



Please be advised that the River to Sea Transportation Planning Organization (TPO) **LEGISLATIVE ISSUES SUBCOMMITTEE** will be meeting on:

DATE: Wednesday, September 25, 2018
TIME: 8:15 a.m. (Immediately prior to the TPO Board meeting)
PLACE: River to Sea TPO Executive Conference Room
 2570 W. International Speedway Blvd., Suite 100
 Daytona Beach, Florida 32114

AGENDA

- I. CALL TO ORDER**
- II. PUBLIC COMMENT/PARTICIPATION**
- III. BUSINESSS**
 - A. DISCUSSION REGARDING THE TPO'S LEGISLATIVE POSITIONS FOR 2020**

Each year the River to Sea TPO develops a list of priorities that the organization will support during the upcoming legislative session (recommendations are developed by the Legislative Issues Subcommittee).

- IV. STAFF COMMENTS**
- V. LEGISLATIVE ISSUES SUBCOMMITTEE MEMBER COMMENTS**
- VI. ADJOURNMENT**

Legislative Issues Subcommittee Members:

DeLand Commissioner Chris Cloudman, Volusia County Council Member Deb Denys, Deltona Commissioner Chris Nabicht, Flagler Beach Commissioner Marshall Shupe

Note: Individuals covered by the Americans with Disabilities Act of 1990 in need of accommodations for this public meeting should contact the River to Sea TPO office, 2570 W. International Speedway Blvd., Suite 100, Daytona Beach, Florida 32114-8145; (386) 226-0422, extension 20416 at least five (5) working days prior to the meeting date.

Beverly Beach	DeBary	Flagler Beach	New Smyrna Beach	Palm Coast	South Daytona
Bunnell	DeLand	Flagler County	Oak Hill	Pierson	Volusia County
Daytona Beach	Deltona	Holly Hill	Orange City	Ponce Inlet	
Daytona Beach Shores	Edgewater	Lake Helen	Ormond Beach	Port Orange	

Note: If any person decides to appeal a decision made by this board with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings including all testimony and evidence upon which the appeal is to be based. To that end, such person will want to ensure that a verbatim record of the proceedings is made.

Note: The River to Sea TPO does not discriminate in any of its programs or services. To learn more about our commitment to nondiscrimination and diversity, visit our Title VI page at www.r2ctpo.org or contact our Title VI/Nondiscrimination Coordinator, Pamela Blankenship, at 386-226-0422, extension 20416, or pblankenship@r2ctpo.org.

2019 Legislative Positions

Adopted by River to Sea TPO Board 11-28-2018



***River to Sea TPO Chairperson:
Lita Handy-Peters, City of DeBary Vice-Mayor***



Contact: Lois Bollenback, Executive Director

Telephone: (386) 226-0422

E-mail: LBollenback@r2ctpo.org

Website: www.r2ctpo.org

“On behalf of the River to Sea Transportation Planning Organization, I want to thank you for the work you do for the State of Florida and as a representative of our planning area. As the pace of growth and development continues to increase throughout the state, we recognize the importance of maintaining an efficient and resilient transportation system that supports Florida’s economy and provides safe travel for residents and visitors alike. We look forward to working with you to tackle challenging transportation issues and to provide the support you may need during the 2019 Legislative Session.”

River to Sea TPO Chairperson, Lita Handy-Peters

2019 Legislative Positions

Adopted by River to Sea TPO Board 11-28-2018

- **Preserve the existing MPO structure**
- **Maintain transportation funding & increase funding flexibility**
- **Improve transportation safety by discouraging texting while driving & improving pedestrian safety**

Thank you for considering the legislative positions established by the River to Sea TPO. As these positions were developed, consideration was given to the positions established by organizations throughout the state of Florida including the Florida Association of Counties (FAC), the Florida League of Cities (FLC), Florida Public Transit Association (FPTA) and the Metropolitan Planning Organization Advisory Council (MPOAC). We value our relationship with these organizations and appreciate the support and leadership they provide.

