



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

DATE: Friday, September 26, 2014
TIME: 9:00 a.m.
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 OF RIVER TO SEA TPO LEGISLATIVE ISSUES PLATFORM FOR THE 2015 LEGISLATIVE SESSION**
Each year the River to Sea TPO approves a list of priorities that the organization will support during the upcoming legislative session (recommendations are developed by the Legislative Issues Subcommittee). Enclosed are the TPO's 2014 Legislative Priorities, the 2014 CFMPOA Legislative Priorities and the draft MPOAC Positions for 2015.
- V. STAFF COMMENTS**
- VI. LEGISLATIVE ISSUES SUBCOMMITTEE MEMBER COMMENTS**
- VII. ADJOURNMENT**

Legislative Issues Subcommittee Members:

Council Member Patricia Northey
Vice Mayor Jason DeLorenzo
Council Member Billie Wheeler
Vice Mayor Leigh Matusick
Council Member Pat Patterson

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.

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.

Positions for the 2014 Legislative Session

Adopted November 27, 2013



Transportation Priorities

FUNDING

The Volusia TPO supports legislation that preserves transportation funding and provides greater flexibility of funding options that support the transportation system.

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

- Ensuring the State Transportation Trust Fund and the Transportation Disadvantaged Trust Fund are used as intended and are not diverted to other, non-transportation uses.
- Implementing the key recommendations from the Transportation Revenue Study completed in 2012 by the Florida Metropolitan Planning Organization Advisory Council (MPOAC) to include indexing local option fuel taxes and authorizing the use of a Local Option Rental Car Surcharge.

REGIONAL MULTI-USE TRAILS

The Volusia TPO supports legislation that supports and advances the development of non-motorized forms of transportation.

Transportation Trust Fund dollars are not currently available for use in funding multi-use trails throughout the state. However, there is growing support for the development of these facilities and recognition of the economic benefits that regional trail systems provide. The Volusia TPO supports efforts to expand the flexibility and use of the Transportation Trust Fund to fund the development of regional multi-use trails as identified in the Florida Greenways & Trails System Plan as developed by the Florida Department of Environmental Protection Office of Greenways and Trails.

SAFETY

The Volusia TPO supports legislation that improves transportation safety.

This includes requiring child restraint systems that protect children as they grow and develop and support for the strengthening of pedestrian safety laws and funding for educational programs that show positive results.

MULTIMODAL TRANSPORTATION OPTIONS

The Volusia TPO supports legislation that promotes the continued development and expansion of bus and rail transit as well as alternative mobility vehicles.

This includes efforts to advance the development of Florida's rail system, to support the development of local rail projects and to support the efficient operations of existing and expanded transit service. It also supports and promotes efforts to accommodate and/or integrate Neighborhood Electric Vehicles (NEV), Low-Speed Vehicles (LSV), Golf Carts and other forms of low-impact mobility.

Detailed talking points for each of these positions are included in this package.

Additional Positions

The Volusia TPO also supports legislation that:

- Regulates the use of hand-held electronic devices while driving as a primary offense.
- Restores funding for the Transportation Regional Incentive Program (TRIP) to promote regional planning and project development.
- 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 Volusia TPO opposes legislation that:

- Would restrict buses from operating efficiently by requiring that they "not impede or block traffic on the roadway, if another reasonable means is available."

The Volusia TPO will monitor legislation that:

- Establishes reasonable limits on the amount of business damages awardable in an eminent domain action, authorizes an optional appraisal process using an impartial court-appointed panel of experts, and allows eminent domain actions to be tried by a three member commission in lieu of a jury.
- Encourages intergovernmental coordination and support of shoreline stabilization efforts for SR A1A in Flagler County.

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Funding

The Volusia TPO supports legislation that preserves transportation funding and provides greater flexibility of funding options that support the transportation system.

