



# The Florida Metropolitan Planning Organization Advisory Council

*Mayor Susan Haynie*  
*Chair*

## **MPOAC Governing Board Meeting**

**Date:** Wednesday, July 19, 2017

**Time:** 1:00 p.m. – 3:00 p.m.

**Location:** Boca Raton Resort and Beach Club, 501 E. Camino Real  
Boca Raton, FL 33432 – Mizner Room

**Mayor Susan Haynie, Presiding**

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- 1. Call to Order & Pledge of Allegiance**
- 2. Approval of Minutes: April 06, 2017 Meeting**
- 3. Public Comments (non-agenda items)**
- 4. Executive Director's Report**
  - A. UPWP Report**
  - B. Florida Legislative Update**
  - C. Federal Infrastructure Package Efforts**
  - D. Summary of MPOAC Weekend Institute**
- 5. Agency Reports**
  - A. Florida Department of Transportation**
    - 1. Safety Performance Targets**
    - 2. Safety Project Coordination with MPOs**
    - 3. MPO Mobility Performance Measures**
  - B. Federal Highway Administration**
- 6. Business Items & Presentations**
  - A. Approval of LRTP Horizon Year of 2045**
  - B. 2018 Proposed Legislative Policy Positions**
  - C. Recommendations from the MPOAC Policy and Technical Committee**
  - D. US 27 Multi-Modal Corridor Study**
- 7. Communications**
- 8. Member Comments**
- 9. Adjournment**

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*Carl Mikyska, Executive Director*

605 Suwannee Street, MS 28B · Tallahassee, Florida 32399-0450  
1-866-374-3368 x 4037 or 850-414-4062 · Fax 850-414-4895  
[www.mpoac.org](http://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 Brigitte Messina at (850) 414-4037 or by email to [brigitte.messina@mpoac.org](mailto:brigitte.messina@mpoac.org).**

## **Item Number 2**

### **Approval of Minutes: April 06, 2017**

#### **DISCUSSION:**

Review and comments from members.

#### **REQUESTED ACTION:**

Approval of Meeting Minutes from the April 06, 2017 MPOAC Governing Board Meeting.

#### **ATTACHMENTS:**

April 06, 2017 MPOAC Governing Board Minutes



**Florida MPO Advisory Council  
Meeting of the Governing Board  
April 6, 2017  
Draft Meeting Minutes**

GOVERNING BOARD MEMBERS IN ATTENDANCE:

Mayor Susan Haynie, Chair, Palm Beach MPO  
Commissioner Nick Maddox, Vice-Chair, Capital Region TPA  
Councilmember Bryan Caletka, Broward MPO  
Commissioner James Herston, Charlotte County-Punta Gorda MPO  
Commissioner Nicholas Nicholson, Hernando/Citrus MPO  
Commissioner Charles Klug, Hillsborough County MPO  
Councilmember Pat Kelley, Lake-Sumter MPO  
Councilmember Jim Burch, Lee County MPO  
Commissioner Troy McDonald, Martin MPO  
Councilmember Dick Rynearson, Okaloosa-Walton TPO  
Commissioner Nat Birdsong, Polk TPO  
Mayor Willie Shaw, Sarasota/Manatee MPO  
Mayor Kathy Meehan, Space Coast TPO  
Linda Hudson, St. Lucie TPO

OTHERS IN ATTENDANCE:

Carl Mikyska, MPOAC  
Paul Gogleman, MPOAC General Council  
Brigitte Messina, MPOAC  
Karen Brunelle, Federal Highway Administration  
Lee Ann Jacobs, Federal Highway Administration  
Alex Gramovot, Florida Department of Transportation, Office of Policy Planning  
Mark Reichert, Florida Department of Transportation, Office of Policy Planning  
DeWayne Carver, Florida Department of Transportation – Roadway Design Office  
Brian Stanger, Florida Department of Transportation, District 5  
David Cooke, Florida Department of Transportation, District 5  
Kellie Smith, Florida Department of Transportation, District 5  
Carol Scott, Florida Department of Transportation, Florida Turnpike Enterprise  
Jeff Kramer, Center for Urban Transportation Research, USF  
Christen Miller, Center for Urban Transportation Research, USF  
Mary Beth Washnock, Bay County TPO, Florida-Alabama TPO, Okaloosa-Walton TPO  
Greg Stuart, Broward MPO  
Greg Slay, Capital Region TPO  
Bob Herrington, Charlotte County-Punta Gorda MPO  
Whit Blanton, Forward Pinellas

Michael Escalante, Gainesville MTPO  
Steve Diez, Hernando/Citrus MPO  
Beth Alden, Hillsborough County MPO  
Bob Auwaerter, Council Member, Indian River Shores (Indian River County MPO)  
Nancy Auwaerter, Public  
T.J. Fish, Lake-Sumter MPO  
Beth Beltran, Martin MPO  
Harold Barley, MetroPlan Orlando  
Tewari Edmonson, Miami-Dade TPO  
Michael Daniels, Ocala/Marion County TPO  
Nick Uhren, Palm Beach MPO  
Lois Bollenback, River to Sea TPO  
David Hutchinson, Sarasota/Manatee MPO  
Steven Boston, Space Coast TPO  
Laura Carter, Space Coast TPO  
Georganna Gillette, Space Coast TPO  
Lisa Hickman, Space Coast TPO  
Sarah Kraum, Space Coast TPO  
Bob Kamm, Space Coast TPO  
Peter Buchwald, St. Lucie TPO  
Wiley Page, Atkins, Inc.  
Bob Roming, H.W. Lochner, Inc.  
Steve Szabo, Space Florida  
David Jackson, U.S. Rep. Bill Posey (FL-8)  
Lisa Broadt, TC Palm  
Rusty Roberts, All Aboard Florida

• CALL TO ORDER

Mayor Susan Haynie, Chair, Palm Beach MPO, called the meeting to order at 1:39 p.m. The Chair welcomed those in attendance. All stood for the Pledge of Allegiance and self-introductions were made.

Mayor Kathy Meehan, Space Coast TPO, welcomed the members and gave a brief summary of the Space Coast area.

• APPROVAL OF MINUTES

Mayor Kathy Meehan, Space Coast TPO, moved to approve the minutes of the January 2017 Governing Board meeting. Councilmember Jim Burch, Lee County MPO, seconded. The motion carried unanimously.

• PUBLIC COMMENTS

No public comments were made.

• EXECUTIVE DIRECTOR'S REPORT

A. UPWP REPORT

Mr. Carl Mikyska, MPOAC Executive Director, presented the MPOAC Quarterly UPWP update stating that MPOAC is on track to stay on budget this fiscal year.

Mr. Mikyska announced that the Center for Urban Transportation Research (CUTR) will be presenting a webinar entitled "Working to Integrate Social Equity into Regional Planning" on April 27, 2017 at 12 pm. Presentations will be made by Kristine Williams (CUTR), the Hillsborough MPO and Portland Metro. Recordings of the webinar will be available on the CUTR website shortly thereafter.

B. FLORIDA LEGISLATIVE UPDATE

Mr. Mikyska presented an update on legislation before the Florida House of Representatives and the Florida Senate. He noted that the official start of the 60 day legislative session was March 07, 2017, noting that the legislative session was roughly half over. He then provided a brief summary of legislative proposals of interest to the MPOAC membership.

Mr. Mikyska provided an overview Bills to watch:

- HB 865 and SB 1118 – FDOT Bill  
Requiring the Florida Department of Transportation (FDOT), in consultation with the Department of Highway Safety and Motor Vehicles, to develop the Florida Smart City Challenge Grant Program; providing for assessment and calculation of a fine for unlawful weight and load of a vehicle fueled by natural gas; requiring FDOT to undertake an economic feasibility study relating to the acquisition of the Garcon Point Bridge; prohibiting the South Florida Regional Transportation Authority from

entering into certain contracts or agreements without FDOT approval of the authority's expenditures, etc.

- **HB 17 – Local Preemption**  
Prohibits certain local governments from imposing or adopting certain regulations on businesses, professions, & occupations after certain date; preempts to state regulations concerning businesses, professions, & occupations; provides exceptions to preemption.
- **SB 144 – Texting While Driving**  
Use of Wireless Communications Devices While Driving; Revising the legislative intent relating to the authorization of law enforcement officers to stop motor vehicles and issue citations to persons who are texting while driving; deleting a provision requiring that enforcement of the Florida Ban on Texting While Driving Law be accomplished only as a secondary action; requiring deposit of fines into the Emergency Medical Services Trust Fund, etc.
- **HB 221 – Transportation Network Companies**  
Providing that a transportation network company (TNC) driver is not required to register certain vehicles as commercial motor vehicles or for-hire vehicles; requiring a TNC to designate and maintain an agent for service of process in this state; providing fare requirements; providing that TNC drivers are independent contractors if specified conditions are met; requiring a TNC to implement a zero-tolerance policy for drug or alcohol use, subject to certain requirements; requiring a TNC to conduct a certain background check for a TNC driver after a specified period; requiring TNC drivers to comply with the nondiscrimination policy and certain applicable laws regarding nondiscrimination and accommodation of service animals, etc.
- **SB 460 – Personal Delivery Devices**  
Authorizing the operation of personal delivery devices within county or municipal jurisdictions under certain circumstances; prohibiting the operation of personal delivery devices on the Florida Shared-Use Nonmotorized Trail Network; requiring a personal delivery device operator to maintain an insurance policy that provides general liability coverage of at least a specified amount for damages arising from the operation of a personal delivery device; exempting personal delivery devices from certain registration and insurance requirements, etc.
- **SB 596 – Utilities**  
Authorizing the Department of Transportation (FDOT) and certain local governmental entities to prescribe and enforce reasonable rules or regulations with reference to the placing and maintaining across, on, or within the right-of-way limits

of any road or publicly owned rail corridors under their respective jurisdictions any voice or data communications services lines or wireless facilities; creating the “Advanced Wireless Infrastructure Deployment Act”; providing requirements for the collocation of small wireless facilities on authority utility poles; authorizing an authority to enforce local codes, administrative rules, or regulations adopted by ordinance in effect on a specified date which are applicable to a historic area designated by the state or authority, etc.

Councilmember Jim Burch, Lee County MPO, asked about HB 865 and SB 1118 and bridges discussed in those bills would be reviewed according to pre-planned schedules. Mr. Mikyska replied that there most likely would not be a pre-planned schedule, but that bridges that are at higher risk would be reviewed more often than lower risk bridges.

A conversation took place about regulations for TNCs, including Uber and Lyft. Commissioner Troy McDonald, Martin MPO, asked how taxicabs are regulated and asked if Uber and Lyft should be regulated in a manner similar to taxis. Mr. Mikyska replied that he is not sure.

Councilmember Jim Burch, Lee County MPO, led a discussion on the SB 596 and offered a summary on the bill and its potential effects on MPOs.

