
Cathy Kendall, FHWA
Alison Stettner, FDOT
Steve Morello, CDM Smith
Jee Kim, Gannett Fleming
Charles Elliott, Think It
Mark Pistiner, CDM Smith
John Kaliski, Cambridge Systematics

VIRTUAL (OTHERS):
N/A

1. CALL TO ORDER/ROLL CALL

Don Scott, Chair, called the meeting to order at 9:00 a.m. The Chair welcomed those in attendance.

2. APPROVAL OF MINUTES

Minutes of the July 7, 2021, meeting were presented for approval. Greg Slay made a motion to approve the minutes. The motion was seconded by Brandy Otero. The motion was approved unanimously.

3. PUBLIC COMMENTS

No public comments were made.

4. BUSINESS ITEMS & PRESENTATIONS

A. Proposed MBUF Pilot Project (Mark Reichert):

The purpose of the Policy and Technical Committee Working Group is to provide a forum for more in-depth discussion on issues that affect the MPOs and figure out a path to move forward with some of those issues.

The main topic for discussion at this time is the MPOACs participation in the proposed Mileage Based User Fee (MBUF) Pilot Project. MBUF is also referred to as Road Usage Charge (RUC) or Vehicle Miles Traveled (VMT). MBUF is a policy whereby motorists pay for the use of the roadway network based on distance traveled. RUC serves as an alternative funding mechanism to support road maintenance and construction.

Mark provided an overview of the State Transportation Trust Fund receipts to help provide MPOs with information on how transportation infrastructure is funded in Florida and the fiscal challenges we are facing. This information will help MPOs advocate and help spread the message that there is a problem relying on the fuel tax as our primary source of transportation funding for the future. These discussions will encourage debate on replacing this funding with more a sustainable option.

State Transportation Trust Fund: Funded by a combination of federal, state and local fuel taxes; fees on annual vehicle registrations, the initial registration, and vehicle titles; a $2.00 per day rental car surcharge, and a share of documentary stamp taxes. The state's toll facilities are primarily supported by tolls and concession earnings. The $1.3 billion in toll receipts do not flow through the STTF. Taxes on the sale of motor-fuel typically account for about 60% of the revenue that flows into the STTF.

Calendar Year 2022 Fuel Tax Rates: Federal highway fuel taxes are 18.4 cents per gallon on gasoline and gasohol and an additional 6.0 cents per gallon on diesel. 2.86 cents of this is transferred into the federal mass transit account and one-tenth of a cent goes towards the Leaking Underground Storage Tank Trust Fund (LUST). Federal tax has not been raised since 1993. Had it been indexed to the CPI; it would be 33 cents today generating an additional $22 billion per year. Through 2021, GR transfers to the HTF have totaled $270 billion since 2008.

There are 2 fuel taxes that compose what we refer to as the State Fuel Tax: (1) State highway fuel tax which is applied to each gallon of motor fuel, at 15¢ per gallon, and (2) State Comprehensive Enhanced Transportation System Tax (or SCETS tax) is 8.3 cents per gallon. The state and SCETS fuel taxes are the only fuel taxes indexed to inflation. They are adjusted annually on January 1st based on the change to the CPI. The 0.125 cents per gallon inspection fee is part of the state gas taxes we pay but does not come to the Department. It goes to the General Inspection Trust Fund within the Department of Agriculture and Consumer Services and is not indexed to inflation.

There are 3 Legislatively imposed Local fuel taxes: (1) the Constitutional Fuel Tax went into effect in 1943 and is imposed on all motor fuels at 2.0¢ per gallon; (2) the County Fuel Tax went into effect in 1941 and is imposed on all motor fuels at 1.0¢ per gallon; and (3) the Municipal Fuel Tax became law in 1971 and is imposed on all motor fuels also at 1.0¢ per gallon. None of these 3 fuel taxes flow through the STTF and have never been increased.

There are also 3 locally imposed local option fuel taxes: (1) 1 to 6 cents County Local Option Fuel Tax that's been around since 1985 (it is mandatory that all counties levy this tax at the full 6.0¢ on diesel fuel), (2) County Local Option Fuel Tax of 1 to 5 cents per gallon that went into effect in 1993 (diesel fuel is not subject to this tax, and (3) Ninth-cent Fuel Tax that's been around since 1972, which is a penny tax assessed on every gallon of motor and diesel fuel sold within a county (it is mandatory that all counties levy the tax on diesel fuel.) None of these local option taxes flow through the STTF.

Calendar Year 2022 Diesel Fuel Tax Rates: This reflects the additional 6 cents per gallon of federal fuel taxes on diesel and removes the 5 cents of locally imposed fuel taxes that are not applicable to diesel. Also, the .125 cents per gallon inspection fee is not assesses on diesel fuel.

Locally Imposed Fuel Taxes – Tax Rates as of 1/1/22: Of the 12 cents of locally imposed fuel taxes available, only 32 counties have implemented the 3 local option fuel taxes to their fullest extent. The maximum tax that can be levied on a gallon of gasoline or gasohol in the state of Florida is 57.8 cents per gallon, 58.7 cents on diesel fuel.

FDOT Annual Appropriation History: The FY 2022-23 FDOT budget is a record $12.6 billion. Mostly because of our state commitment to investing in our infrastructure, Florida's transportation system is consistently ranked as one of the best in the country. Only 25% of FDOT's budget comes from Federal funds.

What Sets Florida Apart: Florida is in a much better financial position for funding its infrastructure than almost all of the other states in the country due to the following:

- We have been adjusting our state fuel taxes based on the CPI since 1992.
- This indexing of the State Fuel Taxes has resulted in approximately $8 Billion in additional revenue since the indexing began.
- We have the most toll-road mileage in the country.
- We have taken advantage of every innovative finance option available.
- We are growing again. Over 300,000 people are moving to the state each year. Over 100 million tourists visit the state each year.
- All of these variables have produced our record transportation budgets.

Florida's Population Trend: Current population is 22.2 million, projected to be 24.4 in 2030.

Visitors to Florida: We have surpassed the number of annual tourists to Florida from the pre-Covid numbers and are now on track for 133 million in 2022.

Daily Vehicle Miles Traveled in Florida: Data was provided showing DVM travelled, however, the information will most likely change due to the impacts of the impacts of the current cost of a gallon of fuel. In 2020, the DVM travelled in Florida was around 569 million. That number increased in 2021 but the official number has not been determined yet.

Fuel Consumption in Florida: Unlike many other states in the country, fuel consumption and, therefore, fuel tax receipts have been growing again in Florida. There was a drop in consumption during the recession and Covid years. But we should see an increase in the future.

Fuel Consumption Growth Rate in Florida: We can get a better picture of what's occurring in Florida by looking at the annual rate of change in fuel consumption. Between 1990 and 2005, fuel consumption in Florida increased an average of 3.4% each year. During the height of the recession in FY 2008-09, consumption dropped over 5%, then dropped again during Covid. More recently the data is showing a positive rate of change in fuel consumption each year in Florida, but the rate of growth is forecast to decrease each year. We attribute the increase in fuel consumption to the fact that our population is growing once again and the number of tourists visiting the state is at an all-time high. However, the decrease in the growth-rate we attribute to the increasing fuel efficiency of the statewide fleet of vehicles and more electric vehicles entering the fleet.

Average Fuel Efficiency: In 1980 the average fuel efficiency of the fleet of light duty vehicles in the United States was 14.9 MPG. In 2020 this increased to 22.9 MPG; an increase of 54%. In 1975 the average fuel efficiency of **new** model year passenger vehicles was 13.1 MPG. By 2020 this increased to 25.4 MPG; an increase of over 48%. Fuel efficiency has increased 32% just since 2005. Pickup trucks make up a great percentage of the fleet as well.

Electronic Vehicle (EV) Impacts to Market Share & Revenue: The impact of fuel at almost $5.00 a gallon may accelerate the EV trend. Information was provided on only EV impacts to revenue, not the impact of hybrids or improved fuel efficiency of ICE vehicles. Again, the impact of the rising cost of fuel may accelerate the move towards electric vehicles.

Future of Transportation Revenue: In the private sector, when the current business model is no longer working, they revise the business model, or they go out of business. The MPOs in Florida have taken the lead and are exploring a pilot project in Florida.

As a member of MBUFA, the MPOAC (MPOs) are now part of the conversations. MBUFA is glad to have Florida "at the table" for discussion of future implementation. Conducting a pilot project would help with the determination if MBUF is a path forward for Florida or not.

The Federal government is providing $75 million for pilot projects nationally (80% federal funding, 20% match from MPOs – cannot match federal funds with federal funds, must also have local funds). The MPOs and cities are allowed to apply for this funding.

Steve Morello from CDM Smith provided an overview of the grant process and opportunities that are currently available. A lot of creativity goes into writing grant proposals, CDM Smith and other consultants have helped many state authorities apply for grants.

Don asked Alison Stettner (FDOT) if the department is pursuing participation in the pilot projects. Alison indicated that they are interested and following the process, however, they are not pursuing participation in the pilot project at this time.

Discussion was held regarding the MPOACs participation in the MBUF pilot project process. The following motion was presented, Greg Slay made a motion to approve, Mayra Uribe seconded the motion, the motion was approved unanimously by the group: **The Executive Director is directed to contact all of the boards around the state to determine interest in participating in a pilot project (looking at the local level and tourism level for funding). If a majority of support is determined, it will be presented to the MPOAC Staff Directors, followed by the Governing Board, for approval/adoption. Next steps will be discussed by the group once approved/adopted.**

B. Mileage Based User Fee (MBUF) Panel Discussion at Annual Conference (Mark Reichert):

Mark will attend and moderate a session at the annual conference on September 13 (description below). All MPOs and/or representatives are encouraged to attend if possible.

*"**A New Opportunity: MPOs Explore Regional MBUF**: Be the first to hear a full panel discussion of the new role for MPOs in the United States as they look to test road charging with direct grants from the U.S. Department of Transportation now allowed under IIJA. Four leaders of the MPOs from across the nation will discuss how their agencies are considering this new concept for transportation funding. The United States has over 420 MPOs and each has the responsibility to develop long range regional transportation plans that guide and direct transportation decision-making in their cities, communities, and regions. Learn how these critical agencies will be shaping this issue during the next five years with a new perspective at testing road charging on a regional basis."*

C. Legislative Policy Positions for 2023 Session (Mark Reichert):

Every year the MPOAC produces a set of legislative priorities and policy positions that are sent to the legislature. The purpose of this document is to provide policy guidance as discussions relative to the legislative sessions occur. Individual MPOs are encouraged to use the MPOAC legislative policy positions during discussions with their legislative representatives. Mark Reichert, MPOAC Executive Director, presented the 2022 draft legislative policy positions with suggested edits for 2023. Each Policy Position starts with "The MPOAC supports State Legislation that…". Policy positions were discussed in detail and final changes are noted (in italics):

<u>Policy Position 1</u>: Supports an increase in transportation investment through dedicated and sustainable funding, including innovative financing options; encourages partnerships between public and private entities; and facilitates the expediated delivery of projects. *Delete bullets 2 & 3*

<u>Policy Position #2</u>: 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. *No Change*

Policy Position #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. *Update with draft language from APA*

Policy Position #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. *Delete*

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). *Move bullet 1 to Policy Position 1.*

Policy Position #6: Recognizes that federal metropolitan transportation planning funds shall not be regarded as state funds for purposes of expenditure. *No Change*

Policy Position #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. *Delete*

D. Future of MPOAC Weekend Institute (Mark Reichert):

The MPOAC Weekend Institute sessions were previously scheduled for April and May but had to be cancelled as a result of the OIG investigation. Mark presented the details of the investigation and copies of the Scope of Services for the CUTR MPOAC Weekend Institute contract dated June 2019 and Scope of Services for the CUTR MPOAC transportation planning services contract dated May 2019.

E. Future MPOAC Contracts (Mark Reichert):

Discussion was held on what direction the MPOAC wants to go moving forward. The MPOAC has a total of $170,000 (including contracts for the CUTR MPOAC Weekend Institute and two CUTR support contracts). It has been suggested that we combine all funds and put out an RFP for services, in the meantime the department has agreed to let us "piggy-back" on their consultant services contract through a Task Work Order.