Background

State Transportation Trust Fund and the Transportation Disadvantaged Trust Fund

In addition to revenues generated by transportation-related surcharges that are directed outside the Transportation Trust Fund, millions of transportation dollars have been diverted each year from the Transportation Trust Fund for other purposes. Overall, such diversions and lost revenues degrade the state's infrastructure and impacts Central Florida's competitiveness for federal discretionary funding. Likewise, revenue impacts to the Transportation Disadvantaged Trust Fund will diminish transportation services provided to the most vulnerable citizens.

MPOAC Revenue Study

The Florida Metropolitan Planning Organization Advisory Council (MPOAC) and the University of South Florida Center for Urban Transportation Research (CUTR) completed a Transportation Revenue Study in 2012. The study found that transportation revenues were not keeping pace with increased costs over time and that an additional \$12.1 billion would be needed to match the level of transportation investment the state made in FY 1999-2000. Six options were recommended for addressing transportation funding needs:

- Implement a 2-cent fuel tax increase per year for five years (total increase of 10 cents), indexed for inflation
- Index all fuel taxes not currently indexed
- Allow up to a 1-cent municipal optional sales tax (cities > 100,000 population)
- Conduct a vehicle miles traveled (VMT) study
- Increase the local diesel tax by 5-cents
- Return motor vehicle license and registration and titling fee increases to the State Transportation Trust Fund (STTF)

Local Option Rental Car Surcharge

Prior legislative sessions have considered authorizing a local option rental car surcharge (implemented through a public referendum). This allows flexibility for local governments to address transportation needs that may exist. This item was also identified through the MPOAC Revenue Study including a \$2.50/day surcharge with proceeds to fund transportation projects.

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 infrastructure projects are also important in supporting the economy at the federal, state and local level through the creation of jobs.

Recreational Trails

The Volusia TPO supports legislation that supports and advances the development of non-motorized forms of transportation.

Background

Recreational Trails Program (RTP) and Closing the Gaps

The Recreational Trails Program (RTP) was created by the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) and reauthorized in subsequent legislation. The RTP is included in the Moving Ahead for Progress in the 21st Century Act (MAP-21), however, MAP-21 included the removal of dedicated funding for several programs, including Safe Routes to School, Recreational Trails, and the Transportation Enhancements program. Under MAP-21, these programs are funded through the Transportation Alternatives Program (TAP) with a portion of the funding available to the state as well as to MPOs. TAP funding allows local priorities to be pursued, however, annual funding allocations are limited (\$432,781 in fiscal year 2013).

The Volusia TPO has worked successfully with the Central Florida MPO Alliance to identify opportunities to fund regional multi-use trails and to support continued development of the regional trails identified in the Florida Greenways and Trail System Plan including the Coast-to-Coast Trail and the St. Johns River to Sea Loop Trail.

The Volusia TPO supports efforts to expand the flexibility and use of the Transportation Trust Fund to fund the development of regional multi-use trails as identified in the Florida Greenways & Trails System Plan as developed by the Florida Department of Environmental Protection Office of Greenways and Trails.

Benefit

The Recreational Trails Program (RTP) provides a foundation for state trail programs across the country. It leverages hundreds of millions of dollars for additional support from other sources for trails. Recreational trails and other motorized and non-motorized transportation programs are important to the Volusia TPO to encourage improvements to the health of our community, to encourage efforts to promote eco-tourism and to support policies that encourage the development of a true multi-modal transportation network. In addition, by working with our regional partners, the Volusia TPO supports the FDOT in developing a statewide trail plan.

Safety

The Volusia TPO supports legislation that improves transportation safety.

Background

Child Restraints

Currently, Florida law requires children to be secured in child safety seats until age 4, at which time a seat belt can be used. Many children, between 4 to 7 years of age are not tall enough for the seat belt to cover the pelvic bone and ribcage and are not able to be safely secured without a booster seat. Instead, the seat belt tends to cover soft tissue, such as the neck and abdomen, which can lead to more severe injuries in the event of a car crash. Forty eight (48) states currently have laws requiring use of booster seats. Although encouraged, a belt positioning booster seat is not required in Florida. The American Academy of Pediatrics advises that most children will need to ride in a booster seat until they are 4'9" tall and between 8 and 12 years old. According to NHTSA, in 2009, car crashes were the #1 cause of death for children ages 3 to 14.