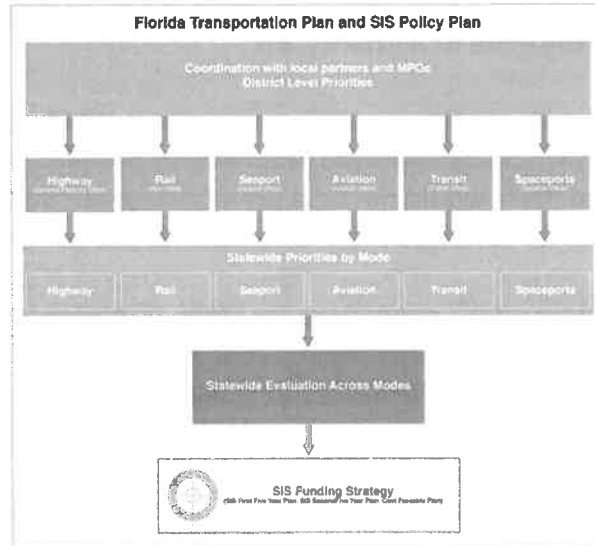
#### C. MPO COLLABORATION AND PLANNING AREA REFORM RULE UPDATE

Carl Mikyska, MPOAC Executive Director, presented a form letter prepared jointly by the National Association of Regional Councils (NARC) and the Association of Metropolitan Planning Organizations (AMPO) relating to the potential repeal of the MPO Collaboration and Planning Area Reform rule which went into effect on January 19, 2017. He noted that legislation had been passed in the US Senate and a Companion Bill has is currently in the US House of Representatives that would repeal the final rule and prohibit the US Department of Transportation from introducing similar rulemaking in the future. NARC and AMPO prepared the form letter for individual members to send to their members of Congress encouraging their support for the proposed legislation.

#### D. SIS PROJECT PIORITIZATION CRITERIA AND FUNDING POLICY OVERVIEW

Mr. Mikyska gave a summary of the Strategic Intermodal System (SIS) prioritization criteria and funding policy which was discussed at the Staff Director's meeting on March 02, 2017. The Florida Department of Transportation (FDOT) is looking at the process and there may be some changes implemented to the program. However, FDOT is in only the beginning stages of considering if the current approach is still appropriate for Florida.

- Focus on: Transportation facilities of statewide and inter-regional importance.
- Designation Criteria.
- Needs Policies – Eligibility Criteria.
- Prioritization Process.



Councilmember Jim Burch, Lee County MPO, suggested that the MPOAC should stay mindful and that FDOT include a section that talks about how SIS money will be distributed.

#### E. STRATEGIC PLAN COMMITTEES UPDATE

Mr. Mikyska presented an overview of the Best Practices Working Group and the Bicycle & Pedestrian Working Group, both formed at the January 2017 MPOAC meeting. The Best Practices Working Group and the Bicycle & Pedestrian Working Group met for the first time on March 2<sup>nd</sup> and 3<sup>rd</sup>, 2017. The groups will continue to meet in conjunction with the Staff Directors’ Advisory Committee meetings.

Mr. Mikyska provided an update on the Best Practices Working Group. He described the group mission as being broadly focused on general best practices across a number of MPO interest areas. He then listed a number of items that the Best Practices Working Group will focus on for the foreseeable future:

- Defining the term “Best Practice.”
- Developing categories and topic areas for further investigation.
- Establishing the process and format for making the working group an effective forum for sharing information.

- Determining if the working group should hold a workshop focusing on MPO best practices, possibly in conjunction with a larger event.

Mr. Mikyska then summarized the recent work of the Bicycle & Pedestrian Working Group, noting that work of this group would be more focused than the work of the Best Practices Working Group and that they were developing a work plan that would include regular roll-outs of information. He also noted that the group was formally requesting a name change and the addition of new members and alternate members. The requested changes were to:

- change the name of the working group to the Complete Streets Working Group.
- add individuals as members:
  - David Henderson – Miami-Dade TPO, and
  - Bob Herrington – Charlotte County-Punta Gorda MPO.
- allow the appointment of alternate members and to appoint the following alternates:
  - Nick Lepp – MetroPlan Orlando,
  - Peter Gies, Broward MPO,
  - Carlos Roa – Miami-Dade TPO, and
  - Gary Harrell – Charlotte-Punta Gorda MPO.
- reduce Palm Beach MPO membership on the working group to one, naming Nick Uhren the member and Valerie Neilson as the alternate.

T.J. Fish, Lake-Sumter MPO, requested that he be listed as the member and that Mike Woods, Lake-Sumter MPO, be listed as an alternate. Councilmember Pat Kelley, Lake-Sumter MPO, approved of Mr. Fish’s request.

Commissioner Nick Maddox, Capital Region TPA, moved to approve the Working Group name change from Bicycle & Pedestrian Working Group to the Complete Streets Working Group and the requested membership changes. Councilmember Jim Burch, Lee County MPO, seconded. The motion carried.

• AGENCY REPORTS

A. FLORIDA DEPARTMENT OF TRANSPORTATION

Mr. Mark Reichert, Transportation Planning Manager, FDOT Office of Policy Planning, updated the members on FDOT activities and brought forward topics of interest to the MPOs.

- FDOT has hired Alex Gramovot as the new Statewide Metropolitan Planning Coordinator focusing on long range planning and programming, statewide planning and research.
- Mr. Reichert provided a risk assessment update: Federal regulations require pass-through entities to conduct a risk assessment on the pass-through funds and the receiving agencies. FDOT is the pass-through agency for each of the MPOs federal planning funds. FDOT is required to perform a risk assessment on each MPO and monitor the MPOs appropriately, depending on their level of risk. Those assigned with a higher risk will be required to undergo more intensive monitoring than those with lower risk. The first official risk assessments will begin June 30, 2017.
- Mr. Reichert confirmed that modifications to the MPO Unified Planning Work Program (UPWP) do not require an amendment to the MPO agreement.
- FDOT has issued a task work order focusing on MPO Mobility Performance Measures Reporting. The objective of this task is to provide the MPOs with performance measures data capturing varying dimensions of mobility by mode of transportation. The measures reported for the individual MPOs will align with performance measures reported by FDOT. Through this effort, the MPOs will be able to access the measures to report on the transportation system in their areas. This will assist MPOs in evaluating how well the MPOs Long Range Transportation Plans (LRTPs) align with FDOT priorities and the goals in the Florida Transportation Plan.
- Mr. Reichert mentioned a technical bulletin that was released March 1, 2017 that provides guidance regarding the programming of new projects with the funds repurposed from the old federal earmarks program. All repurposed funds must be obligated no later than September 30, 2019.
- Mr. Reichert discussed the TRAC (Transportation and Civil Engineering) & RIDES (Roadways In Developing Elementary Students) educational outreach programs. The TRAC and RIDES programs are designed for use in Science, Technology, Engineering, and Math (STEM) classes to provide hands-on activities to introduce students in grades K-12 to the work world of transportation and civil engineering and to inspire them to consider careers in those fields. Both programs are aligned with national standards and are currently being aligned with Core Curriculum Standards of Learning. State departments of transportation work with schools in their state by providing the curricula and resources for the schools and providing engineers to visit the classrooms to serve as speakers, teach a hands-on activity, and/or talk to students about the importance of math and science in preparing for their future.
- Mr. Reichert referred to the TransPlex (Transportation Planning Exchange) card that was distributed to the membership. He mentioned that TransPlex is a forum for transportation professionals to learn and exchange ideas about transportation planning and is being held from August 8-10, 2017, at the Marriott in Ponte Vedra.
- Mr. Reichert closed by reminding the membership that Rusty Ennemoser, the FDOT Statewide Public Involvement Coordinator, is available for all MPOs as a resource

regarding their own public involvement issues. She can be contacted at 850-414-5337 or by email at [rusty.ennemoser@dot.state.fl.us](mailto:rusty.ennemoser@dot.state.fl.us).

Beth Alden, Hillsborough County MPO, asked if the performance measures are limited to mobility performance measures or if other types (like safety and maintenance) could also be considered. Mr. Mikyska replied that they will be looking at performance measure as a whole.

A discussion took place amongst members about the risk assessments described by Mr. Reichert during his presentation. David Hutchinson, Sarasota/Manatee MPO, expressed his concerns about the way FDOT plans to measure an MPO's risk levels.

## B. FEDERAL HIGHWAY ADMINISTRATION

Ms. Lee Ann Jacobs, Planning Team Leader, Federal Highway Administration (FHWA) Florida Division, Office of Project Development, made announcements of interest to the members:

- Second Strategic Highway Research Program (SHRP2) Award – FDOT was awarded a \$200k award under SHRP2 for a project entitled “Proof of Concept - Reliability in Simulation and Planning Models.” SHRP 2 was created to find strategic solutions to three national transportation challenges: improving highway safety, reducing congestion, and improving methods for renewing roads and bridges.
- A new federal bicycle and pedestrian guide has been released. The new guide is entitled “Noteworthy Local Policies that Support Safe and Complete Pedestrian and Bicycle Networks” and can be found on the FHWA website at [https://safety.fhwa.dot.gov/ped\\_bike/](https://safety.fhwa.dot.gov/ped_bike/).
- Updated information is available for 2300 Census Urban Areas with population greater than 5,000 on the FHWA Environment and Planning Web-based GIS Portal (HEPGIS). The updated information can be found at <http://hepgis.fhwa.dot.gov/> by clicking on the link entitled “FHWA Adjusted Urban Boundaries” under MPO Information.

Ms. Karen Brunelle, Director, FHWA Florida Division Office of Project Development, announced that the effective date for the system performance/CMAQ/Freight and the bridge/pavement final rules had been delayed to May 20, 2017, as announced in a March 21, 2017 Federal Register notice. She indicated that FHWA webinars on the subject have not yet been scheduled, but they are expected and will be shared at a future meeting.

Mr. DeWayne Carver, AICP, State Complete Streets Program Manager, gave a presentation on Complete Streets and the FDOT design manual. The goal is to implement a policy that promotes safety, quality of life, and economic development in Florida. To implement this

policy, FDOT will routinely plan, design, construct, reconstruct and operate a context sensitive system of "Complete Streets." While maintaining safety and mobility, Complete Streets shall serve the transportation needs of transportation system users of all ages and abilities, including but not limited to: cyclists, freight handlers, motorists, pedestrians and transit riders.

Mr. Carver continued his presentation by stating that FDOT specifically recognizes Complete Streets are context-sensitive and requires transportation system design that considers local land development patterns and the built form. FDOT will coordinate with local governments, Metropolitan Planning Organizations, transportation agencies and the public, as needed, to provide Complete Streets on the State Highway System, including the Strategic Intermodal System. The FDOT Complete Streets policy can be found on [www.FLCompletestreets.com](http://www.FLCompletestreets.com).