All agreed that the MPOAC Weekend Institute is essential for new members and will be updated and reinstated as soon as possible. The importance of State, Local, and National Level board member training was emphasized as essential for the orientation of new members. AMPO is very informative but not always an option due to cost.

Alison Stettner reminded the group that the MPOAC is still under specific conditions from the department's February 2022 letter and there are issues that still have not been resolved. She noted that the financial report, detailed financial analysis and policies &

procedures document must be submitted to the department for review before moving forward. It was requested that this information be shared with the department and FHWA in real time.

Mark stated that he is preparing a draft policies & procedures manual to be presented to the MPOAC Executive Committee in July, to be finalized by October.

Don Scott recapped the discussion with: (1) We will bring back the MPOAC Weekend Institute when possible, and (2) The MPOAC will move forward to "piggy-back" on the departments consultant contract by Task Work Order and move forward, if needed, to go out with an RFP for consultant services.

F. DBE Contract Issue (Mark Reichert/Alison Stettner):

Allison addressed the group regarding the Annual Certification process. During the recent annual certification, some of the district contracts were audited to make sure all federal requirements were met. It was discovered that there were statewide issues with procurement of those contracts across the state.

The audit identified many issues with our processes with making sure they are race neutral and that there is no local preference in them. When it came time to extend those contracts it was determined they were not procured according to, or consistent with, federal policies, and could not be extended. Alison stated that MPOs would need to go back out to procure those contracts where issues were identified. She also noted that, if a contract was reviewed during the certification process and noted with red flags, MPOs would probably need to go back and do an introspective review of all contracts to make sure they are not all procured that way. This especially applies for those going through the county process. It is important to get the correct language into your procurement documents. The MPO liaisons, with support from the procurement specialist, will be evaluating, analyzing and tracking contracts going forward. The MPO liaison may have reached out already to get the total number of contracts for each MPO.

The department is creating a checklist which will help as contracts are being procured, working closely with Terry Shephard and Terry Watts making sure they meet both the DBE and Civil Rights requirements. This will be discussed in more detail during the FMPP meeting.

We (the department/OPP) have been placed under a corrective action right now requiring districts, MPOs and central office to better track and ensure everyone has a correctly federally procured contract.

Cathy Kendall (FHWA) noted this issue been out there for at least a year. Not just civil rights and DEBs but other issues with contracts. Now that issues have been found, it is expected that future contracts meet requirements. FHWA is also trying to take some of the existing contracts and figure out how to patch them so they can continue funding for those tasks. Notice has been given for future contracts and extensions. Those will need to meet federal requirements.

Several MPOs noted that it would be helpful to have some shared language for contacts/procurement. Alison said they are currently working on the preferred language which will be included on the contract checklist. They are also working on ways to simplify and look for red flags to create templates for future use. The first preview of the checklist will be available in August. The department will be coordinating on a regular basis to ensure that the language and checklist meet the current requirements and update them as needed.

It was also asked if there is currently an FHWA and FTA crosswalk for contracts. Alison stated that they are working with FTA on the language to ensure that it is included in the requirements. Moving contracts to CPG should make it easier to ensure all federal highway standards are met.

David Hutchinson mentioned that there is currently language regarding MPOs' use of funds that causes problems for MPOs with multi-year contracts. He and others would like to discuss this at a future meeting. It would also be helpful to change the contract review form to address this language to avoid these issues in the future.

Alison responded that the expiration language was not changed in last cycle or in a number of years, however, language was updated addressing the risk of change in director, consolidated planning grant and UPWP through small group meetings. Alison suggested this as a possible topic for MPO presentation at the FMPP shared meeting in the future.

G. Planning (PL) Formula Revision (Mark Reichert):

Mark stated this formula has not been revised since 2014. Regardless of the amount of PL funds that come to the MPOs in Florida, the MPOAC budget does not change, the base amount stays the same. An increase in allowance is needed due to the membership fees increasing. This action should not require revising the PL formula and would just need to go before the board to take action to approve the increase. At this time approximately $190,000 is needed to cover the dues.

The MPOs agreed that the group should also consider a percentage change received by the MPOAC but it will be best to look at that adjustment at the beginning of the UPWP cycle in two years. There should be a standardized policy and the MPOAC Governing Board should adjust it going into the UPWP. Changes and adjustments to formulas were discussed at length, we will wait for census to do any major updates.

H. Federal Ban on Lobbying Activities (Mark Reichert):

Mark addressed the Federal Ban on Lobbying Activities. The MPOAC UPWP has always had this task included. The MPOAC Executive Director regularly attends legislative committee meetings and occasionally provides information on issues impacting the MPOAC.

During this past UPWP cycle, we were asked to either rewrite or delete this task from the UPWP because, in the opinion of FHWA, this is considered lobbying which cannot be paid for using federal funds. The MPOAC Legal Counsel was asked to review federal regulations to determine if it applies to the MPOAC. It is the opinion of the MPOAC Legal Counsel that this does not apply to the MPOAC, as we fall under the exemption clause for state government. At this time, we have deleted the task from the UPWP.

Cathy Kendall (FHWA) stated that FHWA sees this task as an issue, due to the use of federal PL funds being restricted from lobbying whether federal or state. It is FHWAs opinion that advocating on pending legislation is lobbying activity and they do not see this as eligible use of PL funds. To get around this in the past, MPOs contributed local funds for this use, however, this has been discontinued. This remains a concern for FHWA.

Mark noted that the MPOAC is no longer collecting the local funds, based on the OIG investigation. We felt they were no longer needed. Although the funds were housed in state funds, they were returned due to a balance building in the account and were not needed for lobbying activities since our activities are not considered lobbying and the MPOAC falls under the exemption clause.

The question was raised about the amount of time spent on legislative activities. This varies depending on the agenda and issues being discussed. If there is an issue that the MPOAC needs to speak on, a speaker card is submitted and the information is provided.

Cathy Kendall (FHWA) stated that attending meetings and providing information and expertise is acceptable, however, advocating for a particular position on legislation is unacceptable. She emphasized that the MPOAC previously used local funds but they are no longer being used, lobbying is not an approved task for use of PL funds under the UPWP. The FHWA final position is that the MPOAC can serve in an advocate role only.

5. MEMBER COMMENTS

A. Annual FDOT Certification Review (Mark Reichert):

The Annual FDOT Certification Review is scheduled for July 11-12. A schedule was distributed and all MPOs. On day two, the MPOs will have an opportunity to provide input. Everyone was encouraged to participate if possible.

B. MPOAC Meeting Schedule for October (Mark Reichert):

The next full MPOAC meeting of the Governing Board and Staff Directors is scheduled for October 27 which is the same meeting date as the 2022 AMPO conference. Several MPOs are participating on panels during AMPO and there is a concern about low participation and establishing a quorum at the MPOAC meetings. Mark will poll the Governing Board and Staff Directors to determine if the meeting should be rescheduled or if we should keep it scheduled for October 27. Mark will provide feedback to the group.

C. Welcome Brad Thoburn, FDOT

Brad Thoburn addressed the MPOAC and emphasized how he values the partnership of the MPOs. Brad is over the Strategic Development section of FDOT. They have made progress with the SIS update and updated changes to SIS policy plan which is driven by the MPOs. He is pleased to see flexibility and noted that implementation is always a challenge. The department is currently looking at potential pilot projects. Current challenge is the implementation of the federal bill and the focus on more discretionary grant opportunities. The department is doing their part on gearing up to local projects, always looking to partner in order to leverage our return, a larger amount of federal discretionary funding is important. Several projects were discussed including NEVI, Carbon Reduction, and development of the Statewide Transit Plan. There are a lot of exciting things happening with transit and rail. The department looks forward to working with their partners as we navigate through these processes.

Alison noted that Federal Discretionary Grant Program meetings are lined up for the Fall. There will be a kick-off webinar on August 26, staff will be going in person to each district (maybe more than one due to geographic sizes) for MPOs and local agencies to come and learn more about the discretionary grant programs, how to prepare grants to be competitive, focus on regionalisms and partnerships, and moving forward in how the department can assist.

Alison also mentioned the Resilience Action Plan. The department will be showcasing a kickoff meeting and presenting carbon reduction strategies. Many elements are pulled into discretionary grants and the department is trying to provide as many opportunities for input as possible. The Grant Webinars will be available in August, September and October. This is a great time to think strategically about where we might be able to add budget, competitive projects and grant opportunities in IIJA. We want to make the most of this funding and not do not want Florida to give funds back.

6. ADJOURNMENT

The meeting was adjourned at 12:10 p.m.

U.S. Department of Transportation
Federal Highway Administration

Florida Division

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June 13, 2014

In Reply Refer To:
HDA-FL

Mr. Ananth Prasad
Secretary
Florida Department of Transportation
605 Suwannee Street
Tallahassee, FL 32399-0450

Dear Secretary Prasad:

We are in receipt of the Department's June 4, 2014 request to approve Florida's revised formula for distributing metropolitan planning funds. We acknowledge the Department's efforts to consult with the Metropolitan Planning Organization Advisory Council (MPOAC) about the needed changes to the formula to ensure the funds are distributed in the most efficient and effective manner to carry out the requirements of 23 U.S.C. 134 and other applicable requirements of Federal Law. The formula revision is being requested to reflect the following items, as recommended by the MPOAC Policy and Technical Committee on April 4, 2014 and approved by the MPOAC on April 24, 2014.

We hereby approve the revised PL formula to provide the following:

- The MPOAC with a base amount of $332,626 (with no inflation adjustment), but not to exceed the approved operating budget; an additional $55,000 for consultant fees; $85,000 for the MPOAC Institute; and $134,826 to pay the annual dues to the Association of Metropolitan Planning Organizations (AMPO) and National Association of Regional Councils (NARC) for each of the Metropolitan Planning Organizations (MPOs) and the MPOAC. The dues for AMPO and NARC would be used to support non-lobbying transportation activities (remains unchanged);

- The base amount of $350,000 for each of the MPOs remains unchanged;

- The remaining funds to be distributed among the MPOs on a proportionate basis of the population of the urbanized area relative to the total urbanized area population in the state remains unchanged; and

- MPOs that merge retain base allocation; $350,000 one-time allocation for MPOs extending boundaries to include new urbanized areas; provisions related to excess PL funds remains unchanged.

The $600,000 minimum allocation of the total statewide base amount that was to be used for regional planning has been deleted from the formula. All other provisions remain the same.

If you have questions or need more information, please contact Ms. Lee Ann Jacobs at (850) 553-2219.

Sincerely,

Lee Ann Jacobs

FOR: James Christian, P.E.
Division Administrator

cc: Mr. Robert Romig, FDOT (MS-57)
Mr. Jim Wood, FDOT (MS-28)
Ms. Lisa Saliba, FDOT (MS-21)
Mr. Howard Glassman, FDOT (MS-28B)
Ms. Yvonne Arens FDOT (MS-28)

FDOT

Florida Department of Transportation

RICK SCOTT
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

ANANTH PRASAD, P.E.
SECRETARY

June 4, 2014

Mr. James Christian
Division Administrator
Federal Highway Administration
545 John Knox Road, Suite 200
Tallahassee, FL 32303

RE: Revision of Metropolitan Planning Organization Advisory Council (MPOAC) Planning Funds

Dear Mr. Christian:

The Federal Highway Administration approved Florida's formula for distributing Metropolitan Planning (PL) funds on December 18, 2013. This approval was for "off the top" portion of funds for expenditures directly attributed to the MPOAC. The MPOAC also requested the non-MPOAC portion of the formula be revisited in 2014.

The MPOAC were presented with several options at the April 4, 2014, MPOAC Policy and Technical Committee meeting and made their recommendation. The MPOAC Policy and Technical Committee recommended the following with respect to the Metropolitan Planning Organization (MPO) PL funds as follows:

- Retain the $350,000 base for each MPO.
- Distributed proportionately among MPOs based on urbanized area population.
- MPOs that merge, retain base allocation.
- $350,000 one-time allocation for MPOs extending boundaries to include new urbanized areas.
- Provision related to excess PL funds.

