

## RIVER TO SEA TRANSPORTATION PLANNING ORGANIZATION

### RESOLUTION 2019-XX

#### RESOLUTION OF THE RIVER TO SEA TRANSPORTATION PLANNING ORGANIZATION OPPOSING THE DRAFT POLICY FOR THE LOCAL AGENCY PROGRAM (LAP) THAT LIMITS THE PROGRAMMING AUTHORITY OF METROPOLITAN PLANNING ORGANIZATIONS AND RESTRICTS OPEN ACCESS TO FEDERAL FUNDING FOR LOCAL GOVERNMENTS

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**WHEREAS**, Florida Statutes 339.175; 23 U.S.C. 134; and 49 U.S.C. 5303 require that every urbanized area with a population of 50,000 or more, as a condition to the receipt of federal capital or operating assistance, shall have a continuing, cooperative, and comprehensive transportation planning process that results in plans and programs consistent with the comprehensively planned development of the urbanized area; and

**WHEREAS**, the River to Sea Transportation Planning Organization (TPO) is the duly designated and constituted body responsible for carrying out the urban transportation planning and programming process for the designated Metropolitan Planning Area (MPA) comprised of Volusia County and the urbanized areas of Flagler County including the cities of Flagler Beach, Beverly Beach, and portions of Palm Coast and Bunnell; and

**WHEREAS**, it is the responsibility of the River to Sea TPO to develop a financially feasible metropolitan transportation plan that establishes the funding available for implementing projects and programs identified in the plan; and

**WHEREAS**, it is the responsibility of the River to Sea TPO to utilize the metropolitan transportation plan to establish an annual list of project priorities for the TPO's Metropolitan Planning Area (MPA) for projects that will utilize state and federal funding; and

**WHEREAS**, approximately 75% or 2.9 million of the 3.9 million total miles of roadway are owned and operated by local public agencies; and

**WHEREAS**, the Local Agency Program or "LAP" is intended to provide sub-recipient towns, cities and counties the ability to develop, design, and construct transportation facilities using federal funds; and

**WHEREAS**, the FDOT District Five staff proposed a policy intended "to effectively plan, implement, and program projects while balancing transportation needs, funding requirements and development of the Five-Year Work Program."; and

**WHEREAS**, the FDOT District Five staff have not provided adequate evidence and analysis that links the improvements in project delivery to the program restrictions proposed by the draft policy; and

**WHEREAS**, program data provided by FDOT demonstrates that local governments utilize funding under the LAP for project design (115 projects totaling approximately \$28.8 million); and

**WHEREAS**, data provided by FDOT also demonstrates the needs of local governments to utilize funding for projects below the proposed threshold of \$250,000 (23% of the construction phase for projects are below the threshold).

**NOW, THEREFORE, BE IT RESOLVED** that the River to Sea TPO opposes several recommendations included in the Local Agency Program (LAP) policy proposed by FDOT District Five staff that place additional restrictions on the ability of local governments to independently manage projects under the LAP including:

1. Limiting full LAP certification to counties only rather than allowing full certification based on existing eligibility requirements; and
2. Limiting project specific certification to local governments with “limited experience” defined as successful administration of three (3) or less federal aid projects within a three (3) year period; and
3. Requiring local agencies to fund the PD&E, design and acquisition of right-of-way with local funding program rather than using federal funds as defined by rule; and
4. Placing an arbitrary minimum threshold of \$250,000 for project funding.

**BE IT FURTHER RESOLVED** that the Chairperson of the River to Sea TPO, (or their designee) is hereby authorized and directed to provide a copy of this resolution to the:

- a. Florida Department of Transportation (FDOT), District Five; and
- b. Florida Department of Transportation (FDOT), Program Management Office; and
- c. Federal Transit Administration (FTA) (through the Florida Department of Transportation); and
- d. Federal Highway Administration (FHWA), Florida Office of Project Delivery

**DONE AND RESOLVED** at the regular meeting of the River to Sea TPO held on the 26<sup>th</sup> day of June 2019.

**RIVER TO SEA TRANSPORTATION PLANNING ORGANIZATION**

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**CITY OF DAYTONA BEACH COMMISSIONER ROBERT GILLILAND  
ACTING CHAIRPERSON, RIVER TO SEA TPO**

**CERTIFICATE:**

The undersigned duly qualified and acting Recording Secretary of the River to Sea TPO certified that the foregoing is a true and correct copy of a resolution, adopted at a legally convened meeting of the River to Sea TPO held on June 26, 2019.

**ATTEST:**

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**DEBBIE STEWART, RECORDING SECRETARY**  
**RIVER TO SEA TRANSPORTATION PLANNING ORGANIZATION**

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