The FDOT Complete Streets Handbook and the new FDOT Design Manual will help provide more context-sensitive roads by putting "the right street in the right place."

Mr. Carver made the following points about the Complete Streets Implementation plan:

- Prepared by SmartGrowth America working with FDOT.
- Provides a "common vision" for the various offices.
- Each office is responsible for implementing its own part of the plan.

Mr. Carver noted that an external draft of the Complete Streets Handbook will be available for review in April 2017 and that the final version will be complete in June 2017. The handbook will connect various FDOT guidance and procedures together and provides an explanation for context-based design criteria and standards. The handbook also provides the groundwork for the FDOT Design Manual (FDM).

A discussion took place among those in attendance about extending the final date to allow the MPOAC to review the handbook. David Hutchinson, Sarasota/Manatee MPO, cautioned the membership to be careful not to slow down the process.

Mr. Hutchinson then asked about lane eliminations. Mr. Carver stated that lane elimination is not addressed in the handbook and said that the handbook focuses mainly on the classification structure.

## BUSINESS ITEMS & PRESENTATIONS

### A. APPROVAL OF LEGAL SERVICES CONTRACT

Carl Mikyska, MPOAC Executive Director, presented a proposed legal services agreement to the membership. Each year, the MPOAC considers a contract renewal for Paul Gougelman, MPOAC General Counsel. Mr. Mikyska noted that the contract presented to the membership for their consideration is similar to previous legal counsel contracts.

Commissioner Troy McDonald, Martin MPO, made a motion to approve the legal services agreement. Mayor Willie Shaw, Sarasota/Manatee MPO, seconded. Motion carried.

### B. REQUIREMENT TO INCLUDE FL TURNPIKE ENTERPRISE PROJECTS IN THE TIP

Carl Mikyska, MPOAC Executive Director, summarized the requirements to include Florida Turnpike Enterprise projects (and other toll agency projects) in the Transportation Improvement Program (TIP) for informational purposes. Florida statutes also state that transportation projects cannot be removed from a TIP by an MPO once the project reaches the preliminary engineering phase.

- “The transportation improvement program must, at a minimum ... Include projects and project phases to be funded with state or federal funds within the time period of the transportation improvement program and which are recommended for advancement during the next fiscal year and 4 subsequent fiscal years. Such projects and project phases must be consistent, to the maximum extent feasible, with the approved local government comprehensive plans of the units of local government located within the jurisdiction of the M.P.O. For informational purposes, the transportation improvement program shall also include a list of projects to be funded from local or private revenues.” (Section 339.175(8)(c)(1), F.S.)
- “Projects included in the transportation improvement program and that have advanced to the design stage of preliminary engineering may be removed from or rescheduled in a subsequent transportation improvement program only by the joint action of the M.P.O. and the department. Except when recommended in writing by the district secretary for good cause, any project removed from or rescheduled in a subsequent transportation improvement program shall not be rescheduled by the M.P.O. in that subsequent program earlier than the 5th year of such program.” (Section 339.175(8)(d), F.S.)

### C. REQUEST FOR FDOT FUNDING FOR REVIEW OF LRTPS

Carl Mikyska, MPOAC Executive Director, summarized the Staff Directors' Advisory Committee discussion and recommendation at the March 2017 meeting regarding funding for a Review of MPO Long Range Transportation Plans (LRTPs) and Estimate of Statewide 2040 Metropolitan Area Financial Shortfall. At the MPOAC Governing Board meeting held in January 2017, the MPOAC Executive Director was directed to inquire with the FDOT about providing funding for the study and that the Best Practices Work Group and the Staff Directors' Advisory Committee consider any changes to the proposed scope to meet the needs of the membership. Mr. Mikyska indicated that when asked, the FDOT indicated that they would not be able to provide funding for the study at this time. The Best Practices Working Group decided that until a funding source is found, work to revise the scope would be fruitless. The scope and funding was discussed by at the March 2017 Staff Directors' Advisory Committee meeting and concurred with the Best Practices Working Group. The Staff Directors recommended to the Governing Board a motion to have the MPOAC Executive Director send a formal request for funding to the FDOT.

T.J. Fish, Lake-Sumter MPO, stated that this research benefits the MPOs, FDOT and the FHWA. He supported the recommendation that the MPO's ask FDOT to fund the research.

Commissioner Nat Birdsong, Polk TPO, made a motion to send a formal request to FDOT asking them to provide funding for the study. Councilmember Pat Kelley, Lake-Sumter MPO, seconded. The motion was approved with one member, Councilmember Bryan Caletka, Broward MPO, opposed.

### D. AMOUNT OF PL RESERVE DISTRIBUTION BY MPO

Carl Mikyska, MPOAC Executive Director, stated that at the January 2017 MPOAC meetings, direction was given to have the \$2 Million of federal planning funds (PL) currently held in reserve distributed to the MPOs based on population as is the case for the statewide PL formula. This additional distribution of funds is expected to be available to the MPOs after the beginning of the new State Fiscal Year, which begins July 1, 2017. A table showing PL reserve funding distribution by MPO was included in the meeting packet.

### E. SAFETY PERFORMANCE MEASURE TARGET SETTING BY FDOT

Mr. Mark Reichert, FDOT Office of Policy Planning, presented the activities of the Florida DOT to establish a performance target for the federally established safety performance measure. Florida DOT will first establish statewide targets in their August 31, 2017 Highway Safety Improvement Program (HSIP) Annual Report for calendar year 2018. The MPOs will be

required to set their own safety performance targets 180 days after the adoption of the state targets.

The Safety Performance Measure Final Rule establishes five performance measures as the five-year rolling averages to include:

1. Number of Fatalities.
2. Rate of Fatalities per 100 million Vehicle Miles Traveled (VMT).
3. Number of Serious Injuries.
4. Rate of Serious Injuries per 100 million VMT.
5. Number of Non-motorized Fatalities and Non-motorized Serious Injuries.

A short discussion ensued on this subject. Councilmember Jim Burch, Lee County MPO, asked for FDOT to consider complete streets in the five measures and targets.

#### F. SPACE FLORIDA MASTER PLAN PRESENTATION

Mr. Steve Szabo, Spaceport Development Program Manager, presented an overview of the Space Florida Master Plan update. Space Florida is an Independent Special District of the State of Florida, created by Chapter 331, Part 11, Florida Statutes, for the purposes of fostering the growth and development of a sustainable and world-leading space industry in Florida. Mr. Szabo kept his comments brief, indicating that significantly more detail would be provided the next morning when members of the MPOAC Governing Board were scheduled to take a bus tour of the Florida Spaceports territory, including the Kennedy Space Center.

Councilmember Jim Burch, Lee County MPO, asked if the companies are paying to use the areas. Mr. Szabo replied that he cannot predict where the markets are going and that Florida Space Port needs to remain the primary place for growth and company development. Bob Kamm, Space Coast TPO, replied that there is not a direct fee for the companies, but that they are paying taxes.

#### G. ALL ABOARD FLORIDA PROJECT PRESENTATION

Rusty Roberts, VP of Government Affairs, All Aboard Florida, gave a presentation on all Aboard Florida and shared with the membership an overview of their efforts to bring passenger rail service between Miami and Orlando. The service, also known as Brightline, will operate in the Florida East Coast Railway corridor along the Atlantic Coast and then along State Route 528 (Beach Line) as it turns west to Orlando. He shared images of station locations, the rail cars and an aerial view of the proposed route. He indicated that project development was moving forward as scheduled and concluded by sharing that Phase I

service between Miami and Palm Beach is expected to begin in 2017 with Phase II service to Orlando anticipated beginning in 2018.

Commissioner Troy McDonald, Martin MPO, voiced his concern about Brightline and the extra costs that are not predicted, particularly those costs that will accrue to local communities.

Bob Kamm, Space Coast TPO, asked if Mr. Roberts would be willing to make his presentation for the Space Coast TPO, mentioning that the Space Coast TPO is interested in having a station in Brevard County. David Hutchinson, Sarasota/Manatee MPO, asked when Brightline service will be heading towards the Tampa area. Mr. Roberts responded that they plan to expand west of Orlando sometime in the future, but no timeline has yet been established.

#### • COMMUNICATIONS

Mayor Susan Haynie, Chair, Palm Beach MPO, mentioned the communication items in the agenda packets:

- Thank you note from Sean Sullivan, Tampa Bay Regional Planning Council (TBRPC) Executive Director, to Carl Mikyska expressing his thanks for speaking at their regional transportation summit.

#### • MEMBER COMMENTS

Carl Mikyska provided details about the schedule for the space center tour the following morning.

#### • ADJOURNMENT

The meeting was adjourned at 4:35 p.m. The next meeting of the MPOAC Governing Board will be held on July 19, 2017.

### **Item Number 3**

#### **Public Comments**

**DISCUSSION:**

Recommendations or comments by the public.

**REQUESTED ACTION:**

As may be desired.

**ATTACHMENT:**

None



## **Item Number 4A**

### **Executive Director's Report UPWP Report**

#### **DISCUSSION:**

Mr. Carl Mikyska, MPOAC Executive Director, will be presenting the UPWP Report for the April through June 2017 timeframe.

#### **REQUESTED ACTION:**

None requested. For discussion and action as may be desired.