Pedestrian Safety Laws

According to Florida's Pedestrian & Bicycle focused initiative, "Alert Today, Alive Tomorrow – Safety Doesn't Happen by Accident", Volusia County ranked 9th among Florida's Bicycle/Pedestrian High Crash Areas (counties) in 2012. Additionally, in 2009, the Florida Department of Highway Safety and Motor Vehicles reported that 48% of pedestrians were killed when crossing the road, but not at an intersection. Just over 13% of pedestrians were killed when crossing the road at an intersection. Florida DOT Secretary Ananth Prasad has identified a Bicycle/Pedestrian focused initiative intended, in part, to drive down bicycle/pedestrian fatalities and serious injuries by reminding motorists and pedestrians of pedestrian laws in the top ten counties for bicycle/pedestrian crashes in 2012, of which Volusia is included. In a recent press release, FDOT Secretary Prasad said, "Pedestrian safety is my highest priority. *Alert Today Alive Tomorrow* is the educational message we are sharing with the public, in addition to the engineering, enforcement and emergency response that will make our state safer for drivers and pedestrians."

Benefit

Reasonable safety investments yield savings in medical costs in addition to the clear social benefit. Booster seats, as an example, cost approximately \$30, but can save taxpayers over \$1,000 in medical costs over four years of use. The topics identified above support initiatives in the State of Florida as well as the national emphasis on safety improvements outlined in transportation legislation such as Moving Ahead for Progress in the 21st Century (MAP-21).

MULTIMODAL TRANSPORTATION OPTIONS

The Volusia TPO supports legislation that promotes the continued development and expansion of bus and rail transit as well as alternative mobility vehicles.

Background

Mass Transit System Support

Many urban and interregional highway corridors are projected to be congested during peak periods by the year 2035, even after planned capacity improvements are made. In addition, the long-term impact of rising costs to build and maintain infrastructure and reduced revenue projections will result in an increasing backlog of transportation needs. Rail and bus transit offers opportunities to move people and goods efficiently and in a more sustainable manner. The Volusia TPO has, through its long range plan, supported the development of SunRail, a commuter rail service expected to begin operations in 2014 as well as passenger rail service along the east coast. The TPO, in partnership with the Florida Department of Transportation (FDOT) are pursuing a variety of planning efforts including:

- An Alternatives Analysis study for service linking SunRail to the Daytona Beach area;
- Completing an Intermodal Transit Station Study to identify potential station sites; and
- Developing a robust transit expansion plan as part of the 2035 Long Range Transportation Plan (LRTP) that includes local area circulators

These pursuits are necessary to support economic prosperity for the future and they are consistent with the vision outlined in the 2009 Florida Rail System Plan to develop a “a safe, secure, and efficient passenger and freight rail system providing mobility, improving quality of life and promoting economic opportunities and environmental sustainability for Florida.”

Low-Speed Electric Vehicles

Florida laws currently recognize the operation of Low-Speed Vehicles (LSV) and Golf Carts (F.S. 316.2122 and 316.212 respectively) on public roadways under very limited conditions. The integration of these forms of transportation promotes sustainability and can improve the efficiency of our transportation system by providing low impact alternatives to an automobile.

Benefit

Promoting alternative forms of mobility reduces the negative impacts of transportation on our environment. These options are efficient, clean, safe and support efforts to promote sustainability in our communities.

APPROVED

2014 Legislative Session Transportation Priorities

(Approved January 10, 2014)

Safety

Strengthen Ban on Use of Hand-held Electronic Devices While Driving

Support legislation that reduces distracted driving by regulating as a primary offense the use of electronic wireless communications devices and other similar distracting devices while operating a motor vehicle.