River to Sea TPO Legislative Issues Subcommittee

Transportation Priority -- Preservation of MPOs

The River to Sea TPO opposes legislation that attempts to impose restrictions on Metropolitan Planning Organizations.

Background

Metropolitan Planning Organizations (MPO) play a key role in ensuring local input in transportation decision-making. Core activities of an MPO include communication, collaboration and continuous planning to ensure the provision of a safe and efficient transportation system. The contribution of local knowledge and understanding brought by members of an MPO helps to better address matters of transportation safety, public engagement, economic development, transportation disadvantaged populations, resiliency, and congestion management.

During the last legislative session bills were filed that sought to reduce the number of voting members on MPO Boards, remove the ability to have a weighted vote, and place term limits on board members. These restrictions would have a negative and disruptive impact on the River to Sea TPO Board's current structure and processes and would result in an unnecessary expense to the organization.

MPO Membership - The River to Sea TPO Board currently consists of 19 voting members representing the diverse interests of our planning area which spans two counties and includes 20 municipalities. When the TPO's planning area was expanded in 2013, members of the board took a strong position that supported the inclusion of all local governments that are impacted by the decision-making of the organization. Limiting the voting membership is contrary to that position.

Weighted Voting - Since the River to Sea TPO planning area represents local governments with varying population sizes, the TPO currently utilizes a weighted vote process where votes are allocated to each voting member based on their respective municipality's population. Additionally, a small city alliance, consisting of the smallest municipalities within the planning area, was formed with one vote allocated based on the cumulative population of the small cities. Eliminating the option for a weighted vote would diminish the proportionate voting representation provided by the largest cities while elevating the influence of much smaller governments.

Term Limits - The River to Sea TPO Board members currently serve at the will of the member local governments, thereby providing each local government the discretion of how they are represented on the TPO Board. Imposing term limits specific to the TPO Board undermines this authority of the local government. Additionally, placing term limits on board members will lead to a loss of institutional knowledge, experience, expertise, and continuity that are crucial to effective policy making.

Benefit

The River to Sea TPO functions well within the current rules established for membership. The board operates collaboratively and effectively and maintains a strong relationship with local advocacy groups, chambers of commerce and citizen groups. There would be no gain from legislation that disrupts our current membership or operating practices.

Transportation Priority -- Funding

The River to Sea TPO supports legislation that *preserves transportation funding and provides greater flexibility of funding* to support the safety, efficiency and preservation of the transportation system.

Background

Transportation revenue is collected to support the preservation and development of a safe and efficient transportation system that supports economic development, freight mobility, tourism, bicycle and pedestrian safety, accessibility and public transit among others. Actions that protect these programs include:

- **Consider Funding Options that Stabilize Local and State Transportation Funding**

The Florida Metropolitan Planning Organization Advisory Council (MPOAC) completed a Transportation Revenue Study in 2012. The study found that transportation revenues were not keeping pace with increased costs over time. Subsequent analysis of fuel taxes by the Florida Transportation Commission also found the current structure to be unsustainable. The River to Sea TPO supports efforts to index city/county fuel taxes and to further evaluate options that would provide a more sustainable revenue source for transportation.

- **Increasing and Stabilizing Funding Levels for the Transportation Regional Incentive Program (TRIP)**

TRIP funding promotes regional transportation planning and project development and has been used to fund important infrastructure improvements. The program is funded primarily through Documentary Stamp proceeds and the allocations have varied significantly in recent years from a low of \$11 million in 2016 to approximately \$157 million in 2014. The R2CTPO supports stable and consistent funding through TRIP.

- **Protecting the State Transportation Trust Fund and the Transportation Disadvantaged Trust Fund**

In prior years, revenues generated by transportation-related surcharges have been directed outside the Transportation Trust Fund for other purposes. Overall, such diversions degrade the state's infrastructure and impacts overall competitiveness for federal discretionary funding. Likewise, revenue impacts to the Transportation Disadvantaged Trust Fund diminish transportation services provided to the most vulnerable citizens. The R2CTPO supports the use of transportation funding for transportation purposes.