#### **ATTACHMENTS:**

April 2017 to June 2017 UPWP report  
Financial Statement through June 2017 for MPOAC



# MPOAC Quarterly UPWP Report

## April 2017 – June 2017

### Task 1.2 – Quarterly Reports

- Quarterly reports are on track – included in your meeting package

### Task 1.3 – Research and Support Services

- Reviewed and advised the Executive Director on correspondence
- Advised the Executive Director in the development of MPOAC meeting content and materials
- Prepared meeting minutes of the March Staff Director's Committee Meeting and the April MPOAC Governing Board Meeting
- Collaborated with the Executive Director on potential federal policy positions and changes to federal planning requirements

### Task 1.4 – Legal Services

- Represented MPOAC at the March Staff Director's Committee meeting and the April MPOAC Governing Board meeting
- Advised the Executive Director on Sunshine Laws related efforts to establish an agenda for an Executive Committee meeting

### Task 1.5 -- Membership Dues

- ITS FL membership bill received and paid
- AMPO membership dues are paid
- Processed payment for FBT membership
- Completed payment of NARC membership dues

### Task 1.6 – MPOAC Administration

- Ongoing task, payment of invoices, requisitions, travel vouchers and expenses of MPOAC – occurring quarterly

### Task 2.1 – Intergovernmental and Regional Coordination

- Coordinated with MPO membership, MPOs outside of Florida, FDOT, FTC, FBT, FRCA, FLC, FAC, AMPO and NARC on potential state legislation and the opportunity to develop changes to federal planning requirements
- Presented a Legislative Summary at the Joint Central Florida MPO Alliance/TBARTA Chairs Coordinating Committee Meeting in Orlando
- Attended the NARC Annual Conference
- Presented the MPO Performance Measures Pilot Program to the New York State AMPO in partnership with Florida DOT staff

### Task 2.2 – MPOAC Agenda Packages & Meetings

- Hosted the March 2017 Staff Director's meeting and the April 2017 MPOAC Governing Board meeting

- Produced the agenda packages for the June 2017 meeting of the Staff Directors and the July 2017 meeting of the MPOAC Governing Board, MPOAC Executive Committee and the MPOAC Policy and Technical Committee
- Coordinated a tour of the Kennedy Space Center in conjunction with the April MPOAC Governing Board meeting

#### Task 2.4 – MPOAC Freight Committee

- Hosted the April 2017 meeting
- Produced the agenda for the July 2017 meeting

#### Task 3.1 – MPOAC Policy Positions

- Created policy positions for the 2018 Florida Legislative Session to be presented to the MPOAC Governing Board for approval
- Developed policy positions for a potential federal infrastructure bill to be presented to the MPOAC Policy and Technical Committee and then the MPOAC Governing Board for approval

#### Task 3.2 – MPOAC Website

- Maintained and updated as necessary the MPOAC.org website
- Began work building a new page for the MPOAC Weekend Institute which will be on the website

#### Task 3.3 – MPOAC Institute Training Activities

- Completed two MPOAC Weekend Institute trainings of Board Members
- Produced a summary of attendees ratings of the 2017 trainings as well as a multi-year summary

#### Task 4.1 – Assessment of Documents, Regulations, Policies and Legislation

- Reviewed, researched, coordinated and wrote comments for a possible opportunity to change federal planning requirements through a federal infrastructure bill
- Produced weekly newsletters tracking transportation related legislation during the Florida legislative session
- Produced the 2017 legislative summary document
- Produced draft legislative policy positions for the 2018 Florida legislative session
- Attended and participated in the Federal Certification Review site visits for the Pasco County MPO, Forward Pinellas MPO, Hillsborough MPO, Martin MPO and St. Lucie TPO.

#### Task 4.5 – MPOAC Strategic Plan and Implementation

- Held meetings of both the Best Practices and Complete Streets Working Groups in June of 2017
- Produced a summary of efforts to collect Bike/Ped counts and reported the findings to the Complete Streets Working Group.
- Produced the agenda packages for the March 2017 meetings for the Best Practices and Bike/Ped Working Groups

**Florida Metropolitan Planning Organization Advisory Council**  
**FY 2016/2017 Budget**  
**July 1, 2016 to June 30, 2017**

Category	Annual Allocation	1st Qtr Expenditures 7/1/16-9/30/16	2nd Qtr Expenditures 10/1/16-12/31/16	3rd Qtr Expenditures 1/1/17-3/31/17	4th Quarter Expenditures 4/1/17-6/30/17	Expenditures to Date	Remaining Balance
<b>Salaries/Benefits</b>	\$ 170,661	\$ 43,584	\$ 47,512	\$ 40,448	\$ 39,117	\$ 170,661	\$ -
<b>Expense</b>	\$ 42,624						
Travel	\$ 19,544	\$ 8,006	\$ 3,126	\$ 3,795	\$ 4,547	\$ 19,474	\$ 70
Meetings	\$ 18,000	\$ 1,000	\$ 2,738	\$ 6,679	\$ 6,316	\$ 18,000	\$ -
Administrative	\$ 5,080	\$ 2,835	\$ 734	\$ 1,068	\$ 443	\$ 5,080	\$ -
Membership Dues *	\$ 1,920	\$ 500	\$ -	\$ -	\$ 1,000	\$ 1,500	\$ 420
<b>Contracted Services</b>	\$ 22,000						
General Counsel	\$ 22,000	\$ 1,100	\$ 286	\$ 14,916	\$ 5,698	\$ 22,000	\$ -
<b>Transportation Planning</b>	\$ 165,000						
Univ. South FL (CUTR)	\$ 80,000	\$ 20,000	\$ 20,000	\$ 20,000	\$ 20,000	\$ 80,000	\$ -
MPOAC Institute	\$ 85,000	\$ 18,700	\$ 9,350	\$ 14,450	\$ 42,500	\$ 85,000	\$ -
<b>Strategic Plan</b>	\$ 6,500						
Florida State University	\$ 6,500	\$ -	\$ -	\$ -	\$ 6,500	\$ 6,500	\$ -
<b>Total Federal Funds</b>	\$ 406,785	\$ 95,725	\$ 83,746	\$ 101,356	\$ 126,121	\$ 408,215	\$ 490
<b>Advocacy Activities</b>							
Local Funds	\$ 10,500	\$ -	\$ 740	\$ 1,363	\$ 6,209	\$ 8,312	\$ 2,188
<b>Total Budget</b>	\$ 417,285	\$ 95,725	\$ 84,486	\$ 102,719	\$ 132,330	\$ 416,527	\$ 2,678

\* FBT, FPTA, ITSFL



## **Item Number 4B**

### **Executive Director's Report Florida Legislative Report**

#### **DISCUSSION:**

Mr. Carl Mikyska, MPOAC Executive Director, will be presenting a report of transportation-related bills passed during the spring legislative session of the Florida Legislature and signed by the Governor.

#### **REQUESTED ACTION:**

None requested. For discussion and action as may be desired.

#### **ATTACHMENT:**

Annual Florida MPOAC Legislative Summary Report



Florida Metropolitan Planning  
Organization Advisory Council



2017 Summary of State Legislation

July 2017

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## An Act Relating to the Department of Transportation (HB 865)

*Section 1 (creates s. 316.0898, F.S.)*

- **Requires the Florida Department of Transportation, in consultation with the Department of Highway Safety and Motor Vehicles, to develop the Florida Smart City Challenge Grant Program and establishes goals for the grant program. Requires the Department to develop specified criteria for receipt of grants and to develop a plan for program promotion. Authorizes the Department to contract with a third party to provide guidance in the development of specified criteria and the program promotion plan. Requires the Department to submit the grant program guidelines and plans for promotion of the grant to the Governor and Legislature by January 1, 2018.**
  - “The Department of Transportation, in consultation with the Department of Highway Safety and Motor Vehicles, shall, subject to appropriation, develop the Florida Smart City Challenge Grant Program and establish grant award requirements for municipalities or regions for the purpose of receiving grant awards. Grant applicants must demonstrate and document the adoption of emerging technologies and their impact on the transportation system and must address at least the following focus areas:
    - (a) Autonomous vehicles.
    - (b) Connected vehicles.
    - (c) Sensor-based infrastructure.
    - (d) Collecting and using data.
    - (e) Electric vehicles, including charging stations.
    - (f) Developing strategic models and partnerships.”
  - “The goals of the grant program include, but are not limited to:
    - (a) Identifying transportation challenges and identifying how emerging technologies can address those challenges.
    - (b) Determining the emerging technologies and strategies that have the potential to provide the most significant impacts.
    - (c) Encouraging municipalities to take significant steps to integrate emerging technologies into their day-to-day operations.
    - (d) Identifying the barriers to implementing the grant program and communicating those barriers to the Legislature and appropriate agencies and organizations.
    - (e) Leveraging the initial grant to attract additional public and private investments.
    - (f) Increasing the state's competitiveness in the pursuit of grants from the United States Department of Transportation, the United States Department of Energy, and other federal agencies.
    - (g) Committing to the continued operation of programs implemented in connection with the grant.
    - (h) Serving as a model for municipalities nationwide.
    - (i) Documenting the costs and impacts of the grant program and lessons learned during implementation.
    - (j) Identifying solutions that will demonstrate local or regional economic impact.”

- “The Department of Transportation shall develop eligibility, application, and selection criteria for the receipt of grants and a plan for the promotion of the grant program to municipalities or regions of this state as an opportunity to compete for grant funding, including the award of grants to a single recipient and secondary grants to specific projects of merit within other applications. The Department of Transportation may contract with a third party that demonstrates knowledge and expertise in the focuses and goals of this section to provide guidance in the development of the requirements of this section.”
- “On or before January 1, 2018, the Department of Transportation shall submit the grant program guidelines and plans for promotion of the grant program to the Governor, the President of the Senate, and the Speaker of the House of Representatives.”

*Section 2 amends (s. 316.545, F.S.)*

- **Provides for the assessment and calculation of a fine for unlawful weight and load of a vehicle fueled by natural gas. Requires written certification of certain weight information by the vehicle operator when requested by any weight investigator. Provides for gross vehicle weight requirements for the application of the fine and for exceptions for certain types of work vehicles.**
  - “For a vehicle fueled by natural gas, the fine is calculated by reducing the actual gross vehicle weight by the certified weight difference between the natural gas tank and fueling system and a comparable diesel tank and fueling system. Upon request by any weight inspector or law enforcement officer, the vehicle operator must present written certification that identifies the weight of the natural gas tank and fueling system and the difference in weight of a comparable diesel tank and fueling system. The written certification must originate from the vehicle manufacturer or the installer of the natural gas tank and fueling system.”
  - “The actual gross vehicle weight for vehicles fueled by natural gas may not exceed 82,000 pounds, excluding the weight allowed for idle-reduction technology ...”
  - “...does not apply to those vehicles described in s. 316.535(6) (dump trucks, concrete mixing trucks, trucks engaged in waste collection and disposal, and fuel oil and gasoline trucks designed and constructed for special type work or use)”

*Section 4 (amends s. 337.11, F.S.)*

- **Increases the amount for which the Department may enter into certain construction and maintenance contracts from \$120,000 to \$250,000.**
  - “When the department determines that it is in the best interest of the public for reasons of public concern, economy, improved operations, or safety, and only when circumstances dictate rapid completion of the work, the department may, up to the amount of \$250,000, enter into contracts for construction and maintenance without advertising and receiving competitive bids...”

*Section 5 (amends s. 337.401, F.S.)*

- **Authorizes the Department of Transportation and certain local governmental entities to prescribe and enforce rules or regulations regarding the placing and maintaining of certain voice or data communications services lines or wireless facilities on certain rights-of-way.**
  - “The department and local governmental entities ... that have jurisdiction and control of public roads or publicly owned rail corridors are authorized to prescribe and enforce reasonable rules or regulations with reference to the placing and maintaining across, on, or within the right-of-way limits of any road or publicly owned rail corridors under their respective jurisdictions any electric transmission, voice, telegraph, data, or other communications services lines or wireless facilities; pole lines; poles; railways; ditches; sewers; water, heat, or gas mains; pipelines; fences; gasoline tanks and pumps; or other structures ...”