The MPOAC Policy and Technical Committee recommended the following provision be removed from the formula:

- Of amounts allocated to MPOs, at a minimum, $600,000 statewide is to be used for regional planning.

Florida PL Formula

Year 2003	Year 2006	Year 2013
Off-the-top Allocations	**Off-the-top Allocations**	**Off-the-top Allocations**
▪ $200,000 base to MPOAC adjusted annually for inflation, not to exceed approved operating budget	▪ $270,455 base to MPOAC adjusted annually for inflation, not to exceed approved operating budget	▪ $332,626 base to MPOAC, not to exceed approved operating budget
▪ $50,000 for consultant services	▪ $65,000 for consultant fees	▪ $55,000 for consultant fees
▪ $300,000 divided equally between air quality maintenance areas	▪ $75,000 for MPOAC Institute	▪ $85,000 for MPOAC Institute
▪ $61,332 AMPO annual dues for MPOAC and the MPOs	▪ $100,000 AMPO and NARC annual dues for MPOAC and MPOs	▪ $134,826 AMPO and NARC annual dues for MPOAC and MPOs
▪ $275,000 base for each MPO	▪ $350,000 base for each MPO	▪ $350,000 base for each MPO
Remaining Funds	**Remaining Funds**	**Remaining Funds**
▪ Distributed proportionately among MPOs based on urbanized area population	▪ Distributed proportionately among MPOs based on urbanized area population	▪ Distributed proportionately among MPOs based on urbanized area population
Other	**Other**	**Other**
▪ MPOs that merge, retain base allocation	▪ MPOs that merge, retain base allocation	▪ MPOs that merge, retain base allocation
▪ $275,000 one-time allocation for MPOs extending boundaries to include new urbanized areas	▪ $350,000 one-time allocation for MPOs extending boundaries to include new urbanized areas	▪ $350,000 one-time allocation for MPOs extending boundaries to include new urbanized areas
▪ Provisions related to excess PL funds	▪ Provisions related to excess PL funds	▪ Provisions related to excess PL funds
	Note: *Of amounts allocated to MPOs, at a minimum, $600,000 statewide is to be used for regional planning.*	~~***Note:*** *Of amounts allocated to MPOs, at a minimum, $600,000 statewide is to be used for regional planning.*~~

MPOAC YEAR-END LEGISLATIVE SUMMARY 2023 FLORIDA LEGISLATIVE SESSION

OVERVIEW

We are pleased to share the MPOAC year-end legislative summary for the 2023 Florida Legislative Session. This document contains summaries of legislation relevant to transportation planning and metropolitan planning organizations (MPOs). First is a summary of the Transportation Budget under the General Appropriations Act. Then, the bills are organized into two categories:

1) bills that contain implications for MPOs or the MPOAC, and
2) Other bills of general transportation interest.

The bills are listed in numerical order within each category for your convenience. Each entry includes the date passed by the legislature (enrolled), the date signed by the Governor (approved), the effective date, a link to the bill, and a summary of the key points. The following table lists the bills contained in this summary for easier navigation:

CONTENTS

TRANSPORTATION BUDGET

Enrolled: 5/5/2023
Approved by Governor: 6/15/2023
Effective Date: 7/1/2023
Link: https://laws.flrules.org/2023/239

The General Appropriations Act, SB 2500, provides Fiscal Year 2023-2024 funding. The budget includes $15.2 billion for FDOT with an additional $4 billion in General Revenue funds for major capacity projects under the Moving Florida Forward Infrastructure Initiative. $13.9 billion of the Department's budget will fund the FDOT Five-Year Work Program with the major project categories highlighted below:

- $5.5 billion for highway construction to include 118 new lane miles
- $1.6 billion in resurfacing to include 2,632 lane miles
- $726.6 million for repairs of 65 bridges and replacement of 19 bridges
- $149.3 million in seaport investments
- $404.3 million in aviation investments
- $791.3 million in rail and transit investments
- $250.9 million for safety initiatives
- $156.3 million for community trail projects

FDOT's Press Release: https://www.fdot.gov/info/co/news/2023/06162023

BILLS THAT CONTAIN IMPLICATIONS FOR MPOS OR THE MPOAC

SB 258: PROHIBITED APPLICATIONS ON GOVERNMENT-ISSUED DEVICES

Enrolled: 5/3/2023
Approved by Governor: 5/8/2023
Effective Date: 7/1/2023
Link: https://www.flsenate.gov/Session/Bill/2023/258/BillText/er/PDF

The bill instructs the Department of Management Services (DMS) to create a roster of prohibited applications. These applications are defined as those that either (1) are owned, maintained, or created by a foreign principal and engage in specific cybersecurity-endangering activities or (2) pose a security risk by granting unauthorized access to or temporarily disrupting a public employer's information technology systems or data, as determined by the DMS.

The bill defines "public employers" as "state or any agency, authority, branch, bureau, commission, department, division, special district, institution, university, institution of higher education, or board thereof, or any county, district school board, charter school governing board, or municipality, or any agency, branch, department, board, or **metropolitan planning organization** thereof. Public employers must adhere to the following requirements:

- Block access to prohibited applications on any wireless or virtual private network owned, operated, or maintained by the public employer.

- Restrict access to prohibited applications on any government-issued device.
- Retain the capability to wipe and uninstall prohibited applications from compromised government-issued devices remotely.

Furthermore, the bill prohibits anyone from downloading prohibited applications on a government-issued device. Officers and employees of a public employer must remove any prohibited applications from their government-issued devices within 15 calendar days of the DMS releasing the list of prohibited applications. However, the bill permits law enforcement officers to use the prohibited applications for public safety or investigative purposes. Other government employees may also use prohibited applications if they obtain a waiver from the DMS.

To facilitate the implementation of these measures, the bill grants emergency rulemaking authority to the DMS to adopt the list of prohibited applications. It also provides general rulemaking authority for the DMS to establish a process by which waivers from the prohibition can be granted.

HB 425: TRANSPORTATION

Enrolled: 5/4/2023
Approved by Governor: 6/5/2023
Effective Date: 7/1/2023
Link: https://www.flsenate.gov/Session/Bill/2023/425/BillText/er/PDF

Related to MPOs and the MPOAC, the bill contains the following provisions:

- If there is more than one MPO designated within the boundary of one urbanized area, each MPO for the area must:
  - Consult with every other MPO designated for the urbanized area and the state to coordinate plans and transportation improvement programs.
  - Ensure, to the maximum extent practicable, the consistency of data used in the planning process, including data used in forecasting travel demand within the urbanized area.
- Prohibits MPOs from performing production or delivery for capital improvement projects on the State Highway System.
- In developing its long-range transportation plan and transportation improvement program, it requires each MPO to:
  - Support the economic vitality of the contiguous urbanized metropolitan area.
  - Enhance the integration and connectivity of the transportation system, across and between contiguous urbanized metropolitan areas, for people and freight; and
  - Improve the resilience of transportation infrastructure.
- Requires each MPO to prepare a congestion management system for the contiguous urbanized metropolitan area.
- Requires that, whenever possible, representatives of intermodal logistics centers be included on the technical advisory committee.
- Requires MPOs to consider the proportional representation of the area’s population when selecting a technical advisory committee membership.
- Removes legislative findings regarding transportation projects crossing from one MPO's jurisdiction into another MPO's jurisdiction.

- Provides that multiple MPOs may merge, combine, or otherwise join as a single MPO.
- Requires multiple MPOs within a contiguous urbanized area to coordinate the development of long-range transportation plans to be reviewed by the MPOAC.
- Requires multiple MPOs within a contiguous urbanized area to ensure consistency in the data used in the planning process to the maximum extent possible.
- Adds 'ensuring safety' to the list of principles to be considered by each MPO when developing a list of project priorities and a transportation improvement program, requires multiple MPOs within a contiguous urbanized area to coordinate transportation improvement programs, and requires each MPO's transportation improvement program to indicate coordination or alignment with transportation improvement plans of other MPOs within the contiguous urbanized area.
- Abolishes the Chairs Coordinating Committee and requires the MPOs serving Hillsborough, Pasco, and Pinellas Counties submit a feasibility report by December 31, 2023, exploring the benefits, costs, and process of consolidation into a single MPO serving the contiguous urbanized area, with specified goals; and revises provisions relating to the MPOAC. This is also included in HB 1305 Department of Transportation.
- Removes the following from the MPOAC's powers and duties:
    - To enter into contracts with individuals, private corporations, and public agencies.
    - To acquire, own, operate, maintain, sell, or lease personal property essential for the conduct of business.
    - To accept funds, grants, assistance, gifts, or bequests from private, local, state, or federal sources.
- Gives the MPOAC the power to deliver training on federal and state program requirements to MPO board members and MPO staff.
- Requires the MPOAC to annually report to the Florida Transportation Commission on the alignment of MPOs long-range transportation plans with the Florida Transportation Plan.
- Authorizes the MPOAC to enter into contracts to support the above activities.
- Prohibits the MPOAC from lobbying or accepting funds, grants, assistance, gifts, or bequests from private, local, state, and federal sources.

The bill also contains the following transportation-related provisions:

- Effective January 1, 2024, adds three additional situations to Florida's Move Over Law, requiring motorists to move over for a disabled motor vehicle that is stopped and displaying warning lights or hazard lights; is stopped and is using emergency flares or posting emergency signage; or is stopped and one or more persons are visibly present.
- Requires the FDOT to coordinate with specified entities to establish standards by which the State Highway System (SHS) roads will be graded according to their compatibility with the operation of autonomous vehicles and requires incorporating the grading standards into standards for specified transportation projects.
- Revises provisions regarding airport land use compatibility zoning regulations and noise studies at airports, including considering mitigation, rather than prohibition, of certain potential incompatible uses when a noise study is not conducted.

- Revises the FDOT's duty to provide a workforce development program and requires the FDOT to allocate $5 million from the State Transportation Trust Fund to the workforce development program beginning in the 2023-24 fiscal year and annually thereafter for five years.
- Codifies the existing Implementing Solutions from Transportation Research and Evaluation of Emerging Technologies Living Lab within the University of Florida, provides its minimal duties, requires a specified annual report, and creates an advisory board.
- Prohibits a producer from representing that an aggregate is certified for use unless such shipment complies with the FDOT's rules and requires a local government to accept electronic proof of delivery as an official record for a material delivery on the local governmental entity's transportation project.
- Requires each contract let by the FDOT for the performance of bridge construction or maintenance over navigable waters to contain a provision requiring marine general liability insurance, as specified.
- Requires the FDOT to implement strategies to reduce the cost of all project phases while ensuring the design and construction of the project meet applicable federal and state standards and to track such strategies and the projected savings to be realized therefrom.
- Authorizes the FDOT to share a portion of the construction cost savings realized due to a change in the construction contract design and scope, initiated after execution of the contract, with a design services consultant or a construction engineering and inspection services consultant to the extent that the consultant's input and involvement contributed to such savings, not to exceed ten percent of the construction cost savings realized.
- Clarifies that stipends paid by the FDOT to non-selected design-build firms that have submitted responsive proposals for construction contracts contained in the FDOT's legislatively approved work program are not subject to existing documentation and notification requirements for stipend payments made by the FDOT to resolve a bid protest through a settlement.
- Revises authorization for an applying contractor who desires to bid exclusively on construction contracts with proposed budget estimates of $2 million (rather than $1 million) to submit reviewed (rather than audited, certified) annual or reviewed interim financial statements prepared by a certified public accountant.
- Authorizes an applicant for an FDOT contractor certificate of qualification to submit with a timely submitted application a request to keep an existing certificate, with the current maximum capacity rating, in place until the expiration date.
- Repeals temporary confidential and exempt status from public records requirements for a document that reveals the identity of a person who has requested or obtained a bid package, plan, or specifications pertaining to any project to be let by the FDOT.
- Increases the allowable height of modular news racks, including advertising thereon, from 56 inches to 105 inches, but retains the limitation on total advertising space of 56 square feet.
- Repeals a provision prohibiting the FDOT from requesting legislative approval of a proposed turnpike project until the design phase of that project is at least thirty percent complete.
- Requires up to $20 million from the State Transportation Trust Fund for seaport and rail line and rail facility projects that meet the public purpose of providing increased capacity and capability to move and store construction aggregate; provides project selection criteria; authorizes the FDOT to adopt rules; and repeals these provisions on July 1, 2028.
- Revises multiple provisions relating to special railroad officers.