- **Identify Resources for the Maintenance and Preservation the States SUN Trail System**

During the 2015 legislative session, the Florida Shared-Use Non-motorized Trail (SUN Trail) network was established. The River to Sea TPO supports this program and is currently developing projects that will help to complete the Coast to Coast Trail as well as the St. Johns River to Sea Loop Trail. We recognize, however, that preservation of transportation infrastructure is a key requirement of program and the River to Sea TPO supports efforts to plan for and direct funding to ensure these statewide assets are maintained over time.

Benefit

Efficient transportation systems are necessary to support a strong economy. Inadequate funding to support capital projects as well as operations and maintenance will lead to increased congestion and degradation of vital infrastructure. Increased traffic congestion has negative economic and environmental impacts.

Transportation Priority -- Safety

The River to Sea TPO supports legislation that improves transportation safety.

Background

These items are intended to support safety initiatives in the State of Florida as well as the national emphasis on safety improvements outlined in the Fixing America's Surface Transportation (FAST) Act.

Pedestrian Safety

Florida consistently ranks at or near the top of the nation in pedestrian injuries and fatalities. Increasing safety and reducing these rates will require education, engineering and law enforcement efforts. The River to Sea TPO supports:

- enhanced funding for educational programs that show positive results;
- strengthening of existing pedestrian safety laws; and
- performance driven funding for projects that address unsafe conditions.

The 2016 Dangerous by Design report listed the Deltona-Daytona Beach-Ormond Beach Metropolitan Area as the fifth most dangerous area in the nation. Florida DOT is using the Alert Today, Alive Tomorrow program along with changes in design standards to drive down pedestrian fatalities and injuries throughout the state. Though not in the top 10, Flagler County has also recorded bicycle and pedestrian crashes, which may be addressed through proactive efforts involving evaluation, education, engineering and enforcement.

Texting While Driving

Recent crash analyses completed by the River to Sea TPO shows that crashes resulting from distracted driving occur at a rate almost five (5) times as frequent as other crash types. While further research is needed to determine the role of handheld devices in these crashes,

The 2013 Florida legislature enacted the "Florida Ban on Texting While Driving Law." The law prohibits operation of a moving motor vehicle while manually typing, sending or reading interpersonal communication (texting, e-mailing, instant messaging, etc.) using a wireless communications device, with certain exceptions. The law provides for enforcement of the ban as a secondary offense, meaning a driver would have to be pulled over for some other violation to be ticketed.

The River to Sea TPO supports legislation that would increase the penalty, making it a primary offense. Additionally, the River to Sea TPO supports expanding the law to include all uses of handheld electronic devices while driving. This would strengthen the enforcement mechanism for the texting while driving ban by making it a primary offense to use handheld electronic wireless devices while driving.

Benefit

Transportation safety is critical for residents and for the thousands of visitors who choose to vacation here. Changes in Florida law along with other crash reduction efforts improve quality of life and support economic development.

Additional Positions

The River to Sea TPO also supports legislation that:

- Offers incentives for employers that reduce peak-hour demand by allowing off-peak commuting and telecommuting options to employees.
- Increases MPO/TPO involvement in growth management, mobility planning and visioning activities to promote a stronger linkage between land-use, transportation and economic development.
- Allows Strategic Intermodal System (SIS) funds to be used on roads and other transportation facilities not designated on the SIS if the improvement will relieve congestion on the SIS.
- Allows state funds to be used for improvements to county, or other local service, collector and distributor roads that provide alternative access to controlled access state facilities.
- Increases the percentage of the state transportation capacity program allocated to non-SIS highways and transit programs in order to improve mobility on regional and metropolitan area transportation facilities.
- Requires TPO concurrence for public-private partnership agreements related to the lease or sale of transportation facilities that are publicly owned and operated within metropolitan areas and any subsequent modifications to such agreements.
- Promotes interoperable and multi-modal smartcard technology that is compatible, universal and accessible for use by all other smartcard technology systems.
- Maintains gross vehicle weight limitation and restrictions by not raising the maximum weight limit above 80,000 pounds (exceptions should only be granted when authorized by state and local governments and adequate compensation is paid to mitigate the impact to state and local transportation facilities).
- Provides mandatory funding for driver education programs in high schools.
- Changes the Consultants' Competitive Negotiation Act (CCNA) to allow agencies to introduce a "best-value" option that considers cost as a factor when selecting a firm.