*Section 8 (amends s. 339.135, F.S.)*

- **Waives requirements for approval of work program amendments exceeding \$3 million by the Legislative Budget Commission under emergency conditions.**
  - “Notwithstanding paragraph ... (h), the secretary may request the Executive Office of the Governor to amend the adopted work program when an emergency exists ... and the emergency relates to the repair or rehabilitation of any state transportation facility. The Executive Office of the Governor may approve the amendment to the adopted work program and amend that portion of the department's approved budget if a delay ... would be detrimental to the interests of the state... The adopted work program may not be amended ... without certification by the comptroller of the department that there are sufficient funds available pursuant to the 36-month cash forecast and applicable statutes.”

Note: Paragraph (h) of s. 339.135, F.S. reads as follows: “Any work program amendment that also adds a new project, or phase thereof, to the adopted work program in excess of \$3 million is subject to approval by the Legislative Budget Commission. Any work program amendment submitted under this paragraph must include, as supplemental information, a list of projects, or phases thereof, in the current 5-year adopted work program which are eligible for the funds within the appropriation category being used for the proposed amendment. The department shall provide a narrative with the rationale for not advancing an existing project, or phase thereof, in lieu of the proposed amendment.”

*Section 9 (amends s. 339.2405, F.S.)*

- **Establishes Florida highway beautification grants program and dissolves the Florida Highway Beautification Council. Transfers certain powers and duties of the council to the Florida Department of Transportation for the purposes of the Florida highway beautification grants program.**
  - “Florida highway beautification grants.— The Department shall:

- (a) Provide information to local governments and local highway beautification councils regarding the state highway beautification grants program.
  - (b) Accept grant requests from local governments.
  - (c) Review grant requests for compliance with department rules.
  - (d) Establish rules for evaluating and prioritizing the grant requests. The rules must include, but are not limited to, an examination of each grant's aesthetic value, cost-effectiveness, level of local support, feasibility of installation and maintenance, and compliance with state and federal regulations. Rules adopted by the department which it uses to evaluate grant applications must take into consideration the contributions made by the highway beautification project in preventing litter.
  - (e) Maintain a prioritized list of approved grant requests. The list must include recommended funding levels for each request and, if staged implementation is appropriate, provide funding requirements for each stage.”
- “Local highway beautification councils may be created by local governmental entities or by the Legislature. Before being submitted to the department, a grant request must be approved by the local government or governments of the area in which the project is located.”
  - “The head of the department shall award grants to local governmental entities that have submitted grant requests for beautification of roads on the State Highway System and which requests are on the approved list. The grants shall be awarded in the order they appear on the prioritized list and in accordance with available funding.”
  - “State highway beautification grants may be requested only for projects to beautify through landscaping roads on the State Highway System. The grant request shall identify all costs associated with the project, including sprinkler systems, plant materials, equipment, and labor. A grant shall provide for the costs of purchase and installation of a sprinkler system and the cost of plant materials and fertilizer, and may provide for the costs for labor associated with the installation of the plantings. Each local government that receives a grant shall be responsible for any costs for water, for the maintenance of the sprinkler system, for the maintenance of the landscaped areas in accordance with a maintenance agreement with the department, and, except as otherwise provided in the grant, for any costs for labor associated with the installation of the plantings. The department may provide, by contract, services to maintain such landscaping at a level not to exceed the cost of routine maintenance of an equivalent unlandscaped area.”

*Section 14 (no statute number specified)*

- **Requires the Florida Department of Transportation to submit to the Governor and Legislature a review of the boundaries and headquarters of Department districts and a study on the expenses associated with creating an additional district in Southwest Florida.**
  - “On or before October 31, 2017, the Department of Transportation shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report providing a comprehensive review of the boundaries and headquarters of each of the department's districts. Along with its report, the department shall provide a study

on the expenses associated with creating an additional district with the department's Fort Myers urban office as the district headquarters.”

*Section 15 (no statute number specified)*

- **Authorizes the Secretary of Transportation to enroll the state in federal pilot programs or projects for the collection and study of various forms of data.**
  - “The Secretary of Transportation may enroll the State of Florida in any federal pilot program or project for the collection and study of data for the review of federal or state roadway safety, infrastructure sustainability, congestion mitigation, transportation system efficiency, autonomous vehicle technology, or capacity challenges.”

## An Act Relating to the Transportation Network Companies (HB 221)

*Section 1 (creates s. 627.748, F.S.)*

- **Defines a variety of terms related to the form and function of transportation network companies (TNC) and their drivers.**
  - **“DEFINITIONS.—** The Department shall:
    - (a) **“Digital network”** means any online-enabled technology application service, website, or system offered or used by a transportation network company which enables the prearrangement of rides with transportation network company drivers.
    - (b) **“Prearranged ride”** means the provision of transportation by a TNC driver to a rider, beginning when a TNC driver accepts a ride requested by a rider through a digital network controlled by a transportation network company, continuing while the TNC driver transports the rider, and ending when the last rider exits from and is no longer occupying the TNC vehicle. The term does not include a taxicab, for-hire vehicle, or street hail service and does not include ridesharing ... carpool ... or any other type of service in which the driver receives a fee that does not exceed the driver's cost to provide the ride.
    - (c) **“Rider”** means an individual who uses a digital network to connect with a TNC driver in order to obtain a prearranged ride in the TNC driver's TNC vehicle between points chosen by the rider. A person may use a digital network to request a prearranged ride on behalf of a rider.
    - (d) **“Street hail”** means an immediate arrangement on a street with a driver by a person using any method other than a digital network to seek immediate transportation.
    - (e) **“Transportation network company”** or **“TNC”** means an entity operating in this state ... using a digital network to connect a rider to a TNC driver, who provides prearranged rides. A TNC is not deemed to own, control, operate, direct, or manage the TNC vehicles or TNC drivers that connect to its digital network, except where agreed to by written contract, and is not a taxicab association or for-hire vehicle owner. An individual, corporation, partnership, sole proprietorship, or other entity that arranges medical transportation for individuals qualifying for Medicaid or Medicare pursuant to a contract with the state or a managed care organization is not a TNC. This ... does not prohibit a TNC from providing prearranged rides to individuals who qualify for Medicaid or Medicare if it meets ... requirements...
    - (f) **“Transportation network company driver”** or **“TNC driver”** means an individual who:
      - 1. Receives connections to potential riders and related services from a transportation network company; and
      - 2. In return for compensation, uses a TNC vehicle to offer or provide a prearranged ride to a rider upon connection through a digital network.
    - (g) **“Transportation network company vehicle”** or **“TNC vehicle”** means a vehicle that is not a taxicab, jitney, limousine, or for-hire vehicle ... and that is:
      - 1. Used by a TNC driver to offer or provide a prearranged ride; and

2. Owned, leased, or otherwise authorized to be used by the TNC driver.

Notwithstanding any other provision of law, a vehicle that is let or rented to another for consideration may be used as a TNC vehicle.”

- **Clarifies that a TNC driver does not provide taxicab or for-hire vehicle service and is not required to register the vehicle as such.**
  - “A TNC or TNC driver is not a common carrier, contract carrier, or motor carrier and does not provide taxicab or for-hire vehicle service. In addition, a TNC driver is not required to register the vehicle that the TNC driver uses to provide prearranged rides as a commercial motor vehicle or a for-hire vehicle.”
- **Requires a TNC to designate and maintain an agent for service of process in Florida.**
  - “A TNC must designate and maintain an agent for service of process in this state.”
- **Provides requirements for fares, a digital network, and for an electronic receipt .**
  - “If a fare is collected from a rider, the TNC must disclose to the rider the fare or fare calculation method on its website or within the online-enabled technology application service before the beginning of the prearranged ride. If the fare is not disclosed to the rider before the beginning of the prearranged ride, the rider must have the option to receive an estimated fare before the beginning of the prearranged ride.”
  - “The TNC’s digital network must display a photograph of the TNC driver and the license plate number of the TNC vehicle used for providing the prearranged ride before the rider enters the TNC driver’s vehicle.”
  - “Within a reasonable period after the completion of a ride, a TNC shall transmit an electronic receipt to the rider on behalf of the TNC driver which lists:
    - (a) The origin and destination of the ride;
    - (b) The total time and distance of the ride; and
    - (c) The total fare paid.”
- **Provides automobile insurance and disclosure requirements.**
  - “TRANSPORTATION NETWORK COMPANY AND TNC DRIVER INSURANCE REQUIREMENTS.—
    - (a) Beginning July 1, 2017, a TNC driver or a TNC on behalf of the TNC driver shall maintain primary automobile insurance that:
      1. Recognizes that the TNC driver is a TNC driver or otherwise uses a vehicle to transport riders for compensation; and
      2. Covers the TNC driver while the TNC driver is logged on to the digital network of the TNC or while the TNC driver is engaged in a prearranged ride.

- (b) The following automobile insurance requirements apply while a participating TNC driver is logged on to the digital network but is not engaged in a prearranged ride:
  - 1. Automobile insurance that provides:  
The coverage requirements of this paragraph may be satisfied by any of the following:
    - a. Automobile insurance maintained by the TNC driver;
    - b. Automobile insurance maintained by the TNC; or
    - c. A combination of sub-subparagraphs a. and b.
  
- (c) The following automobile insurance requirements apply while a TNC driver is engaged in a prearranged ride:
  - 1. Automobile insurance that provides:
    - a. A primary automobile liability coverage of at least \$1 million for death, bodily injury, and property damage;
    - b. Personal injury protection benefits that meet the minimum coverage amounts required of a limousine ...; and
    - c. Uninsured and underinsured vehicle coverage as required ...
  - 2. The coverage requirements of this paragraph may be satisfied by any of the following:
    - a. Automobile insurance maintained by the TNC driver;
    - b. Automobile insurance maintained by the TNC;
    - c. A combination of sub-subparagraphs a. and b.
  
- (d) If the TNC driver's insurance ... has lapsed or does not provide the required coverage, the insurance maintained by the TNC must provide the coverage required ..., beginning with the first dollar of a claim, and have the duty to defend such claim.
  
- (e) Coverage under an automobile insurance policy maintained by the TNC must not be dependent on a personal automobile insurer first denying a claim, and a personal automobile insurance policy is not required to first deny a claim.
  
- (f) Insurance ... must be provided by an insurer authorized to do business in this state which is a member of the Florida Insurance Guaranty Association or an eligible surplus lines insurer that has a superior, excellent, exceptional, or equivalent financial strength rating by a rating agency acceptable to the Office of Insurance Regulation of the Financial Services Commission.
  
- (g) Insurance satisfying the requirements ... is deemed to satisfy the financial responsibility requirement for a motor vehicle ... and the security required ... for any period when the TNC driver is logged onto the digital network or engaged in a prearranged ride.
  