HB 1305: DEPARTMENT OF TRANSPORTATION

Enrolled: 5/3/2023
Approved by Governor: 5/11/2023
Effective Date: 7/1/2023
Link: https://www.flsenate.gov/Session/Bill/2023/1305/BillText/er/PDF

The bill contains multiple provisions relating to the MPOs, the MPOAC, the FDOT, and other transportation-related issues. The following summary highlights provisions related to MPOs and the MPOAC along with other key points:

- MPO Consolidation Feasibility Report: The bill abolishes the Chairs Coordinating Committee and requires the MPOs serving Hillsborough, Pasco, and Pinellas Counties to submit a feasibility report by December 31, 2023, exploring the benefits, costs, and process of consolidating into a single MPO that serves the contiguous urbanized area.
- Consistency with Long-Range Transportation Plans: The bill requires eligible public transit providers' public transportation development plan to be consistent, to the maximum extent feasible, with the long-range transportation plans of the MPO in which the provider is located. In addition, the bill provides that each public transit provider's productivity and performance report must include the farebox recovery ratio but removes the requirement for the report to specifically address the potential enhancements to productivity and performance that would increase the farebox recovery ratio. The bill also requires each public transit provider to publish on its website, instead of in the local newspaper, its productivity and performance measures, and data relative to the attainment of those measures.

Other provisions in the bill include:

- Minimum Safety Standards: The FDOT must adopt minimum safety standards, through rulemaking, for fixed-guideway transportation systems operating in the state located within an independent special district created by local act with boundaries within two contiguous counties. Additionally, the FDOT must conduct structural safety inspections in adherence with s. 335.074, F.S., for any fixed-guideway transportation systems that are raised or have bridges, as appropriate.
- Increased Funding and Bond Terms: The maximum amount of debt service coverage that may be transferred from the State Transportation Trust Fund to the Right-of-Way Acquisition and Bridge Construction Trust Fund is increased. The maximum term of state bonds for federal aid highway construction is also extended.
- Public-Private Partnerships: The Florida Development Finance Corporation is authorized to issue revenue bonds for financing transportation facility acquisition or construction by private entities or consortia under public-private partnerships.
- Funding for Intermodal Logistics Centers: The FDOT is authorized to fund up to 100 percent of project costs for eligible intermodal logistics center projects in rural areas of opportunity. Additionally, the FDOT may fund up to 100 percent of eligible project costs for specified projects at publicly owned, publicly operated airports in a rural community, subject to appropriated funds.

- Automated License Plate Recognition Systems: The FDOT can install automated license plate recognition systems within the rights-of-way of the State Highway System upon request by law enforcement agencies for collecting active criminal intelligence or investigative information.
- Various Other Provisions: The bill includes provisions related to site-approval applicants for airports, purchase of promotional items for electric and autonomous vehicles, funds for training and licensing of FDOT employees, contract award limits for innovative techniques of highway and bridge projects, and contracts for construction and maintenance without advertising and competitive bids.
- Establishment and Repeal of Agencies: The bill reestablishes the Greater Miami Expressway Agency and clarifies it as an agency of the state and not subject to County rules. In addition, the bill transfers governance and control of the Santa Rosa Bay Bridge Authority (SRBBA) to the FDOT while repealing the related legislation on the SRBBA.

HB 7041: SPACE FLORIDA

Enrolled: 5/4/2023
Approved by Governor: 6/6/2023
Effective Date: 7/1/2023
Link: https://www.flsenate.gov/Session/Bill/2023/7041/BillText/er/PDF

The bill introduces several revisions to the provisions governing Space Florida. These revisions aim to enhance collaboration on spaceport activities, increase transparency measures for spaceport projects, and administratively transfer Space Florida from Enterprise Florida, Inc. to the Department of Economic Opportunity (DEO). As a result of this transfer, statutory cross-references are updated accordingly to reflect the change in the managing agency.

The bill directs Space Florida to engage in collaboration and partnerships and solicit input from entities with an interest or stake in the aerospace industry, the spaceport, the spaceport territory, and space exploration. Among other entities, **the bill requires Space Florida to partner with the MPOAC to coordinate and specify how aerospace planning and programming will be part of the state's cooperative transportation planning process.**

The bill establishes additional transparency, auditing, and reporting provisions for Space Florida to ensure compliance and accountability. Specific deadlines are set for these compliance requirements. Furthermore, the bill mandates that Space Florida's accomplishments, activities, and progress toward the spaceport's master plan and goals be incorporated into the DEO's annual report. Additionally, like other public-private partnerships, Space Florida will undergo an evaluation of its effectiveness by the Office of Program and Policy Analysis every three years.

Under the bill, an independent Space Florida board of directors is created. The board consists of 12 members, including the Governor (who may appoint a designee) as the chair and a voting member, the Secretary of Transportation, or their designee, eight members appointed by the Governor (subject to Senate confirmation), one member appointed by the Senate President, and one member appointed by the Speaker of the House of Representatives. Among these members, three gubernatorial appointees serve as ex officio, nonvoting members representing specific entities. The bill outlines membership and appointment criteria, term lengths, compensation restrictions, per diem and travel limits, allowances for electronic meetings, and quorum requirements. Newly appointed board members will undergo training conducted by the DEO.

Additionally, Space Florida is required to notify the Department of Transportation when constructing or maintaining roads within the spaceport territory. The annual report of Space Florida should include additional economic data, address certain travel and entertainment expenditures, and provide explanations for recent audit findings. Contracts for services must be assessed to include provisions requiring periodic independent auditor reports on their effectiveness at the end of the contract. Furthermore, Space Florida cannot endorse candidates or donate to political campaigns.

OTHER BILLS OF GENERAL TRANSPORTATION INTEREST

HB 21: TRANSPORTATION FACILITY DESIGNATIONS

Enrolled: 5/3/2023
Approved by Governor: 5/30/2023
Effective Date: 7/1/2023
Link: https://www.flsenate.gov/Session/Bill/2023/21/BillText/er/PDF

The bill creates approximately 22 honorary designations of transportation facilities around the state and directs the FDOT to erect suitable markers for each. A list of each honorary designation is included in the link above. The bill also revises a 1991 designation for "Armand Keith Lovell Memorial Highway" in Marion County to read "Armand and Perry Lovell Memorial Highway."

SB 106: FLORIDA SHARED-USE NONMOTORIZED TRAIL NETWORK

Enrolled: 4/4/2023
Approved by Governor: 4/11/2023
Effective Date: 7/1/2023
Link: https://www.flsenate.gov/Session/Bill/2023/106/BillText/er/PDF

The bill, Chapter 2023-20, L.O.F., focuses on expanding and improving Florida's trail system, specifically the Shared-Use Nonmotorized (SUN) Trail Network, and enhancing coordination with the Florida Wildlife Corridor. Here are the key details of the bill:

1. Development of Regionally Significant Trails: The bill prioritizes the development of "regionally significant trails" that span multiple counties. These trails are intended to support economic development, ecotourism and showcase the state's wildlife areas, ecology, and natural resources. They also serve as crucial corridors to enhance trail connectivity across the state.
2. Planning, Coordination, and Marketing: The bill seeks to enhance the planning, coordination, and marketing efforts for Florida's bicycle and pedestrian trail system and the Wildlife Corridor. This aims to improve the efficiency and effectiveness of the trail system and promote its benefits.
3. Use of Previously Disturbed Lands: Trails developed within the Wildlife Corridor are required to maximize the utilization of previously disturbed lands, such as abandoned roads, railroads, canal corridors, and drainage berms. Additionally, these trails should be compatible with applicable land use provisions.
4. Uniform Signage and Reporting: FDOT is mandated to erect uniform signage identifying trails that are part of the SUN Trail Network. Furthermore, the FDOT must submit periodic reports on the status of the SUN Trail Network, providing updates on its development and progress.

5. Sponsorship Agreements and Revenues: The bill authorizes the FDOT and local governments to enter trail sponsorship agreements. The associated revenues generated from these agreements can be utilized for trail maintenance, signage, and related amenities.
6. Recognition of Trail Town Communities: The bill acknowledges "trail town" communities and directs specific entities to promote trails as economic assets, including the promotion of trail-based tourism. This recognizes the positive economic impact that trails can have on local communities.
7. Representation and Membership: The Florida Department of Environmental Protection's Florida Greenways and Trails Council will include a member from the Board of the Florida Wildlife Corridor Foundation. Additionally, a member representing nature-based tourism will be added to the Florida Tourism Industry Marketing Corporation (VISIT Florida) board of directors.
8. Funding: The bill increases recurring funding for the SUN Trail Network from $25 million to $50 million. It also provides a non-recurring appropriation of $200 million to plan, design, and construct the SUN Trail Network. Importantly, the bill does not disrupt the currently planned projects in the FDOT 5-Year Work Program for the SUN Trail Network. Instead, the new funds will be used to add new projects to the Work Program or accelerate the progress of planned projects.

HB 111: FLOODING AND SEA LEVEL RISE VULNERABILITY STUDIES

Enrolled: 5/1/2023
Approved by Governor: 6/13/2023
Effective Date: 7/1/2023
Link: https://www.flsenate.gov/Session/Bill/2023/111/BillText/er/PDF

The bill expands the geographical area scope of sea level impact projection (SLIP) studies and changes the structures that require such studies. Currently, SLIP studies are required before constructing new coastal structures within the coastal building zone. The bill broadens this requirement, stating that starting from July 1, 2024, SLIP studies must be conducted before constructing "potentially at-risk structures or infrastructure" in areas vulnerable to sea level rise, regardless of whether they are within the coastal building zone. The bill also repeals the current SLIP program on July 1, 2024.

The bill mandates the Department of Environmental Protection (DEP) to update SLIP study rules to align with the changes introduced by this bill. Along with the existing requirements, the revised rules must include an assessment of flooding, inundation, and wave action risks for potentially at-risk structures or infrastructure and a list of flood mitigation strategies to consider during their design, specifically for state-financed construction projects.

HB 155: TAMPA BAY AREA REGIONAL TRANSIT AUTHORITY

Enrolled: 4/19/2023
Approved by Governor: 5/25/2023
Effective Date: 7/1/2023
Link: https://www.flsenate.gov/Session/Bill/2023/155/BillText/er/PDF

The bill repeals chapter 343, part III, F.S., relating to the creation and operation of the Tampa Bay Area Regional Transit Authority (TBARTA). The TBARTA is dissolved effective July 1, 2024. The bill directs the TBARTA to:

- Provide for the discharge of its liabilities. Each county must assume any liabilities in excess of its assets represented on the TBARTA board in proportion to each county's contribution to the TBARTA in the 2021-2022 fiscal year.
- Settle and close its affairs, and transfer any pending activities, including but not limited to, the administration of its vanpool program.
- Close and appropriately dispense any applicable federal or state grants or funds.
- Provide for the distribution of its remaining assets, if any, such that each county represented on its board receives an amount in proportion to each entity's contribution to the TBARTA in the 2021-2022 fiscal year;
- Provide written notice of final dissolution to the Department of Economic Opportunity and each entity represented on the TBARTA board; and
- Forward its records to the Department of State upon final dissolution.

SB 540: LOCAL GOVERNMENT COMPREHENSIVE PLANS

Enrolled: 5/2/2023
Approved by Governor: 5/24/2023
Effective Date: 7/1/2023
Link: https://www.flsenate.gov/Session/Bill/2023/540/BillText/er/PDF

The bill introduces several provisions related to challenges and reviews of comprehensive plans, plan amendments, and development orders. An affected person can challenge the compliance of a comprehensive plan or plan amendment with the Community Planning Act by petitioning for a formal hearing. The bill adds that the prevailing party can recover attorney fees and costs in such administrative challenges, including reasonable appellate attorney fees and costs.