The River to Sea TPO will monitor legislation that:

- Authorizes counties to form a regional transportation finance authority for the purpose of financing, constructing, maintaining and operating transportation projects that are consistent with MPO plans.
- Proposes to establish Tax Increment Financing (TIF) districts associated with expressway or passenger rail corridors for the purposes of financing the debt issued to pay for the project.
- Promotes the continued development and expansion of bus and rail transit as well as efforts to accommodate the growing demand for alternative mobility vehicles (low-speed vehicles, electric vehicles and golf carts).
- Establishes reasonable limits on the amount of business damages awardable in an eminent domain action.
- Encourages continued intergovernmental coordination and support of shoreline stabilization efforts for SR A1A in Flagler County.
- Considers changes to the transportation analysis required for Developments of Regional Impacts (DRI).



LEGISLATIVE PRIORITIES AND POLICY POSITIONS

The MPOAC supports State Legislation that:

- Expands transportation revenue sources and stabilizes transportation funding levels.
- Establishes a predictable funding level of \$250 million per year for the Transportation Regional Incentive Program.
- Allows Strategic Intermodal System (SIS) funds to be used on roads, transit, and other transportation facilities not designated on the SIS if the improvement will enhance mobility or support freight transportation on the SIS.
- Establishes flexible and predictable funding for transit projects (capital and operating) identified through the metropolitan transportation planning process by removing various funding limitations for the State Transportation Trust Fund.
- Recognizes that federal metropolitan transportation planning funds shall not be regarded as state funds for purposes of expenditure.
- Supports the advancement of innovative transportation mobility solutions and policies that promote creative approaches to addressing transportation needs, while simultaneously protecting citizens from malicious tampering with such technologies by making tampering a punishable offense.
- 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.



605 Suwannee Street | MS 28B
Tallahassee, FL 32399-0450
(850) 414-4037
www.mpoac.org

MPOAC

The Florida Metropolitan Planning Organization Advisory Council (MPOAC) represents the collective interests of Florida's 27 MPOs, and assists the MPOs in carrying out the urbanized area transportation planning process by serving as the principal forum for collective policy discussion. The MPOAC was created by the Florida Legislature pursuant to Section 339.175, Florida Statutes, to augment and not supplant the role of the individual MPOs in the cooperative transportation planning process.

The organization is made up of a 27 member Governing Board consisting of local elected officials from each of the MPOs and a Staff Directors' Advisory Committee consisting of the staff directors from each of the MPOs. The MPOAC annually prepares legislative policy positions and develops initiatives to be advanced during Florida's legislative session. The MPOAC actively participates in the activities of the national Association of MPOs (AMPO) and the National Association of Regional Councils (NARC) in Washington DC and works with other stakeholder groups to help shape state and national policy regarding metropolitan transportation issues.