- (h) A TNC driver shall carry proof of coverage ... with him or her at all times during his or her use of a TNC vehicle in connection with a digital network. In the event of an accident, a TNC driver shall provide this insurance coverage information to

any party directly involved in the accident or the party's designated representative, automobile insurers, and investigating police officers. Proof of financial responsibility may be presented through an electronic device, such as a digital phone application ... Upon request, a TNC driver shall also disclose to any party directly involved in the accident or the party's designated representative, automobile insurers, and investigating police officers whether he or she was logged on to a digital network or was engaged in a prearranged ride at the time of the accident.

- (i) If a TNC's insurer makes a payment for a claim covered under comprehensive coverage or collision coverage, the TNC shall cause its insurer to issue the payment directly to the business repairing the vehicle or jointly to the owner of the vehicle and the primary lienholder on the covered vehicle.”
- “TRANSPORTATION NETWORK COMPANY AND INSURER; DISCLOSURE; EXCLUSIONS.—
  - (a) Before a TNC driver is allowed to accept a request for a prearranged ride on the digital network, the TNC must disclose in writing to the TNC driver:
    1. The insurance coverage, including the types of coverage and the limits for each coverage, which the TNC provides while the TNC driver uses a TNC vehicle in connection with the TNC's digital network.
    2. That the TNC driver's own automobile insurance policy might not provide any coverage while the TNC driver is logged on to the digital network or is engaged in a prearranged ride, depending on the terms of the TNC driver's own automobile insurance policy.
    3. That the provision of rides for compensation which are not prearranged rides subjects the driver to the coverage requirements ... and that failure to meet such coverage requirements subjects the TNC driver to penalties ... up to and including a misdemeanor of the second degree.”
  - (b)
    1. An insurer that provides an automobile liability insurance policy ... may exclude any and all coverage afforded under the policy issued to an owner or operator of a TNC vehicle while driving that vehicle for any loss or injury that occurs while a TNC driver is logged on to a digital network or while a TNC driver provides a prearranged ride. Exclusions ... are limited to coverage while a TNC driver is logged on to a digital network or while a TNC driver provides a prearranged ride. This right to exclude all coverage may apply to any coverage included in an automobile insurance policy, including, but not limited to:
      - a. Liability coverage for bodily injury and property damage;
      - b. Uninsured and underinsured motorist coverage;
      - c. Medical payments coverage;
      - d. Comprehensive physical damage coverage;
      - e. Collision physical damage coverage; and
      - f. Personal injury protection.
    2. ... These exclusions do not affect or diminish coverage otherwise available for permissive drivers or resident relatives under the personal automobile insurance policy of the TNC driver or owner of the TNC

vehicle who are not occupying the TNC vehicle at the time of loss. This ... does not require that a personal automobile insurance policy provide coverage while the TNC driver is logged on to a digital network, while the TNC driver is engaged in a prearranged ride, or while the TNC driver otherwise uses a vehicle to transport riders for compensation.

3. This ... must not be construed to require an insurer to use any particular policy language... in order to exclude any and all coverage for any loss or injury that occurs while a TNC driver is logged on to a digital network or while a TNC driver provides a prearranged ride.
  4. This ... does not preclude an insurer from providing primary or excess coverage for the TNC driver's vehicle by contract or endorsement.”
- (c)
1. An automobile insurer that excludes the coverage ... does not have a duty to defend or indemnify any claim expressly excluded thereunder. This ... does not invalidate or limit an exclusion contained in a policy, including a policy in use or approved for use in this state before July 1, 2017, which excludes coverage for vehicles used to carry persons or property for a charge or available for hire by the public.
  2. An automobile insurer that defends or indemnifies a claim against a TNC driver which is excluded under the terms of its policy has a right of contribution against other insurers that provide automobile insurance to the same TNC driver in satisfaction of the coverage requirements ... at the time of loss.
- (d)
- In a claims coverage investigation, a TNC shall immediately provide, upon request by a directly involved party or any insurer of the TNC driver, if applicable, the precise times that the TNC driver logged on and off the digital network in the 12-hour period immediately preceding and in the 12-hour period immediately following the accident. An insurer providing coverage ... shall disclose, upon request by any other insurer involved in the particular claim, the applicable coverages, exclusions, and limits provided under any automobile insurance maintained in order to satisfy the requirements ...”

- **Clarifies that TNC drivers are independent contractors if specified conditions are met.**

- “LIMITATION ON TRANSPORTATION NETWORK COMPANIES.—A TNC driver is an independent contractor and not an employee of the TNC if all of the following conditions are met:
  - (a) The TNC does not unilaterally prescribe specific hours during which the TNC driver must be logged on to the TNC's digital network.
  - (b) The TNC does not prohibit the TNC driver from using digital networks from other TNCs.
  - (c) The TNC does not restrict the TNC driver from engaging in any other occupation or business.
  - (d) The TNC and TNC driver agree in writing that the TNC driver is an independent contractor with respect to the TNC.”

- **Requires a TNC to implement a zero-tolerance policy for drug or alcohol use.**
  - **“ZERO TOLERANCE FOR DRUG OR ALCOHOL USE.—**
    - (a) The TNC shall implement a zero-tolerance policy regarding a TNC driver's activities while accessing the TNC's digital network. The zero-tolerance policy must address the use of drugs or alcohol while a TNC driver is providing a prearranged ride or is logged on to the digital network.
    - (b) The TNC shall provide notice of this policy on its website, as well as procedures to report a complaint about a TNC driver who a rider reasonably suspects was under the influence of drugs or alcohol during the course of the ride.
    - (c) Upon receipt of a rider's complaint alleging a violation of the zero-tolerance policy, the TNC shall suspend a TNC driver's ability to accept any ride request through the TNC's digital network as soon as possible and shall conduct an investigation into the reported incident. The suspension must last the duration of the investigation.”
  
- **Outlines TNC driver requirements including requiring a TNC to conduct a background check for a TNC driver.**
  - **“TRANSPORTATION NETWORK COMPANY DRIVER REQUIREMENTS.—**
    - (a) Before an individual is authorized to accept a ride request through a digital network:
      1. The individual must submit an application to the TNC which includes information regarding his or her address, age, driver license, motor vehicle registration, and other information required by the TNC;
      2. The TNC must conduct, or have a third party conduct, a local and national criminal background check that includes:
        - a. A search of the Multi-State/Multi-Jurisdiction Criminal Records Locator or other similar commercial nationwide database with validation of any records through primary source search; and
        - b. A search of the National Sex Offender Public Website maintained by the United States Department of Justice; and
      3. The TNC must obtain and review, or have a third party obtain and review, a driving history research report for the applicant.”
    - (b) The TNC shall conduct the background check required ... for a TNC driver every 3 years.
    - (c) The TNC may not authorize an individual to act as a TNC driver on its digital network if the driving history research report conducted when the individual first seeks access to the digital network reveals that the individual has had more than three moving violations in the prior 3-year period.
    - (d) The TNC may not authorize an individual to act as a TNC driver on its digital network if the background check conducted when the individual first seeks access to the digital network or any subsequent background check ... reveals that the individual::
      1. Has been convicted, within the past 5 years, of:
        - a. A felony;

- b. A misdemeanor for driving under the influence of drugs or alcohol, for reckless driving, for hit and run, or for fleeing or attempting to elude a law enforcement officer; or
    - c. A misdemeanor for a violent offense or sexual battery, or a crime of lewdness or indecent exposure ...;
  - 2. Has been convicted, within the past 3 years, of driving with a suspended or revoked license;
  - 3. Is a match in the National Sex Offender Public Website maintained by the United States Department of Justice;
  - 4. Does not possess a valid driver license; or
  - 5. Does not possess proof of registration for the motor vehicle used to provide prearranged rides.
- (e) No later than January 1 of every other year beginning in 2019, a TNC shall submit to the Department of Financial Services an examination report prepared by an independent certified public accountant for the sole purpose of verifying that the TNC has maintained compliance ... on a continual basis for either the preceding 2 years or for the timeframe that the TNC has been operating in this state if that timeframe is less than 2 years. The report shall expressly state whether the TNC was compliant or noncompliant. The report must be prepared in accordance with applicable attestation standards established by the American Institute of Certified Public Accountants. The TNC shall bear all costs associated with the preparation and submission of the report.
- (f) The Department of Financial Services, within 30 days after receipt of the report ... shall impose a fine of \$10,000 if the report includes a finding that the TNC has been noncompliant ... A TNC that has been found to be noncompliant shall submit another examination report prepared by an independent certified public accountant to the department no later than January 1 of the following year. This subsequent report shall evaluate the records of the TNC for the timeframe since the independent certified public accountant last reviewed the records of the TNC to determine whether the TNC has been compliant ... on a continual basis. The department, within 30 days after receipt of the subsequent report ... shall impose a fine of \$20,000 if the subsequent report includes a finding that the TNC has been noncompliant ... Failure to timely submit any report required ... shall result in the imposition of an additional fine of \$10,000 for noncompliance. Any fine imposed by the department shall be payable within 21 days after receipt of notice from the department. The moneys so received may be deposited by the department for use in defraying the expenses of the department in the discharge of its administrative and regulatory duties... The payment of the fine shall be stayed by the filing of a petition for an administrative proceeding ... with the department's agency clerk. Failure to timely petition will waive any rights to an administrative hearing. The department may, pursuant to the Florida Rules of Civil Procedure, seek injunctive relief against a TNC that fails to comply .... The department may adopt rules to implement ...
- (g) Unless otherwise explicitly provided, this ... does not extinguish any claim otherwise available under common law or any other statute."

- **Outlines prohibited conduct by a TNC driver including prohibiting a TNC driver from accepting certain rides or soliciting or accepting street hails.**
  - **“PROHIBITED CONDUCT.—**
    - (a) A TNC driver may not accept a ride for compensation other than by a rider arranged through a digital network.
    - (b) A TNC driver may not solicit or accept street hails.
    - (c) A TNC may not alter the presentation of information on its digital network to an enforcement official for the purpose of thwarting or interfering with the official's enforcement or oversight of the TNC.”
  
- **Requires a TNC to adopt a policy of nondiscrimination with respect to riders and potential riders and to ensure compliance by TNC drivers. Prohibits a TNC from imposing additional charges for providing services to persons who have physical disabilities.**
  - **“NONDISCRIMINATION; ACCESSIBILITY.—**
    - (a) A TNC shall adopt a policy of nondiscrimination with respect to riders and potential riders and shall notify TNC drivers of such policy.
    - (b) A TNC driver shall comply with the TNC's nondiscrimination policy.
    - (c) A TNC driver shall comply with all applicable laws regarding nondiscrimination against riders and potential riders.
    - (d) A TNC driver shall comply with all applicable laws relating to accommodation of service animals.
    - (e) A TNC may not impose additional charges for providing services to a person who has a physical disability because of the person's disability.”
    - (f) A TNC that contracts with a governmental entity to provide paratransit services must comply with all applicable state and federal laws related to individuals with disabilities.
    - (g) A TNC shall reevaluate any decision to remove a TNC driver's authorization to access its digital network due to a low quality rating by riders if the TNC driver alleges that the low quality rating was because of a characteristic identified in the company's nondiscrimination policy and there is a plausible basis for such allegation.”
  