Regarding local government decisions on development orders, the bill clarifies that these decisions can only be challenged if they significantly change the property's use, density, or intensity in a way that contradicts the comprehensive plan.

Lastly, the bill specifies that land development regulations related to aspects of development other than use, intensity, or density do not apply to Florida College System institutions.

HB 645: UNMANNED AIRCRAFT SYSTEMS ACT

Enrolled: 5/1/2023
Approved by Governor: 5/25/2023
Effective Date: 7/1/2023
Link: https://www.flsenate.gov/Session/Bill/2023/645/BillText/er/PDF

The bill amends Florida's Unmanned Aircraft Systems Act by expanding the definition of "critical infrastructure facility" to include various structures and facilities. The additions include water intake structures, refineries, gas processing plants, seaports, inland ports, airports, spaceport territories, military installations, armories, dams, and other structures related to the control of navigable waters.

The bill also modifies the existing definition to include liquid natural gas or propane gas terminals, power generation or transmission facilities, and electrical control centers. Except for specified deepwater ports, the revised and added structures must be enclosed by a fence or marked with signs indicating entry is forbidden.

Operating a drone over these additional facilities is subject to penalties, including imprisonment and fines, unless conducted by authorized entities. The bill removes the requirement to seek FAA approval for drone restrictions near owned or operated infrastructure and eliminates the exemption for drones in transit for commercial purposes.

Furthermore, the bill expands the definition of "critical infrastructure facility" to include chemical manufacturing facilities, electrical power plants, liquid natural gas terminals, telecommunications central switching offices, seaports, and airports, provided they have measures to exclude unauthorized persons.

HB 657: ENFORCEMENT OF SCHOOL ZONE SPEED LIMITS

Enrolled: 4/28/2023
Approved by Governor: 5/31/2023
Effective Date: 7/1/2023
Link: https://www.flsenate.gov/Session/Bill/2023/657/BillText/er/PDF

The bill allows counties and municipalities in Florida to install automated speed detection systems on streets and highways with permission from the Florida Department of Transportation. These systems can be used specifically to enforce speed limits in school zones during designated times. Key provisions of the bill include:

- Defining the term "speed detection system" and requiring a county or municipality to pass an ordinance authorizing its use.
- Requiring signage to warn motorists about the presence of speed detection systems.
- Mandating a 30-day public awareness campaign before enforcing school zone speed limits with the systems.
- Requiring public meetings by the governing body regarding system provider contracts and data reported to the Department of Highway Safety and Motor Vehicles.
- Establishing a School Crossing Guard Recruitment and Retention Program funded by some citations issued through the speed detection systems.
- Requiring adherence to Florida Department of Transportation specifications for system installation.
- Outlining requirements for issuing notices of violation or uniform traffic citations.
- Imposing a $100 penalty for each violation, with proceeds distributed to state and local government entities for various purposes.
- Providing defenses and hearing procedures for individuals who receive notices of violation or citations.
- Establishing rules for data retention and destruction.
- Requiring annual reporting by counties and municipalities implementing speed detection system programs in school zones and an annual summary report by the Department of Highway Safety and Motor Vehicles.

- Exempting speed detection systems from radar or lidar unit requirements but mandating self-tests for detection accuracy.
- Prohibiting the imposition of points or the use of violations for insurance rate-setting for unlawful speed in a school zone enforced by a speed detection system.

HB 949: OPERATION OF A GOLF CART

Enrolled: 5/1/2023
Approved by Governor: 5/12/2023
Effective Date: 10/1/2023
Link: https://www.flsenate.gov/Session/Bill/2023/949/BillText/er/PDF

Currently, the operation of a golf cart on Florida's public roads is generally prohibited; however, if specified conditions are met, a road may be designated for use by golf carts. Under current law, the golf cart operator must be at least age 14, and no driver license is required for operation of a golf cart on public roads that have been designated for use by golf carts.

The bill authorizes a water control district to designate a road that the district owns and maintains for use by golf carts, provided the district receives approval from the county where such road is located. The bill requires that a person operating a golf cart on public roads or streets who is under 18 years of age must possess a valid learner's driver license or valid driver license, and a person who is 18 years of age or older must possess a valid form of government-issued photographic identification. The bill makes conforming changes to the exemption from licensure for a person lawfully operating a golf cart on public roads or streets such that the exemption applies to persons 18 years of age or older.

HB 1123: COMMERCIAL SERVICE AIRPORT TRANSPARENCY AND ACCOUNTABILITY

Enrolled: 5/2/2023
Approved by Governor: 6/2/2023
Effective Date: 7/1/2023
Link: https://www.flsenate.gov/Session/Bill/2023/1123/BillText/er/PDF

The bill makes changes to a 2020 law regarding transparency and accountability for commercial service airports. The key provisions of the bill include:

- Defining the term "consent agenda" to mean an agenda which consists of items voted on as a group and which does not provide the opportunity for public comment on each such item before approval or disapproval by the governing body.
- Revising the requirement for a commercial service airport to provide a link to its airport master plan on its website.
- Increasing the threshold for posting contracts on the airport's website from $65,000 to $325,000 and specifying that this requirement applies only to contracts for the purchase of commodities or contractual services.
- Requiring commercial service airports to use competitive solicitation processes for purchases of commodities and contractual services exceeding $325,000.
- Requiring governing bodies of certain categories of commercial service airports to separately approve, award, or ratify contracts for commodities or contractual services, depending on the airport's size and contract amount. This must be done as a separate line item on the governing body's agenda, allowing reasonable opportunity for public comment. The bill also prohibits including such contracts in a consent agenda.

HB 1397: REGIONAL TRANSPORTATION PLANNING

Enrolled: 5/4/2023
Approved by Governor: 6/2/2023
Effective Date: Upon becoming a law (approved by Governor on 6/2/2023)
Link: https://www.flsenate.gov/Session/Bill/2023/1397/BillText/er/PDF

The bill provides legislative intent to explore transformative changes to the policy management structure of the Hillsborough Area Regional Transit Authority (HART) to achieve organizational efficiencies to streamline decision-making, improve transparency, and enhance the effectiveness of local and regional public transit service delivery.

The bill directs the FDOT, or its consultant, to conduct a study reviewing aspects of HART's organizational structure and operation, including, but not limited to, the following:

- The HART charter to evaluate the authority's governance structure, including governing board membership, funding, representation, terms, powers, duties, and responsibilities;
- Financial assets and obligations;
- Facilities and operations;
- Issues, advantages, disadvantages, and actions required regarding the dissolution of HART as an agency and options to continue transit services in Hillsborough County in the absence of HART, including service delivery, funding, and asset management;
- Issues, advantages, disadvantages, and actions required regarding collaboration, consolidation, or merger with other transportation service providers in the Tampa Bay region within or adjacent to Hillsborough County, including service delivery, funding, and asset management;
- Policies adopted by the HART governing board and the proposal of amendments thereto related to governance, roles, and responsibilities of governing board officers, the executive administrator or chief executive officer, and the general counsel; and
- Any other matters the FDOT deems necessary or appropriate.

The bill requires the FDOT to submit a report detailing the study results to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 1, 2024.

SB 1604: LAND USE AND DEVELOPMENT REGULATIONS

Enrolled: 5/24/2023
Approved by Governor: 5/5/2023
Effective Date: 7/1/2023
Link: https://www.flsenate.gov/Session/Bill/2023/1604/BillText/er/PDF

The bill introduces changes to current law regarding local government comprehensive planning, independent special district development agreements, and the regulation of electrical substation site. The following summarizes each of these items:

- Comprehensive Planning: The bill extends the planning periods for local comprehensive plans to 10 years and 20 years from the previous 5 years and 10 years. It also prohibits local governments that fail to update their comprehensive plans in accordance with the 7-year evaluation and appraisal process from initiating or adopting any publicly initiated plan amendments. The Department of Economic Opportunity is provided with procedures to apply when local governments are non-compliant with comprehensive planning updates. Local governments' ability to require specific "building design elements" for residential dwellings in certain communities is removed. These elements include external building color, exterior cladding material, roof structures, porches, architectural ornamentation, windows, doors, garage location, number and type of rooms, and interior layout.

- Development Agreements: Independent special districts are prevented from complying with development agreements executed within three months before a law changes the method of selecting governing body members. The newly elected or appointed governing body must review such agreements within four months and vote on whether to seek readoption. These provisions expire on July 1, 2028, unless reenacted by the Legislature.
- Electrical Substations: The definition of "distribution electrical substation" is modified to include accessory administration or maintenance buildings and related uses and structures. The term "distribution" and the kilovolt limitation are removed, expanding the local regulation limitations to electric substations of all sizes, including distribution and transmission substations. The approval process for electric substations applies to both new and existing substations. Local governments can no longer adopt land development regulations for solar substations.

Reichert, Mark

From:	Brunelle, Karen (FHWA) <Karen.Brunelle@dot.gov>
Sent:	Tuesday, June 27, 2023 1:38 PM
To:	Reichert, Mark
Cc:	Fortunas, Jennifer; Neidhart, Mike; Olsson, Timothy; McAuliffe, Sean; Thomas, Curlene (FHWA); Angelo, Pamela; Erika Thompson
Subject:	MPOAC Technical Policy Workshop - FHWA Follow Up
Attachments:	AASHTO Federal-Aid-Billing-and-Funds-Mgt-Practice-Aid-July-2015-Final.doc; AASHTO Billing Review Practice-Aid- MPO-FINAL 06072023.docx; AASHTO Billing Review Practice-Aid-MPO-FINAL-December-2014.docx

Hi Mark –

I'm following up on the May 9th MPOAC Technical Policy Workshop after meeting action item regarding the FHWA MPO/MPOAC Billing review. Additional information was requested regarding the need for the billing review and the supplemental information I mentioned during the April MPOAC meeting.

Since becoming Director over Finance, I've been finding ways to better integrate financial aspects to our program reviews and vice versa. Over the next several years, the FHWA FL Division will be conducting an MPO Billing Compliance Review. This is a joint review led by our Finance team in coordination with our Planning team. This review is independent of the TMA Certification reviews completed by the Planning team that primarily assess and address planning requirements.

Strategic Planning is a process the Division uses to prioritize and focus Division resources through Risk Assessments, Program Assessments and Unit Planning to evaluate program areas, as well as prioritize and focus resources to achieve FHWA strategic goals and program objectives. During the process, we evaluate several factors to identify the strengths, weaknesses, opportunities, and threats to our various program areas. As a result of this process, we identified a risk to our financial program regarding the need to assess the potential for improper payments in relation to MPOs and the MPOAC. The MPO/MPOAC Billing Review is a mitigation strategy to address this risk. Since each MPO operates differently given their local rules and situations, a sampling of MPOS would not be an effective representation of all MPOs in this matter. Thus, over the course of the next 3-4 years, each MPO will be reviewed.

We realize and appreciate the time the MPOs spend responding to requests for information. These reviews are intended to balance the need for ensuring fiscal accountability of the federal funds with a minimal impact on the MPOs while accomplishing FHWA stewardship and oversight responsibilities.

FHWA has completed billing reviews in the past. However, they've typically been focused on construction contracts. This review will be focused on planning contracts – namely the UPWPs. Since this is the first time that we're reviewing the planning contracts in this manner, we will be starting with CRTPA as a pilot MPO to ensure our review tools are effective. Then we'll send our teams out to the MPOs to conduct our on-site reviews. We anticipated to be starting in June, but we're running a bit behind in our schedule. We will provide the MPOs and MPOAC a periodic update as the review moves forward. Our plan calls for an annual kickoff meeting with that year's MPOs and FDOT Districts. We respect the MPOs' and FDOT's time and have built the schedule to allow for coordination for the on-site visits and information gathering segments, knowing that FDOT and the MPOs have a lot to juggle. Please see below for the anticipated schedule. We'll use the kickoff meeting to address specific questions the MPOs and FDOT may have once their review gets closer.