PRIORITY POLICY POSITIONS

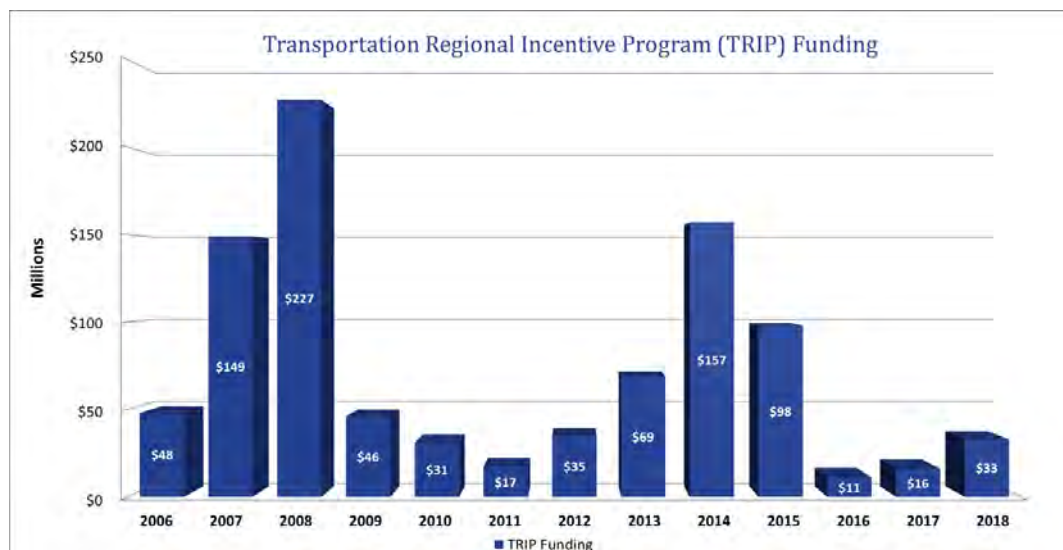
The MPOAC Supports State Legislation that:

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

Key Recommendations:

- Expand the Charter County and Regional Transportation System Surtax to allow municipalities over 150,000 in population (or the largest municipality in a county) and all counties located in MPO areas to enact up to a one cent local option surtax by referendum.
- Index local option fuel taxes to the consumer price index in a manner similar to the current indexing of state fuel taxes.
- Identify potential revenue replacement sources for the current motor fuels tax which is no longer able to fully support the current or future needs of the transportation system.
- Charge alternatively fueled vehicles a fee equal to the fuel tax paid by gasoline or diesel fueled vehicles.
- Use the existing MPO and local planning processes to select individual transportation projects rather than project specific legislative appropriations (commonly referred to as earmarks) and ensure that all such earmarks come from non-transportation funding sources (i.e. general revenue funds).

2. Establishes a predictable funding level of \$250 million per year for the Transportation Regional Incentive Program (TRIP).



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

Current state law does not permit SIS funds to be spent on roads, transit, or other transportation facilities that are not part of the SIS, even if proposed improvements would directly benefit users of SIS facilities by enhancing mobility options or supporting freight movement in a SIS corridor. The newly created Federal Transportation Performance Measures (TPM) apply to more than just the Strategic Intermodal System. It is appropriate to direct SIS funding to transit and roadway projects that relieve the SIS and are part of the TPM system.

ADDITIONAL POLICY POSITIONS

The MPOAC Supports State Legislation that:

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

Current state law limits the amount of funding that can be made available from the STTF for transit projects for both capital and operating expenses. These limitations, which are not in place for roadway funding, makes transit funding from the STTF less predictable for the purposes of planning and project implementation and artificially limits the ability of MPOs to implement priority transit projects. This proposal recognizes the critical role transit plays in moving people and goods within and between Florida's metropolitan areas by removing the distinction between transit and highway projects for the purpose of spending funds from the STTF.

- 5. Recognizes that federal metropolitan transportation planning funds shall not be regarded as state funds for purposes of expenditure.**

The United States Department of Transportation (USDOT) provides funding to metropolitan planning organizations (MPOs) to carry out their federally required duties. Those federal funds are given to states who in turn distribute them to MPOs based upon a formula agreed upon by the Florida Department of Transportation (FDOT) and the Florida MPOs and then approved by the Federal Highway Administration (FHWA). The Florida Department of Financial Services (DFS) has determined that the expenditure of federal funds by MPOs shall be subject to all state requirements, laws and regulations even where such laws conflict with federal laws, regulations and requirements. This limits the ability of the Florida MPOs to use federal funds for their intended purpose and impinges on their ability to carry out their responsibilities as outlined in federal rule. This proposal would clarify that federal monies passed through the State of Florida to MPOs and the Florida MPO Advisory Council (MPOAC) shall not be regarded as state funds for purposes of expenditure.