- **Specifies that TNCs, TNC drivers, and TNC vehicles are governed exclusively by state law and prohibits local governmental entities from taking specified actions to regulate the regulate TNCs or TNC drivers.**
  - **“PREEMPTION.—**
    - (a) It is the intent of the Legislature to provide for uniformity of laws governing TNCs, TNC drivers, and TNC vehicles throughout the state. TNCs, TNC drivers, and TNC vehicles are governed exclusively by state law, including in any locality or other jurisdiction that enacted a law or created rules governing TNCs, TNC drivers, or TNC vehicles before July 1, 2017. A county, municipality, special district, airport authority, port authority, or other local governmental entity or subdivision may not:

1. Impose a tax on, or require a license for, a TNC, a TNC driver, or a TNC vehicle if such tax or license relates to providing prearranged rides;
  2. Subject a TNC, a TNC driver, or a TNC vehicle to any rate, entry, operation, or other requirement of the county, municipality, special district, airport authority, port authority, or other local governmental entity or subdivision; or
  3. Require a TNC or a TNC driver to obtain a business 510 license or any other type of similar authorization to operate 511 within the local governmental entity's jurisdiction.”
- (b) This ... does not prohibit an airport or seaport from charging reasonable pickup fees consistent with any pickup fees charged to taxicab companies at that airport or seaport for their use of the airport's or seaport's facilities or prohibit the airport or seaport from designating locations for staging, pickup, and other similar operations at the airport or seaport.”

## An Act Relating to Utilities (HB 687)

*Note: Section 5 of HB 86 is also found in this bill. To avoid repetition, it has been omitted from the summary below. Further, The act only contains one section and multiple subsections. In the interest of clarity, this summary will not follow the numbering format of the act.*

*Section 1 (amends s. 337.401, F.S.)*

- **Provides a short title for the act and defines a variety of relevant terms.**
  - “This subsection may be cited as the "Advanced Wireless Infrastructure Deployment Act.”
  - “As used in this subsection, the term:
    1. "Antenna" means communications equipment that transmits or receives electromagnetic radio frequency signals used in providing wireless services.
    2. "Applicable codes" means uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization or local amendments to those codes enacted solely to address threats of destruction of property or injury to persons, or local codes or ordinances 9 adopted to implement this subsection. The term includes objective design standards adopted by ordinance that may require a new utility pole that replaces an existing utility pole to be of substantially similar design, material, and color or that may require reasonable spacing requirements concerning the location of ground-mounted equipment. The term includes objective design standards adopted by ordinance that may require a small wireless facility to meet reasonable location context, color, stealth, and concealment requirements; however, such design standards may be waived by the authority upon a showing that the design standards are not reasonably compatible for the particular location of a small wireless facility or that the design standards impose an excessive expense. The waiver shall be granted or denied within 45 days after the date of the request.
    3. "Applicant" means a person who submits an application and is a wireless provider.
    4. "Application" means a request submitted by an applicant to an authority for a permit to collocate small wireless facilities.
    5. "Authority" means a county or municipality having jurisdiction and control of the rights-of-way of any public road. The term does not include the Department of Transportation. Rights-of-way under the jurisdiction and control of the department are excluded from this subsection.
    6. "Authority utility pole" means a utility pole owned by an authority in the right-of-way. The term does not include a utility pole owned by a municipal electric utility, a utility pole used to support municipally owned or operated electric distribution facilities, or a utility pole located in the right- of-way within:
      - a. A retirement community that:
        - i. Is deed restricted as housing for older persons as defined in s. 760.29(4)(b);
        - ii. Has more than 5,000 residents; and
        - iii. Has underground utilities for electric transmission or distribution.

- b. A municipality that:
  - i. Is located on a coastal barrier island as defined in s. 161.053(1)(b)3.;
  - ii. Has a land area of less than 5 square miles;
  - iii. Has less than 10,000 residents; and
  - iv. Has, before July 1, 2017, received referendum approval to issue debt to finance municipal-wide undergrounding of its utilities for electric transmission or distribution.
- 7. "Collocate" or "collocation" means to install, mount, maintain, modify, operate, or replace one or more wireless facilities on, under, within, or adjacent to a wireless support structure or utility pole. The term does not include the installation of a new utility pole or wireless support structure in the public rights-of-way.
- 8. "FCC" means the Federal Communications Commission.
- 9. "Micro wireless facility" means a small wireless facility having dimensions no larger than 24 inches in length, 15 inches in width, and 12 inches in height and an exterior antenna, if any, no longer than 11 inches.
- 10. "Small wireless facility" means a wireless facility that meets the following qualifications:
  - a. Each antenna associated with the facility is located inside an enclosure of no more than 6 cubic feet in volume or, in the case of antennas that have exposed elements, each antenna and all of its exposed elements could fit within an enclosure of no more than 6 cubic feet in volume; and
  - b. All other wireless equipment associated with the facility is cumulatively no more than 28 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, ground-based enclosures, grounding equipment, power transfer switches, cutoff switches, vertical cable runs for the connection of power and other services, and utility poles or other support structures.
- 11. "Utility pole" means a pole or similar structure that is used in whole or in part to provide communications services or for electric distribution, lighting, traffic control, signage, or a similar function. The term includes the vertical support structure for traffic lights but does not include a horizontal structure to which signal lights or other traffic control devices are attached and does not include a pole or similar structure 15 feet in height or less unless an authority grants a waiver for such pole.
- 12. "Wireless facility" means equipment at a fixed location which enables wireless communications between user equipment and a communications network, including radio transceivers, antennas, wires, coaxial or fiber-optic cable or other cables, regular and backup power supplies, and comparable equipment, regardless of technological configuration, and equipment associated with wireless communications. The term includes small wireless facilities. The term does not include:
  - a. The structure or improvements on, under, within, or adjacent to the structure on which the equipment is collocated;
  - b. Wireline backhaul facilities; or
  - c. Coaxial or fiber-optic cable that is between wireless structures or utility poles or that is otherwise not immediately adjacent to or directly associated with a particular antenna.

13. "Wireless infrastructure provider" means a person who has been certificated to provide telecommunications service in the state and who builds or installs wireless communication transmission equipment, wireless facilities, or wireless support structures but is not a wireless services provider.
  14. "Wireless provider" means a wireless infrastructure provider or a wireless services provider.
  15. "Wireless services" means any services provided using licensed or unlicensed spectrum, whether at a fixed location or mobile, using wireless facilities.
  16. "Wireless services provider" means a person who provides wireless services.
  17. "Wireless support structure" means a freestanding structure, such as a monopole, a guyed or self-supporting tower, or another existing or proposed structure designed to support or capable of supporting wireless facilities. The term does not include a utility pole."
- **Prohibits an authority from prohibiting, regulating, or charging for the collocation of small wireless facilities in public rights-of-way, with exceptions.**
    - "Except as provided ... an authority may not prohibit, regulate, or charge for the collocation of small wireless facilities in the public rights-of-way."
  - **Authorizes an authority to require a registration process and permit fees. Requires an authority to accept, process, and issue applications for permits subject to specified requirements.**
    - "An authority may require a registration process and permit fees ... An authority shall accept applications for permits and shall process and issue permits subject to the following requirements:
      1. An authority may not directly or indirectly require an applicant to perform services unrelated to the collocation for which approval is sought, such as in-kind contributions to the authority, including reserving fiber, conduit, or pole space for the authority
      2. An applicant may not be required to provide more information to obtain a permit than is necessary to demonstrate the applicant's compliance with applicable codes for the placement of small wireless facilities in the locations identified the application.
      3. An authority may not require the placement of small wireless facilities on any specific utility pole or category of poles or require multiple antenna systems on a single utility pole.
      4. An authority may not limit the placement of small wireless facilities by minimum separation distances. However, within 14 days after the date of filing the application, an authority may request that the proposed location of a small wireless facility be moved to another location in the right-of- way and placed on an alternative authority utility pole or support structure or may place a new utility pole. The authority and the applicant may negotiate the alternative location, including any objective design standards and reasonable spacing requirements for ground-based equipment, for 30 days after the date of the request. At the conclusion of the negotiation period, if the alternative location is accepted by the applicant, the

applicant must notify the authority of such acceptance and the application shall be deemed granted for any new location for which there is agreement and all other locations in the application. If an agreement is not reached, the applicant must notify the authority of such nonagreement and the authority must grant or deny the original application within 90 days after the date the application was filed. A request for an alternative location, an acceptance of an alternative location, or a rejection of an alternative location must be in writing and provided by electronic mail.

5. An authority shall limit the height of a small wireless facility to 10 feet above the utility pole or structure upon which the small wireless facility is to be collocated. Unless waived by an authority, the height for a new utility pole is limited to the tallest existing utility pole as of July 1, 2017, located in the same right-of-way, other than a utility pole for which a waiver has previously been granted, measured from grade in place within 500 feet of the proposed location of the small wireless facility. If there is no utility pole within 500 feet, the authority shall limit the height of the utility pole to 50 feet.
6. Except as provided in subparagraphs 4. and 5., the installation of a utility pole in the public rights-of-way designed to support a small wireless facility shall be subject to authority rules or regulations governing the placement of utility poles in the public rights-of-way and shall be subject to the application review timeframes in this subsection.
7. Within 14 days after receiving an application, an authority must determine and notify the applicant by electronic mail as to whether the application is complete. If an application is deemed incomplete, the authority must specifically identify the missing information. An application is deemed complete if the authority fails to provide notification to the applicant within 14 days.
8. An application must be processed on a nondiscriminatory basis. A complete application is deemed approved if an authority fails to approve or deny the application within 60 days after receipt of the application. If an authority does not use the 30-day negotiation period provided in subparagraph 4., the parties may mutually agree to extend the 60-day application review period. The authority shall grant or deny the application at the end of the extended period. A permit issued pursuant to an approved application shall remain effective for 1 year unless extended by the authority.
9. An authority must notify the applicant of approval or denial by electronic mail. An authority shall approve a complete application unless it does not meet the authority's applicable codes. If the application is denied, the authority must specify in writing the basis for denial, including the specific code provisions on which the denial was based, and send the documentation to the applicant by electronic mail on the day the authority denies the application. The applicant may cure the deficiencies identified by the authority and resubmit the application within 30 days after notice of the denial is sent to the applicant. The authority shall approve or deny the revised application within 30 days after receipt or the application is deemed approved. Any subsequent review shall be limited to the deficiencies cited in the denial.
10. An applicant seeking to collocate small wireless facilities within the jurisdiction of a single authority may, at the applicant's discretion, file a consolidated application and receive a single permit for the collocation of up to 30 small wireless facilities. If

the application includes multiple small wireless facilities, an authority may separately address small wireless facility collocations for which incomplete information has been received or which are denied.