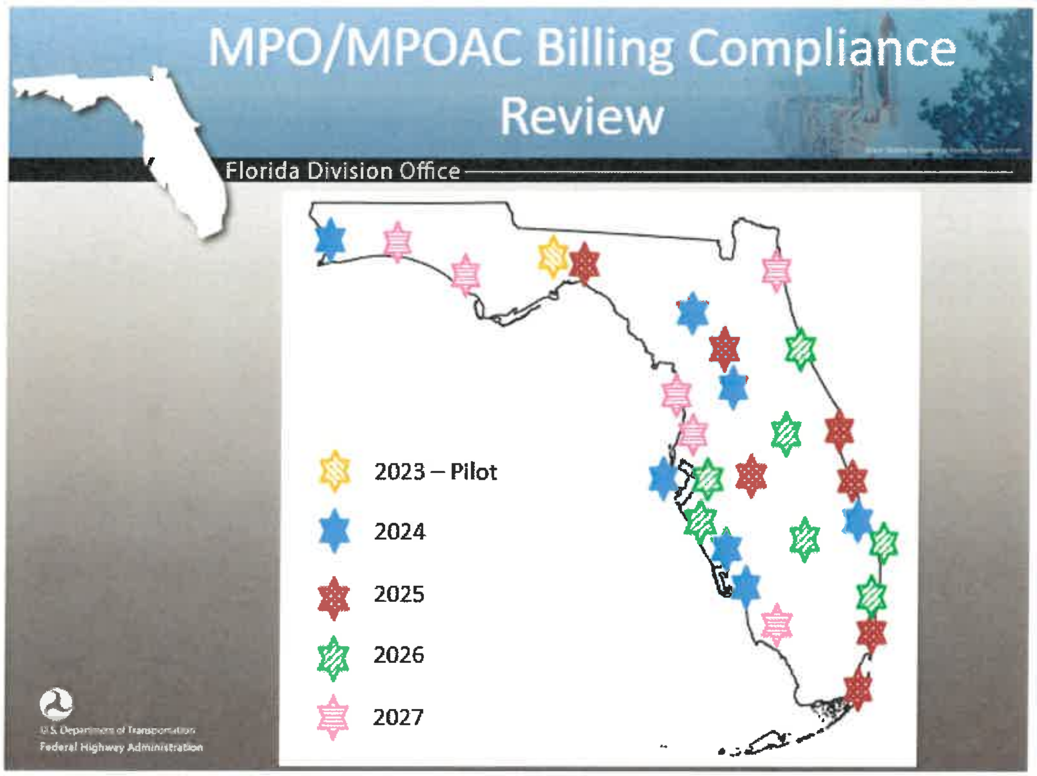
During my April MPOAC remarks, I also mentioned some AASHTO Guides that were helpful in informing the review framework. One of the guides was just updated this month! The references are attached and can be found at this link: https://transportation.org/audit/resources/iap-subcommittee-resources/

My apologies in the delay in getting this information to you. Please let me know if there are any further questions. I and the team will be glad to chat further as needed.

Thx,

Karen.
Karen M Brunelle, PE
Director, Office of Project Development
FHWA – FL Division

Whether you are a driver, passenger, or pedestrian…highway safety depends on YOU. Be observant and be adaptable to be safe.



U.S. Department of Transportation
Federal Highway Administration

Memorandum

Subject: **INFORMATION:** Increasing Safe and Accessible Transportation Options Implementation Guidance Under Section 11206 of the Bipartisan Infrastructure Law

Date: April 12, 2023

From: Derrell E. Turner
Acting Associate Administrator for Planning, Environment and Realty

In Reply Refer To: HEPP-10

To: Division Administrators
Directors of Field Services

On November 15, 2021, the President signed the Infrastructure Investment and Jobs Act (IIJA) (Public Law 117-58), also known as the "Bipartisan Infrastructure Law" (BIL), into law. This memorandum provides background information and guidance (see attached) to clarify eligibility and other requirements for BIL section 11206 (Increasing Safe and Accessible Transportation Options).

Section 11206(a) defines the term ***Complete Streets standards or policies*** as "standards or policies that ensure the safe and adequate accommodation of all users of the transportation system, including pedestrians, bicyclists, public transportation users, children, older individuals, individuals with disabilities, motorists, and freight vehicles."

State Planning and Research (SPR) and Metropolitan Planning (PL) funds are provided for States and Metropolitan Planning Organizations (MPOs) to carry-out "3-C" (comprehensive, continuous, and cooperative) transportation planning processes pursuant to 23 U.S.C. 135 (Statewide and Nonmetropolitan Transportation Planning) and 23 U.S.C. 134 (Metropolitan Transportation Planning), which are the basis for subsequent transportation investment decisions. Additionally, BIL section 11206(b) requires States and MPOs to expend not less than 2.5 percent of SPR and PL funds on Complete Streets activities. In accordance with BIL section 10003, the requirements of section 11206 took effect on October 1, 2021, and apply to the 2.5 percent set aside of SPR and PL funds for Complete Streets planning activities under BIL § 11206. Additionally, FHWA has determined that the interests of the Federal-aid highway program would be best served by eliminating the non-Federal share, as reflected in the Federal Highway Administrator's waiver approval on January 5, 2023. This waiver of the non-Federal match of SPR and PL funds for Complete Streets planning activities covers the 2.5 percent minimum SPR and PL fund expenditure thresholds described in BIL § 11206(b). This match waiver took effect on January 5, 2023 and does not apply to prior unobligated balances of SPR and PL funds.

Except for the statutes and regulations cited, the contents of this document do not have the force and effect of law and are not meant to bind the States, MPOs, or the public in any way. This document is intended only to provide information regarding existing requirements under the law or Agency policies. This document will be accessible on the FHWA Bipartisan Infrastructure Law Website and through the FHWA Policy and Guidance Center.

For questions about the use of SPR and PL funds for Complete Streets activities in transportation planning processes, please contact Mr. Harlan Miller (harlan.miller@dot.gov) or Mr. Spencer Stevens (spencer.stevens@dot.gov) of the Office of Planning.

Attachment

Increasing Safe and Accessible Transportation Options Implementation Guidance
(April 2023)

TABLE OF CONTENTS

A. PROGRAM PURPOSE

The Infrastructure Investment and Jobs Act (IIJA) (Public Law 117-58, also known as the "Bipartisan Infrastructure Law") (BIL) requires States and Metropolitan Planning Organizations (MPOs) to use not less than 2.5 percent of State Planning and Research (SPR) and Metropolitan Planning (PL) funds, respectively, on activities to increase safe and accessible options for multiple travel modes for people of all ages and abilities (Complete Streets planning activities) as part of transportation planning processes carried out under 23 U.S.C. 135 (Statewide and Nonmetropolitan Transportation Planning) and 23 U.S.C. 134 (Metropolitan Transportation Planning) (*see* BIL § 11206(b)).

The BIL defines the term ***Complete Streets standards or policies*** as "…standards or policies that ensure the safe and adequate accommodation of all users of the transportation system, including pedestrians, bicyclists, public transportation users, children, older individuals, individuals with disabilities, motorists, and freight vehicles" (BIL § 11206(a)).

FHWA encourages States, MPOs, and communities to adopt and implement Complete Streets policies that prioritize the safety of all users in transportation network planning, design, construction, and operations. A complete street includes, but is not limited to, sidewalks, bike lanes (or wide paved shoulders), special bus lanes, accessible public transportation stops, safe and accommodating crossing options, median islands, pedestrian signals, curb extensions, narrower travel lanes, and roundabouts. A Complete Street is safe, and feels safe, for everyone using the street.

In general, the Complete Streets design model includes careful consideration of measures to set and design for appropriate speeds; separation of various users in time and space; improvement of connectivity and access for pedestrians, bicyclists and transit riders, including for people with disabilities; and addressing safety issues through implementation of safety countermeasures. Application of the Complete Streets design model is recommended on roadways where adjacent land use suggests that trips could be served by varied modes, and to achieve complete travel networks for various types of road users.[1]

B. GUIDANCE ON ADMINISTRATION PRIORITIES AND USE OF THE FEDERAL-AID HIGHWAY FORMULA FUNDING

1. **Overview:** This memorandum provides background and guidance to clarify eligibility requirements for the use of SPR and PL funds on Complete Streets planning activities under BIL § 11206.

[1] An important aspect of supporting consistent prioritization of the safety of all users is to make funding and designing Complete Streets the easiest option for stakeholders. As discussed in detail in the recent FHWA report to Congress entitled Moving to a Complete Streets Design Model: A Report to Congress on Opportunities and Challenges (March 2022), a full transition to a Complete Streets design model requires leadership, identification and elimination of barriers, and development of new policies, rules, and procedures to prioritize safety.

2. **Safety:**
   Prioritizing Safety in All Investments and Projects
   The National Roadway Safety Strategy (NRSS) (issued January 27, 2022) commits the United States Department of Transportation (USDOT), including FHWA, to respond to the current crisis in traffic fatalities by "taking substantial, comprehensive action to significantly reduce serious and fatal injuries on the Nation's roadways," in pursuit of the goal of achieving zero highway deaths. FHWA recognizes that zero is the only acceptable number of deaths on our roads and achieving that is our safety goal. FHWA therefore encourages States and other funding recipients to prioritize safety in all Federal highway investments and in all appropriate projects, using relevant Federal-aid funding, including SPR and PL funds.

   The Safe System approach addresses the safety of all road users, including those who walk, bike, drive, ride transit, and travel by other modes. It involves a paradigm shift to improve safety culture, increase collaboration across all safety stakeholders, and refocus transportation system design and operation on anticipating human mistakes and lessening impact forces to reduce crash severity and save lives. To achieve the vision of zero fatalities, safety should be fully reflected in a State's transportation investment decisions, from planning and programming, environmental analysis, project design, and construction, to maintenance and operations. States should use data-driven safety analyses to ensure that safety is a key input in any decision made in the project development process and fully consider the safety of all road users in project development.

   FHWA encourages State and local agencies to consider the use of a variety of Federal funding sources to address roadway safety and implement the Safe System approach wherever possible. For example, the use of SPR and PL funds on Complete Streets planning activities helps address roadway safety by integrating safety considerations throughout transportation planning processes. Improvements to safety features, including traffic signs, pavement markings, and multimodal accommodations that are routinely provided as part of a broader Federal-aid highway project can and should be funded from the same source as the broader project as long as the use is eligible under that funding source.

   Because of the role of speed in fatal crashes, FHWA is also providing new resources on the setting of speed limits and on re-engineering roadways to help "self-enforce" speed limits. To achieve the vision of zero fatalities on the Nation's roads, FHWA encourages States to assess safety outcomes for all project types and promote and improve safety for all road users, particularly vulnerable users. FHWA recommends that streets be designed and operated to maximize the existing right-of-way for accommodation of nonmotorized modes and transit options that increase safety and connectivity. Pedestrian facilities in the public right-of-way must comply with the Americans with Disabilities Act.

3. **Transit Flex:** FHWA, working with FTA, seeks to help Federal-aid recipients plan, develop, and implement infrastructure investments that prioritize safety, mobility, and accessibility for all transportation network users, including pedestrians, bicyclists, transit

riders, micromobility users, freight and delivery services providers, and motorists. This includes the incorporation of data sharing principles and data management.

SPR and PL funds, along with FTA's State Planning and Research Program (SPRP) and Metropolitan Planning Program (MPP) funds (pursuant to 49 U.S.C. 5305), are to be used on multimodal statewide and metropolitan transportation planning processes, activities, and products that support 23 U.S.C. 135 (Statewide and Nonmetropolitan Transportation Planning) and 23 U.S.C. 134 (Metropolitan Transportation Planning).

The use of Federal-aid funding on transit and transit-related projects is to provide an equitable and safe transportation network for travelers of all ages and abilities, including those from marginalized communities facing historic disinvestment. FHWA encourages recipients to consider using funding flexibility for transit or multimodal-related projects and to consider strategies that: (1) improve infrastructure for nonmotorized travel, public transportation access, and increased public transportation service in underserved communities; (2) plan for the safety of all road users, particularly those on arterials, through infrastructure improvements and advanced speed management; (3) reduce single-occupancy vehicle travel and associated air pollution in communities near high-volume corridors; (4) offer reduced public transportation fares as appropriate; (5) target demand-response service towards communities with higher concentrations of older adults and those with poor access to essential services; and (6) use equitable and sustainable practices while developing transit-oriented development.