The 2013 Florida legislature enacted the “Florida Ban on Texting While Driving Law.” The law prohibits operation of a moving vehicle while manually typing, sending, or reading interpersonal communication (texting, emailing, instant messaging, etc.) using a wireless communication device, with certain exceptions. The law provides for enforcement of the ban as a secondary offense. This legislation seeks to strengthen the enforcement to make it a primary offense to use hand-held electronic devices while driving.

Pedestrian Safety

Support legislation that increases funding to improve pedestrian safety awareness programs and pedestrian facility improvements.

Funding

Enhance and Protect the State Transportation Trust Fund and Transportation Disadvantaged Trust Fund

In addition to revenues generated by transportation-related surcharges already directed outside the Transportation Trust Fund, millions of transportation dollars have been diverted each year from the Transportation Trust Fund for other purposes. Overall, such diversions and lost revenues degrade the state’s infrastructure and impact Central Florida’s competitiveness for federal discretionary funding. Likewise, negative impacts to the Transportation Disadvantaged Trust Fund should also be discouraged.

Amend Charter County and Regional Transportation System Surtax to Make Eligible to all Counties with an MPO

The current legislation allows a surtax to be taken before voters as a referendum to fund transportation projects through an up to one percent consumption tax. The law has evolved through the last 25 years to now be eligible to all charter counties, as well as to any non-charter county that is part of a Regional Transportation Authority. The transportation surtax is an appropriate referendum option for urban counties and therefore should be extended to all counties served by a metropolitan planning organization in order to provide funding for cost-feasible transportation plans.

Expand Flexibility and Use of STTF to Regional Multi-Use Trails

Support efforts to expand the flexibility and use of the State Transportation Trust Funds to fund the development of regional multi-use trails as identified in the Florida Greenways & Trails System Plan as developed by the Florida Department of Environmental Protection Office of Greenways and Trails.

Statewide Trail System

“Close the Gaps” in the Statewide Trail System

Support state funding for completing the Coast-to-Coast Trail from Titusville to St. Petersburg (75% of which has already been constructed). This includes support for allowing state transportation trust funds to be used for development of regional multi-purpose trails

The CFMPOA will support legislation that:

- Authorizes a \$3.00/day local option rental car surcharge (implemented through a public referendum) with proceeds committed to regional transportation projects.
- Allows up to a one-cent municipal option sales tax for cities with population in excess of 150,000 (or the largest municipality in a county).
- Allows for indexing of local option fuel taxes to CPI, consistent with indexing allowed for state fuel taxes.
- Preserves the existing coordinated system for paratransit service.
- Advances Florida’s Comprehensive, Statewide Rail System Plan.
- Continues investments in Space Transportation Infrastructure.
- Prohibits additional increases in federal truck weight limits in the State of Florida.

The CFMPOA will monitor legislation that:

- Proposes changes in Chapter 339.175, Florida Statutes pertaining to metropolitan planning organization Board composition that allows flexibility for each organization to determine membership by removing the 19-member limit
- Proposes creation of a Central Florida Regional Expressway Authority (CFREA).
- Seeks to alter or repeal Red Light Camera Enforcement legislation.

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FLORIDA METROPOLITAN PLANNING ORGANIZATION ADVISORY COUNCIL

2015 DRAFT LEGISLATIVE POLICY POSITIONS

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.
 - In 2012, the MPOAC completed a two-year study to address the ever widening gap between the cost of needed transportation infrastructure along with declining and unsustainable revenue sources. The study identified a \$74 billion funding shortfall in MPO areas over the next 20 years. It also proposed 14 policy recommendations that are intended to restore the purchasing power of Florida's transportation dollar to the year 2000 and to move Florida toward a Mileage Based User Fee in lieu of the traditional fuel tax.