- 6. Supports the advancement of innovative transportation mobility solutions and policies that promote creative approaches to addressing transportation needs, while simultaneously protecting citizens from malicious tampering with such technologies by making tampering a punishable offense.**

Transportation technologies have undergone a revolutionary leap forward over the past several years. A variety of transportation technologies are under development including autonomous vehicles and the hyperloop. It is the responsibility of the Florida legislature to ensure that state laws and funding mechanisms support the development and implementation of these technological advances in the way people and freight will move in and between our metropolitan areas. At the same time, it is incumbent upon the Florida legislature to ensure that the health and welfare of Florida's citizens and visitors are protected from possible harm presented by these new technologies, including the malicious and intentional interference of the proper functioning of transportation vehicles and systems. This proposal supports legislative efforts to implement innovative mobility solutions and policies while protecting the health and welfare of Florida's citizens and visitors.

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

The 2018 Florida legislature enacted the "Wireless Communications While Driving" law that makes texting while driving a primary offense. One of the expressed concerns of opponents of this law is the potential of 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.

Florida Metropolitan Planning Organization Advisory Council



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North Florida TPO

Carl Mikyska, MPOAC Executive Director

2019

LEGISLATIVE PRIORITIES & POLICY POSITIONS

The MPOAC supports State Legislation that:

- Implements the recommendations from the MPOAC transportation revenue study and other options for expanding transportation revenue sources.
- Regulates distracted driving as a *primary* offense by prohibiting the use of handheld electronic wireless communications devices and other similar distracting devices while operating a moving motor vehicle.
- Restores funding to 2007 levels for the Transportation Regional Incentive Program (TRIP).
- Allows Strategic Intermodal System (SIS) funds to be used on transportation facilities not designated on the SIS if the improvement will enhance mobility or support freight transportation on the SIS.
- Establishes flexible and predictable funding for transit projects (capital and operating) identified through the metropolitan transportation planning process by removing various funding limitations for the State Transportation Trust Fund (STTF).
- Recognizes that federal metropolitan transportation planning funds shall not be regarded as state funds for purposes of expenditure.
- Supports the advancement of innovative transportation mobility solutions and policies that make Florida the national leader in creative approaches to addressing transportation needs, while simultaneously protecting citizens from malicious tampering with such technologies by making tampering a punishable offense.



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PRIORITY POLICY POSITIONS

The MPOAC Supports State Legislation that:

1. **Implements the recommendations from the MPOAC transportation revenue study and other options for expanding transportation revenue sources.**

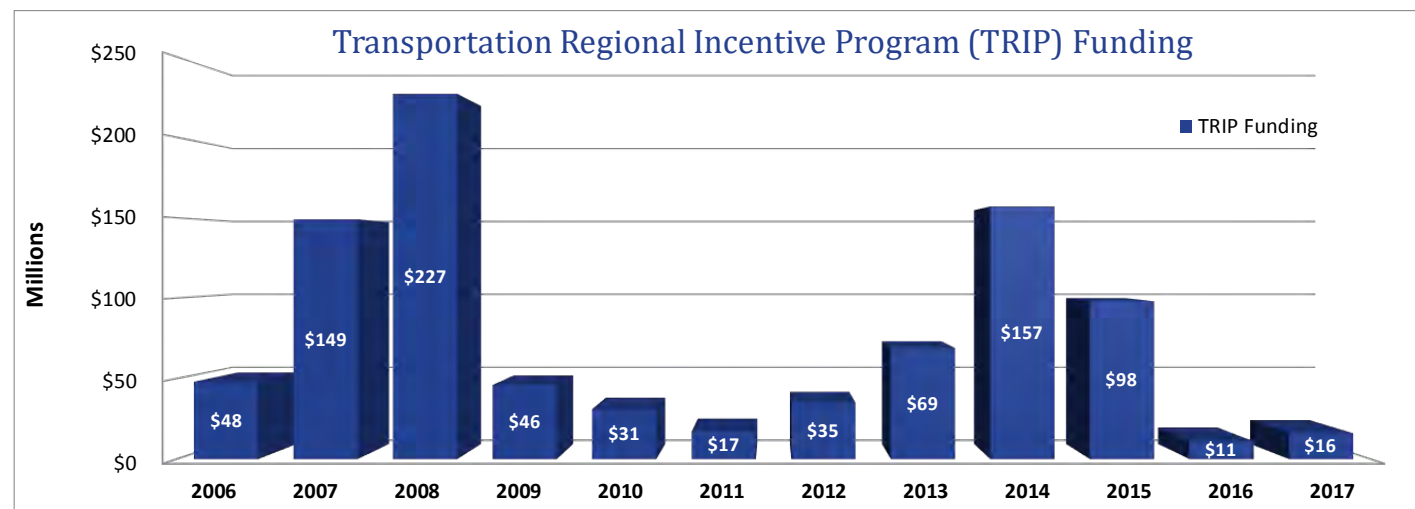
Key Recommendations:

- Expand the Charter County and Regional Transportation System Surtax to allow municipalities over 150,000 in population (or the largest municipality in a county) and all counties located in MPO areas to enact up to a one cent local option surtax by referendum.
- Index local option fuel taxes to the consumer price index in a manner similar to the current indexing of state fuel taxes.
- Identify potential revenue replacement sources for the current motor fuels tax which is no longer able to fully support the current or future needs of the transportation system.
- Charge alternatively fueled vehicles a fee equal to the fuel tax paid by gasoline or diesel fueled vehicles.
- Ban legislative appropriations for individual transportation projects (commonly referred to as earmarks). As an alternative, create a competitive grant program that benefits local projects.

2. **Regulates distracted driving as a primary offense by prohibiting the use of handheld electronic wireless communications devices and other similar distracting devices while operating a moving motor vehicle.**

The 2013 Florida legislature enacted the "Florida Ban on Texting While Driving Law." The law prohibits operation of a moving motor vehicle while manually typing, sending or reading interpersonal communication (texting, e-mailing, instant messaging, etc.) using a wireless communications device, with certain exceptions. The law provides for enforcement of the ban as a secondary offense, meaning a driver would have to be pulled over for some other violation to get a ticket for violating the ban on texting. The 2014, 2015, 2016, 2017, and 2018 Florida Legislatures underscored the severity of distracted driving by considering bills that would have substantially increased the penalty for distracted driving, including making it a primary offense. Additionally, the legislature considered expanding the applicability of the law to include all uses of handheld electronic devices while driving. This legislative proposal would seek to strengthen the enforcement mechanism for the texting while driving ban by making it a primary offense to use handheld electronic wireless devices while driving.

3. **Restores funding to 2007 levels for the Transportation Regional Incentive Program (TRIP).**



ADDITIONAL POLICY POSITIONS

The MPOAC Supports State Legislation that:

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

Current state law does not permit SIS funds to be spent on roads or other transportation facilities that are not part of the SIS, even if proposed improvements would directly benefit users of SIS facilities by enhancing mobility options or supporting freight movement in a SIS corridor. This legislative proposal would broaden the State's ability to improve passenger and freight mobility on SIS corridors by making eligible the expenditure of SIS funds on non-SIS roads and other transportation facilities where the benefit to users of SIS facilities can be demonstrated.

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

Current state law limits the amount of funding that can be made available from the STTF for transit projects for both capital and operating expenses. These limitations, which are not in place for roadway funding, makes transit funding from the STTF less predictable for the purposes of planning and project implementation and artificially limits the ability of MPOs to implement priority transit projects. This proposal recognizes the critical role transit plays in moving people and goods within and between Florida's metropolitan areas by removing the distinction between transit and highway projects for the purpose of spending funds from the STTF.

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