4. **Transferability Between FHWA Programs:** Section 126 of title 23, U.S.C., provides that a State may transfer up to 50 percent of the amount apportioned for the fiscal year for certain highway programs to other eligible apportioned highway programs[2] *see also* FHWA Order 4551.1, "Fund Transfers to Other Agencies and Among Title 23 Programs" (Fund Transfers to Other Agencies and Among Title 23 Programs). Historically States have used this flexibility to address unmet needs in areas where apportioned funding was insufficient.

   The BIL made historic investments in highway programs including more than $300 billion in Contract Authority from the Highway Trust Fund. This represents an average annual increase of 29 percent in Federal-aid funding over the amount of Contract Authority for FHWA programs compared to fiscal year 2021. Congress also established more than a dozen new highway programs to help address urgent surface transportation needs.

   States have the flexibility to transfer funds to other apportioned programs, but we encourage States to first consider the need to transfer in light of the significant increase in apportioned funding and the considerable funding for new programs. States, working with FHWA, should determine the need for funds – including the ability to apply funds to eligible assets owned by local governments, counties, and Tribes and identify and prioritize projects that maximize the funding before deciding to transfer funds.

[2] States may only transfer funds that are allocated for use anywhere in the State.

5. **Americans with Disabilities Act (ADA):** The Americans with Disabilities Act (ADA) of 1990 and Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against people with disabilities and ensure equal opportunity and access for persons with disabilities. The Department of Transportation's Section 504 regulations apply to recipients of the Department's financial assistance (*see* 49 CFR 27.3(a)). Title II of the ADA applies to public entities regardless of whether they receive Federal financial assistance (*see* 28 CFR 35.102(a)). The ADA requires that no qualified individual with a disability shall, because a public entity's facilities are inaccessible to or unusable by individuals with disabilities, be excluded from participation in, or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity (28 CFR 35.149). A public entity's pedestrian facilities are considered a "service, program, or activity" of the public entity. As a result, public entities and recipients of Federal financial assistance are required to ensure the accessibility of pedestrian facilities in the public right-of-way, such as curb ramps, sidewalks, crosswalks, pedestrian signals, and transit stops in accordance with applicable regulations.

   If the project reduces transportation emissions, funds are available to improve accessibility and to implement recipients' ADA transition plans and upgrade their facilities to eliminate physical obstacles and provide for accessibility for individuals with disabilities. FHWA will provide oversight to recipients of funds to ensure that each public agency's project planning, design, and construction programs comply with ADA and Section 504 accessibility requirements.

6. **Equity:** The BIL provides considerable resources to help States and other funding recipients advance transportation plans, programs, and projects that consider the unique circumstances affecting community members' mobility needs and allocate resources consistently with those needs, enabling the transportation network to effectively serve all community members. FHWA will work with States and MPOs to ensure consideration of using SPR and PL funds for transportation planning processes that proactively address racial equity, workforce development, economic development and remove barriers to opportunity, including automobile dependence in both rural and urban communities as a barrier to opportunity or to redress prior inequities and barriers to opportunity.

   Federal-aid recipients, including recipients of SPR and PL funds, are responsible for involving the public, including traditionally underserved and underrepresented populations in transportation planning and complying with participation and consultation requirements in 23 CFR 450.210 and 23 CFR 450.316, as applicable. "Underserved populations" include minority and low-income populations but may also include many other demographic categories that face challenges engaging with the transportation process and receiving equitable benefits (*see* FHWA's Environmental Justice Reference Guide for additional information). In addition, SPR- and PL-funded efforts can support the Justice40 Initiative, which establishes a goal that at least 40 percent of the benefits of federal investments in climate and clean energy infrastructure are distributed to disadvantaged communities. (*see* OMB's Interim Implementation Guidance for the Justice40 Initiative or its successor for additional information).

To assist with these public engagement efforts, FHWA expects States and MPOs to engage with all impacted communities and community leaders to determine which forms of communication are most effective. Recipients should gain insight on the unique circumstances impacting various disadvantaged and underrepresented groups so that new channels for communication may be developed. Additionally, the recipients should use this information to inform decisions across all aspects of project delivery including planning, project selection, and the design process.

Among other things, States and MPOs are also required to assure equitable treatment of workers and trainees through compliance with Equal Employment Opportunity requirements under 23 CFR part 230, subpart A, as well as ensuring nondiscrimination in all of their operations on the basis of race, color, or national origin under Title VI of the Civil Rights Act of 1964. States and MPOs should ensure that they have the capacity and expertise to address Federal civil rights protections that accompany grant awards.

7. **Climate Change and Sustainability:** The United States is committed to a whole-of-government approach to reducing economy-wide net greenhouse gas pollution by 2030. The BIL provides considerable resources—including new programs and funding—to help States and other funding recipients advance this goal in the transportation sector. In addition, the BIL makes historic investments to improve the resilience of transportation infrastructure, helping States and communities prepare for hazards such as wildfires, floods, storms, and droughts exacerbated by climate change.

   FHWA encourages the advancement of projects that address climate change and sustainability. To enable this, FHWA encourages recipients to consider climate change and sustainability throughout the planning and project development process, including the extent to which statewide and metropolitan transportation plans and programs align with the President's greenhouse gas reduction, climate resilience, and environmental justice commitments. In particular, consistent with the statute and guidance below, recipients should fund projects that reduce carbon dioxide emissions. FHWA encourages States and MPOs to use SPR and PL funds for transportation plans and programs that support fiscally responsible land use and transportation efficient design or incorporate vehicle electrification or infrastructure to support low- or zero-emission transportation such as walking, bicycling, or public transportation. In addition, FHWA encourages recipients to consider projects within statewide and metropolitan transportation plans and programs that support climate change resilience, including consideration of the risks associated with wildfires, drought, extreme heat, and flooding, in line with guidance for projects in floodplains. FHWA also encourages States and MPOs to consider statewide and metropolitan transportation plans and programs that address environmental justice concerns.

8. **Labor and Workforce:** Highway programs may provide opportunities to support the creation of good-paying jobs, including jobs with the free and fair choice to join a union, and the incorporation of strong labor standards, such as the use of project labor agreements; employer neutrality with respect to union organizing; the use of appropriately trained workforce (in particular registered apprenticeships and other joint

labor management training programs); and the use of an appropriately credentialed workforce in project planning stages and program delivery.

Recipients should work with FHWA, to the extent possible, to identify opportunities for Federal-aid highway investments to advance high-quality job creation through the use of local or other geographic or economic hire provisions authorized under section 25019 in the BIL, and Indian employment preference for projects that are located on or near Tribal reservations authorized under 23 U.S.C. 140(d), or other workforce strategies targeted at expanding workforce training opportunities for people to get the skills they need to compete for these jobs, especially underrepresented populations: women, people of color, and groups with other systemic barriers to employment (people with disabilities, formerly incarcerated, etc.).

9. **Truck Parking:** Truck parking shortages are a national concern affecting the efficiency of U.S. supply chains and safety for truck drivers and other roadway users. Jason's Law, which was passed in 2012, established a national priority on addressing the shortage of long-term parking for commercial motor vehicles on the National Highway System (NHS).

   Many Federal-aid highway funding programs have eligibility for truck parking projects, which may be obligated for a project on an eligible facility that reduces transportation emissions. FHWA anticipates that such projects may support progress toward the achievement of national performance goals for improving infrastructure condition, safety, congestion reduction, system reliability, or freight movement on the NHS. Advanced truck stop electrification systems are eligible under 23 U.S.C. 175(c)(1)(A) and projects that reduce transportation emissions at port facilities are eligible under 23 U.S.C. 175(c)(1)(M).

   States should consider working with private sector truck stop operators and the trucking community in the siting and development of specific truck parking projects. States also are encouraged to offer opportunities for input from commercial motor vehicle drivers and truck stop operators through their State Freight Advisory Committees established under 49 U.S.C. 70201.

C. GOVERNING AUTHORITIES

1. BIL section 11206 (Increasing Safe and Accessible Transportation Options).
2. 23 U.S.C. 104(b)(6) and 104(d) (Metropolitan Planning (PL) Funds).
3. 23 U.S.C. 505(a) (State Planning and Research (SPR) Funds).
4. 23 U.S.C. 134 (Metropolitan Transportation Planning).
5. 23 U.S.C. 135 (Statewide and Nonmetropolitan Transportation Planning).
6. 23 CFR Part 450 (Planning Assistance and Standards).
7. 23 CFR Part 420 (Planning and Research Program Administration).

D. FUNDING

1. **Authorization Levels:** Pursuant to 23 U.S.C. 505(a), the State Planning and Research (SPR) Program was established to support statewide and non-metropolitan transportation planning carried-out under 23 U.S.C. 135 as part of a two percent set-aside from each State's apportionments of five core programs: National Highway Performance Program (NHPP) (23 U.S.C. 119); Surface Transportation Block Grant (STBG) Program (23 U.S.C. 133); Highway Safety Improvement Program (HSIP) (23 U.S.C. 148); Congestion Mitigation and Air Quality Improvement (CMAQ) Program (23 U.S.C. 149); and National Highway Freight Program (NHFP) (23 U.S.C. 167). Estimated annual SPR funding under the BIL is:

Estimated Annual SPR Funding (Before Set-Asides)[3]	
FY 2022	$983.3 M
FY 2023	$1,003.1 M
FY 2024	$1,023.2 M
FY 2025	$1,043.8 M
FY 2026	$1,064.8 M

Pursuant to 23 U.S.C. 104(b)(6) and 104(d), Metropolitan Planning (PL) funds were established to support metropolitan transportation planning carried-out by MPOs under 23 U.S.C. 134. Estimated annual PL funding under the BIL (e.g., sum of estimated individual State PL apportionments) is:

Estimated Annual PL Funding (Before Set-Aside)[4,5]	
FY 2022	$438.1 M
FY 2023	$446.9 M
FY 2024	$455.8 M
FY 2025	$464.9 M
FY 2026	$474.2 M

[3] For FY 2022 and FY 2023, the cumulative estimated annual SPR funding is derived from FHWA Apportionment Notices N4510.868 (Table 5) and N4510.876 (Table 5), respectively. For FY 2024-2026, the cumulative estimated annual SPR funding amounts are estimated by FHWA's Budget Formulation and Apportionments Team (HCFB-11), subject to change based on updated factor data each fiscal year. In either instance, this is the cumulative estimated annual SPR funding prior to the 25 percent set-aside for RD&T activities (per 23 U.S.C. 505(b) and 23 CFR 420.107) and the 2.5 percent set-aside for Complete Streets planning activities (per BIL § 11206(b)(1)).

[4] This is the cumulative estimated annual PL funding prior to the 2.5 percent set-aside for Complete Streets planning activities (per BIL § 11206(b)).

[5] Per 23 U.S.C. 104(d)(2) and 23 CFR 420.109, State DOTs are responsible for making all PL funds apportioned via 23 U.S.C. 104(b)(6) available to the MPOs in accordance with a formula developed by the State (in consultation with the MPOs) and approved by the FHWA Division Administrator. As the pass-through entity for PL funds, the State is responsible for the monitoring of MPO expenditures of PL funds (*see* 2 CFR 200.332). In the case of satisfying the 2.5 percent minimum PL fund expenditure threshold on Complete Streets planning activities, States should track those expenditures on an MPO-by-MPO basis exclusive of any other requested and FHWA-approved MPO opt outs under BIL § 11206(e).

The methodology for calculating the apportionments for FY 2022 and FY 2023 under 23 U.S.C. 104 is discussed in [FHWA Notice N4510.858] and [FHWA Notice N4510.870,] respectively. For FY 2024 through 2026 funds, please revisit FHWA's BIL Funding website at the appropriate future time ([FHWA BIL Funding]).