Key Recommendations:

- Redirect \$100 million annually to the State Transportation Trust Fund from General Revenue as was passed by the Florida House of Representatives during the 2014 legislative session in HB 5601.
 - 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.
 - Direct the Florida Department of Transportation to develop a plan to move Florida toward a Mileage Based User Fee, which protects individual privacy, in lieu of the traditional fuel tax.
2. Restores funding for the Transportation Regional Incentive Program in order to promote regional planning and project development.
 - The purpose of the Transportation Regional Incentive Program (TRIP) is to encourage regional planning by providing state matching funds (up to 50% of total project costs) for improvements to regionally significant transportation facilities identified and prioritized by regional partners. TRIP is funded through documentary stamp tax proceeds which have declined substantially over the past several years as a result of the economic decline in Florida's housing and land development industry. Funds available for TRIP have been further reduced as the first \$60 million of funds that would otherwise be allocated to TRIP are instead allocated to the Florida Rail Enterprise.
 3. Protects existing transportation programs from negative financial impacts that may arise from the passage of the 2014 Florida Water and Land Conservation Initiative and directs funds intended for recreational trails in a manner consistent with MPO plans and programs.
 - The Florida Water and Land Conservation Initiative (Amendment 1 on the November 4, 2014 ballot), upon voter approval, would dedicate 33 percent of net revenues (an estimated \$648 million

in FY 2015-16, growing to \$1.268 billion in FY 2034-35) from the existing excise tax on documents to the Land Acquisition Trust Fund. The funds will be used to acquire and improve conservation easements and other land, water, geological and historical sites, including recreational trails and parks. If approved, this diversion of revenues from the existing excise tax on documents could result in a substantial reduction in funds currently dedicated to the Transportation Regional Incentive Program, the Strategic Intermodal System, the New Starts Transit Program, the Florida Rail Enterprise and the Small County Outreach Program. This proposal seeks to protect those existing transportation programs in a manner consistent with MPO plans and programs.

4. Reduces distracted driving by regulating as a *primary* offense the use of 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 Florida Legislature underscored the severity of distracted driving by considering a bill that would have substantially increased the penalty for distracted driving resulting in a fatality. This legislative proposal would seek to strengthen the enforcement mechanism for the texting while driving ban by making it a primary offense.

Additional Policy Positions

The MPOAC supports State Legislation that:

5. Allows Strategic Intermodal System (SIS) funds to be used on roads and other transportation facilities not designated on the SIS if the improvement will enhance mobility or support freight transportation on the SIS.
 - Current state law does not permit SIS funds to be spent on roads or other transportation facilities that are not part of the SIS, even if proposed improvements would directly benefit users of SIS facilities by enhancing mobility options or supporting freight movement in a SIS corridor. This legislative proposal would broaden the State’s ability to improve passenger and freight mobility on SIS corridors by making eligible the expenditure of SIS funds on non SIS roads and other transportation facilities where the benefit to users of SIS facilities can be demonstrated.
6. Promotes interoperable and multi-modal fare-payment technologies that must be compatible, universal and accessible for use by all other technology systems.
 - Ideally, Florida’s citizens would be able to use a single fare-payment technology to drive on a toll road, ride a transit vehicle, park a car, cross a toll bridge or use any other transportation facility or service anywhere in the state, regardless of the owner or operator of the system. However, a variety of technological and institutional barriers stand in the way of implementing universal, multi-modal fare-payment technologies. This proposal would provide support for a wide range of legislative initiatives intended to remove those barriers.

7. Authorizes a county, or two or more contiguous counties, to form a regional transportation finance authority for the purpose of financing, constructing, maintaining, and operating transportation projects that are coordinated with MPO plans and programs.
 - The 2013 Florida Legislature introduced legislation titled the “Florida Regional Transportation Finance Authority Act” that was contained in SB 1132. In 2014, the Florida Legislature considered SB 1052 which was a similar bill for a specific region of the state that would create the Northwest Florida Regional Transportation Finance Authority. Both legislative proposals would have established the governance and powers and duties of the authority and named FDOT as the agent of each authority for the purpose of performing all phases of a project, including constructing improvements and extensions to the system, and for the purpose of operating and maintaining the system. This proposal would authorize the creation of Regional Transportation Finance Authorities, subject to approval by the Legislature and the county commission of each county that will be part of the authority, and specify that there be only one authority created and operating within the area served by the authority.