The various Fiscal Management Information System (FMIS) Program Codes for SPR and PL funds are as follows:

Program Code	Program Description	Statutory/Legislative Reference
Y550	State Planning and Research (SPR)	23 U.S.C. 505(a)
Y450	Metropolitan Planning (PL)	23 U.S.C. 104(b)(6) and (d)
Y570	Safe and Accessible Transportation Options - Statewide Planning (SPR)	BIL § 11206
Y410	Safe and Accessible Transportation Options - Metropolitan Planning (PL)	BIL § 11206

2. **Period of Availability:** SPR and PL funds are contract authority. SPR and PL obligations are reimbursed from the Highway Account of the Highway Trust Fund. SPR and PL funds are available for obligation for a period of three years after the last day of the fiscal year for which the funds are authorized. Thus, SPR and PL funds, including the 2.5 percent set-asides described in BIL § 11206(b), are available for obligation for up to four years (23 U.S.C. 118(b)) and new obligations of SPR and PL funds must follow the requirements and eligibilities of 23 U.S.C. 135, 23 U.S.C. 134, and BIL § 11206.

3. **Obligation Limitation:** SPR and PL funds are subject to the annual obligation limitation imposed on the Federal-aid highway program.

4. **Federal Share:** The Federal share for SPR and PL funds is governed by 23 U.S.C. 120 and 23 U.S.C. 505(d), which is generally 80 percent (subject to sliding scale). Under Section 11206(d) of the BIL, the Federal share of the cost of carrying-out Complete Streets planning activities using the 2.5 percent set-aside of SPR and PL funds is 80 percent, unless the Secretary determines that the interests of the Federal-aid highway program would be best served by decreasing or eliminating the non-Federal share.

   FHWA has determined that the interests of the Federal-aid highway program would be best served by eliminating the non-Federal share, as reflected in the Federal Highway Administrator's approval on January 5, 2023 of the [Waiver of Non-Federal Match for State Planning and Research (SPR) and Metropolitan Planning (PL) Funds in Support of Complete Streets Planning Activities (BIL § 11206)]. Thus, FHWA will allow the use of the 2.5 percent set-aside of SPR and PL funds without non-Federal match for Complete Streets planning activities (*see* BIL § 11206(c)), which are documented and carried-out in SPR Work Programs and MPO Unified Planning Work Programs (UPWPs) (*see* 23 CFR 420.111). This waiver of the non-Federal match of SPR and PL funds for Complete Streets planning activities is effective for each fiscal year under the BIL, subject to the following conditions: (1) it covers the 2.5 percent minimum SPR and PL fund expenditure thresholds described in BIL § 11206(b) and (2) it ends once a State or MPO receives FHWA approval of a request to opt out of meeting the requirements described in BIL § 11206(e). This match waiver took effect on January 5, 2023 and does not apply to prior unobligated balances of SPR and PL funds.

5. **SPR or PL Funds Combined with FTA Planning Funds in a Consolidated Planning Grant (CPG) Arrangement:** Section 126 of title 23, U.S.C. (Transferability of Federal-aid Highway Funds) provides for and has conditions on the transfer of funds apportioned under 23 U.S.C. 104(b). Transferred funds are to be obligated for the same purposes and to meet the same requirements of the category to which they were transferred (*see* FHWA Order 4551.1, "Fund Transfers to Other Agencies and Among Title 23 Programs," dated August 12, 2013 (Fund Transfers to Other Agencies and Among Title 23 Programs)).

   Consistent with the administrative authorities outlined within FHWA Order 4551.1 ("Fund Transfers to Other Agencies and Among Title 23 Programs"), dated August 12, 2013 and FTA Circular 8100.1D (Program Guidance for Metropolitan Planning and State Planning and Research Grants), dated September 10, 2018, States (in cooperation with MPOs) may combine FHWA SPR (Part I) and/or PL funds with FTA's State Planning and Research Program (SPRP) and/or Metropolitan Planning Program (MPP) funds (pursuant to 49 U.S.C. 5305) into a single Consolidated Planning Grant (CPG) for administrative purposes to further promote multimodal metropolitan and/or statewide transportation planning. When FHWA SPR and/or PL funds are transferred to the FTA under a CPG arrangement, FHWA Division Offices and FTA Regional Offices must cooperatively ensure that the BIL § 11206 requirements are satisfied.

E. ELIGIBILITY

1. Eligible Activities:

Section 11206(c) of the BIL provides a list of activities that, if permissible under applicable State and local laws, States and MPOs may use to satisfy the requirement in section 11206(b) that not less than 2.5 percent of their SPR and PL funds be used to carry out Complete Streets planning activities. These activities include but are not limited to:

(a) Adoption of Complete Streets standards or policies;
(b) Development of a Complete Streets prioritization plan that identifies a specific list of Complete Streets projects to improve the safety, mobility, or accessibility of a street;
(c) Development of transportation plans that:
    (1) Create a network of active transportation facilities, including sidewalks, bikeways, or pedestrian and bicycle trails, to connect neighborhoods with destinations such as workplaces, schools, residences, businesses, recreation areas, healthcare and childcare services, or other community activity centers;
    (2) Integrate active transportation facilities with public transportation service or improve access to public transportation;
    (3) Create multiuse active transportation infrastructure facilities (including bikeways or pedestrian and bicycle trails) that make connections within or between communities;

(4) Increase public transportation ridership; and
(5) Improve the safety of bicyclists and pedestrians.

(d) Regional and megaregional planning (i.e., multi-jurisdictional transportation planning that extends beyond MPO and/or State boundaries) that address travel demand and capacity constraints through alternatives to new highway capacity, including through intercity passenger rail; and

(e) Development of transportation plans and policies that support transit-oriented development.

2. Opt Out Provision:

To provide flexibility to States and MPOs, BIL § 11206(e) specifies that a State or MPO may opt out of using not less than 2.5 percent of their SPR or PL funds on Complete Streets planning activities if they demonstrate to FHWA at least 30 days before the annual apportionments of SPR and PL funds that:

(a) The State or MPO has documented Complete Streets standards and policies in place (consistent with BIL § 11206(a)) ***and***

(b) The State or MPO has developed and documented an updated Complete Streets prioritization plan (consistent with BIL § 11206(c)(2)).

Written requests to opt out of the BIL § 11206 provisions should be transmitted by the State to the FHWA Division Administrator prior to the beginning of the Federal fiscal year in which the State or any MPO(s) chooses to opt out. States should cooperate with their respective MPOs in determining whether any MPOs have met the opt out conditions under BIL § 11206(e) and obtain the necessary written supporting attestation(s) and background documents from the MPO(s). To expedite FHWA processing and approval of any opt out requests, States should assemble and transmit a single, consolidated opt out request package to the respective FHWA Division Office no later than July 1st each year.

Recognizing that State Planning and Research (SPR) Work Programs and Unified Planning Work Programs (UPWPs) may cover different time periods than the Federal fiscal year (e.g., State fiscal years or calendar years), FHWA will accept these consolidated State and MPO opt out request packages either as part of FHWA's review of draft SPR Work Programs and UPWPs or as part of a negotiated timeline between the State and FHWA Division Office.

FHWA Division Administrators are responsible for the review and approval of the State and MPO opt out requests under BIL § 11206(e), which must also receive written concurrence from the FHWA Associate Administrator for Planning, Environment and Realty (HEP). FHWA Division Administrators will submit any consolidated State and MPO opt out request packages via E-Mail to the FHWA Office of Planning, Environment and Realty (Attention: Kenneth.Petty@dot.gov), including a written analysis and recommendation from the FHWA Division Office, no later than July 24th each year for HEP written concurrence prior to Division Office approval. This timeline will provide sufficient time for HEP to respond to the annual "Certified Data Request" coordinated by

FHWA's Office of the Chief Financial Officer in defining the BIL § 11206 "set asides" of SPR and PL funds for each State prior to the beginning of each Federal fiscal year. At a later date, FHWA will analyze and determine the extent to which the FHWA Headquarters approval of these BIL § 11206(e) opt out requests can be delegated to the FHWA Division Administrators without prior Headquarters concurrence.

3. Other Requirements:

In addition to meeting the eligibility requirements outlined under 23 U.S.C. 505, 23 U.S.C. 104(b), 23 U.S.C. 134, 23 U.S.C. 135, and BIL § 11206, proposed expenditures of SPR and PL funds on Complete Streets planning activities must be necessary, reasonable, allocable, and otherwise allowable per the cost principles in 2 CFR part 200 (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards), subpart E. Such determinations should be based upon close collaboration between the Division's Planning Team and Financial Management Team.

F. DIVISION OFFICE STEWARDSHIP AND OVERSIGHT RESPONSIBILITIES

Division Offices are encouraged to use all existing planning program stewardship and oversight opportunities and FHWA actions to ensure that the BIL § 11206 provisions are adequately met each fiscal year, through close collaboration between the Division's Planning Team and Financial Management Team. Examples of associated FHWA actions include:

- Review and approve SPR - Part I Work Program, either annually or bi-annually;
- Review and approve MPO UPWPs, either annually or bi-annually;
- Review of State/MPO Planning Work Program Progress and Expenditure Reports, at least annually;
- For MPOs with populations over 200,000, during the Transportation Management Area (TMA) Certification Review process conducted at least every four years;
- For States and MPOs as part of the Federal Planning Finding documenting FHWA/FTA approval of the Statewide Transportation Improvement Program (STIP), at least every four years;
- Review, analyze, and document recommended actions on BIL § 11206(e) opt out requests from States and MPOs prior to FHWA approval;
- For States using a Consolidated Planning Grant (CPG) approach in which SPR and/or PL funds are transferred to FTA, coordinate with the FTA Regional Office to cooperatively ensure that the BIL § 11206 requirements are satisfied; and
- Any other associated Division-defined process or program reviews (e.g., non-TMA planning process reviews).

G. ADDITIONAL RESOURCES

Other helpful resources include the following:

- FHWA's Complete Streets Website; and

- Pedestrian and Bicycle Information Center (jointly funded by the Federal Highway Administration and National Highway Traffic Safety Administration and maintained by the University of North Carolina Highway Safety Research Center).

FLORIDA METROPOLITAN PLANNING ORGANIZATION ADVISORY COUNCIL

2023 POLICY POSITIONS

2023 Policy Position:

1. **Support an increase in transportation investments through dedicated and sustainable funding, including innovative financing options; encourage partnerships between public and private entities; and facilitate the expedited delivery of projects.**

   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.
   - Charge alternatively fueled vehicles a fee equal to the fuel tax paid by gasoline or diesel fueled vehicles, such as an electric vehicle registration fee.
   - No reduction in local option transportation revenue sources.
   - 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 a minimum of $250 Million per year.
   - Establish 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).
   - Make FDOT and Transportation Disadvantaged Trust Fund (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, and
     - Allow other FDOT grants to be used on transit improvement and operating funds.

2023 Policy Position:

2. **Regulate 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.

2023 Policy Position:

3. **Add provision 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, was 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.

   In addition, the MPOAC supports the American Planning Association of Florida proposed language to allow virtual meetings in all cases.

   APA Florida strongly supports citizen access and public input to the planning process and is committed to improving citizen involvement. APA Florida supports an open and collaborative planning process that encourages meaningful citizen participation and environmental justice through reasonable notice, open public records and accessibility to all stages of the planning process, as well as promoting the use of citizen participation best practices at the local level.

   - APA Florida supports legislation that will clarify the use of technology, i.e., virtual meetings to expand access to information and participation in public hearings and meetings.
   - APA Florida supports legislation that would permit governmental boards or agencies to conduct meetings using communication technology in lieu of a quorum being physically present.

2023 Policy Position:

4. **Recognize 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.

MPOAC Policy and Technical Committee Membership

Member	MPO
Austin Mount	Florida/Alabama TPO
Beth Alden	Hillsborough TPO
Beth Beltran	Martin MPO
Carl Mikyska	Pasco County MPO
Dave Hutchinson - Chair	Sarasota/Manatee MPO
Don Scott	Lee County MPO
Gary Huttmann	MetroPlan Orlando
Greg Slay	Capital Region Transportation Planning Agency
Greg Stuart	Broward MPO
Mike Woods	Lake/Sumter MPO
Peter Buchwald	St. Lucie TPO
Paul Gougelman	*MPOAC General Counsel*