11. An authority may deny a proposed collocation of a small wireless facility in the public rights-of-way if the proposed collocation:
    - a. Materially interferes with the safe operation of traffic control equipment.
    - b. Materially interferes with sight lines or clear zones for transportation, pedestrians, or public safety purposes.
    - c. Materially interferes with compliance with the Americans with Disabilities Act or similar federal or state standards regarding pedestrian access or movement.
    - d. Materially fails to comply with the 2010 edition of the Florida Department of Transportation Utility Accommodation Manual.
    - e. Fails to comply with applicable codes.
  12. An authority may adopt by ordinance provisions for insurance coverage, indemnification, performance bonds, security funds, force majeure, abandonment, authority liability, or authority warranties. Such provisions must be reasonable and nondiscriminatory.
  13. Collocation of a small wireless facility on an authority utility pole does not provide the basis for the imposition of an ad valorem tax on the authority utility pole.
  14. An authority may reserve space on authority utility poles for future public safety uses. However, a reservation of space may not preclude collocation of a small wireless facility. If replacement of the authority utility pole is necessary to accommodate the collocation of the small wireless facility and the future public safety use, the pole replacement is subject to make-ready provisions and the replaced pole shall accommodate the future public safety use.
  15. A structure granted a permit and installed pursuant to this subsection shall comply with chapter 333 and federal regulations pertaining to airport airspace protections.”
- **Prohibits an authority from requiring approval or requiring fees or other charges for routine maintenance, the replacement of certain wireless facilities, or the installation, placement, maintenance, or replacement of certain micro wireless facilities.**
    - “An authority may not require approval or require fees or other charges for:
      1. Routine maintenance;
      2. Replacement of existing wireless facilities with wireless facilities that are substantially similar or of the same or smaller size; or
      3. Installation, placement, maintenance, or replacement of micro wireless facilities that are suspended on cables strung between existing utility poles in compliance with applicable codes by or for a communications services provider authorized to occupy the rights-of-way and who is remitting taxes ...

Notwithstanding this paragraph, an authority may require a right-of-way permit for work that involves excavation, closure of a sidewalk, or closure of a vehicular lane.”

- **Provides requirements for the collocation of small wireless facilities on authority utility poles, including requirements for rates, fees, and other terms.**
  - “Collocation of small wireless facilities on authority utility poles is subject to the following requirements:
    1. An authority may not enter into an exclusive arrangement with any person for the right to attach equipment to authority utility poles.
    2. The rates and fees for collocations on authority utility poles must be nondiscriminatory, regardless of the services provided by the collocating person.
    3. The rate to collocate small wireless facilities on an authority utility pole may not exceed \$150 per pole annually.
    4. Agreements between authorities and wireless providers that are in effect on July 1, 2017, and that relate to the collocation of small wireless facilities in the right-of-way, including the collocation of small wireless facilities on authority utility poles, remain in effect, subject to applicable termination provisions. The wireless provider may accept the rates, fees, and terms established under this subsection for small wireless facilities and utility poles that are the subject of an application submitted after the rates, fees, and terms become effective.
    5. A person owning or controlling an authority utility pole shall offer rates, fees, and other terms that comply with this subsection. By the later of January 1, 2018, or 3 months after receiving a request to collocate its first small wireless facility on a utility pole owned or controlled by an authority, the person owning or controlling the authority utility pole shall make available, through ordinance or otherwise, rates, fees, and terms for the collocation of small wireless facilities on the authority utility pole which comply with this subsection.
      - a. The rates, fees, and terms must be nondiscriminatory and competitively neutral and must comply with this subsection.
      - b. For an authority utility pole that supports an aerial facility used to provide communications services or electric service, the parties shall comply with the process for make-ready work ... and implementing regulations. The good faith estimate of the person owning or controlling the pole for any make-ready work necessary to enable the pole to support the requested collocation must include pole replacement if necessary.
      - c. For an authority utility pole that does not support an aerial facility used to provide communications services or electric service, the authority shall provide a good faith estimate for any make-ready work necessary to enable the pole to support the requested collocation, including necessary pole replacement, within 60 days after receipt of a complete application. Make-ready work, including any pole replacement, must be completed within 60 days after written acceptance of the good faith estimate by the applicant. Alternatively, an authority may require the applicant seeking to collocate a small wireless facility to provide a make-ready estimate at the applicant's expense for the work necessary to support the small wireless facility, including pole replacement, and perform the make-ready work. If pole replacement is required, the scope of the make-ready estimate is limited to the design, fabrication, and installation of a utility pole that is substantially similar in color and composition. The authority may not condition or restrict

the manner in which the applicant obtains, develops, or provides the estimate or conducts the make-ready work subject to usual construction restoration standards for work in the right-of-way. The replaced or altered utility pole shall remain the property of the authority.

- d. An authority may not require more make-ready work than is required to meet applicable codes or industry standards. Fees for make-ready work may not include costs related to preexisting damage or prior noncompliance. Fees for make-ready work, including any pole replacement, may not exceed actual costs or the amount charged to communications services providers other than wireless services providers for similar work and may not include any consultant fee or expense.”

- **Authorizes an authority to apply current ordinances regulating placement of communications facilities in the right-of-way for certain applications. Requires an authority to waive certain permit application requirements and small wireless facility placement requirements.**
  - “For any applications filed before the effective date of ordinances implementing this subsection, an authority may apply current ordinances relating to placement of communications facilities in the right-of-way related to registration, permitting, insurance coverage, indemnification, performance bonds, security funds, force majeure, abandonment, authority liability, or authority warranties. Permit application requirements and small wireless facility placement requirements, including utility pole height limits, that conflict with this subsection shall be waived by the authority.”
- **Prohibits an authority from adopting or enforcing any regulation on the placement or operation of certain communications facilities and from regulating any communications services or imposing or collecting any tax, fee, or charge not specifically authorized under state law.**
  - “Except as provided in this section or specifically required by state law, an authority may not adopt or enforce any regulation on the placement or operation of communications facilities in the rights-of-way by a provider authorized by state law to operate in the rights-of-way and may not regulate any communications services or impose or collect any tax, fee, or charge not specifically authorized under state law. This ... does not alter any law regarding an authority's ability to regulate the relocation of facilities.”
- **Requires a wireless provider to comply with certain nondiscriminatory undergrounding requirements of an authority, but also authorizes the authority to waive any such requirements.**
  - “A wireless provider shall, in relation to a small wireless facility, utility pole, or wireless support structure in the public rights-of-way, comply with nondiscriminatory undergrounding requirements of an authority that prohibit above-ground structures in public rights-of-way. Any such requirements may be waived by the authority.”

- **Authorizes a wireless infrastructure provider to apply to an authority to place utility poles in the public rights-of-way to support the collocation of small wireless facilities.**
  - “A wireless infrastructure provider may apply to an authority to place utility poles in the public rights-of-way to support the collocation of small wireless facilities. The application must include an attestation that small wireless facilities will be collocated on the utility pole or structure and will be used by a wireless services provider to provide service within 9 months after the date the application is approved. The authority shall accept and process the application in accordance with ... any applicable codes and other local codes governing the placement of utility poles in the public rights-of-way.”
  
- **Authorizes an authority to enforce certain local codes, administrative rules, or regulations. Also, authorizes an authority to enforce certain pending local ordinances, administrative rules, or regulations under certain circumstances, subject to waiver by the authority.**
  - “This subsection does not limit a local government's authority to enforce historic preservation zoning regulations consistent with the preservation of local zoning authority under 47 U.S.C. s. 332(c)(7), the requirements for facility modifications under 47 U.S.C. s. 1455(a), or the National Historic Preservation Act of 1966, as amended, and the regulations adopted to implement such laws. An authority may enforce local codes, administrative rules, or regulations adopted by ordinance in effect on April 1, 2017, which are applicable to a historic area designated by the state or authority. An authority may enforce pending local ordinances, administrative rules, or regulations applicable to a historic area designated by the state if the intent to adopt such changes has been publicly declared on or before April 1, 2017. An authority may waive any ordinances or other requirements that are subject to this paragraph.”

## An Act Relating to Limited Access and Toll Facilities (HB 1049)

### *Section 1 (amends s. 338.166, F.S.)*

- **Authorizes the Department of Transportation to require the use of an electronic transponder interoperable with the Department's electronic toll collection system for the use of high-occupancy toll lanes or express lanes. Requires (as of July 1, 2019) that a customer be charged the minimum express lane toll if his or her average travel speed for a trip in an express lane falls below a specified rate.**
  - “The department may implement variable rate tolls on high-occupancy toll lanes or express lanes. The department may require the use of an electronic transponder interoperable with the department's electronic toll collection system for the use of high-occupancy toll lanes or express lanes.”
  - “Effective July 1, 2018, if a customer's average travel speed for a trip in an express lane falls below 40 miles per hour, the customer must be charged the minimum express lane toll. A customer's express lane average travel speed is his or her average travel speed from the customer's entry point to the customer's exit point.”

### *Section 2 (amends s. 338.2216, F.S.)*

- **Authorizes the Florida Turnpike Enterprise to require the use of an electronic transponder interoperable with the department's electronic toll collection system for the use of express lanes on the turnpike system. Prohibits variable pricing from being implemented in express lanes when the level of service in the express lane ... is equal to level of service A. Specifies that variable pricing in express lanes when the level of service in the express lane is level of service B may only be implemented by charging the general toll lane toll amount plus an amount set by department rule providing that pricing in express lanes when the level of service is other than level of service A or level of service B may vary in the manner established by the Florida Turnpike Enterprise to manage congestion in the express lanes. Requires (July 1, 2019) that a customer be charged a general toll lane toll amount plus an amount set by department rule if his or her average travel speed for a trip in an express lane falls below a specified rate and provides for measurement of a customer's express lane average travel speed.**
  - “...The Florida Turnpike Enterprise may require the use of an electronic transponder interoperable with the department's electronic toll collection system for the use of express lanes on the turnpike system. Variable pricing may not be implemented in express lanes when the level of service in the express lane, determined in accordance with the criteria established by the Transportation Research Board Highway Capacity Manual (5th Edition, HCM 2010), as amended from time to time, is equal to level of service A. Variable pricing in express lanes when the level of service in the express lane is level of service B may only be implemented by charging the general toll lane toll amount plus an amount set by department rule. Except as otherwise provided ... pricing in express lanes when the level of service is other than level of service A or level of

service B may vary in the manner established by the Florida Turnpike Enterprise to manage congestion in the express lanes.”

- “Effective July 1, 2018, if a customer's average travel speed for a trip in an express lane falls below 40 miles per hour, the customer must be charged the general toll lane toll amount plus an amount set by department rule. A customer's express lane average travel speed is his or her average travel speed from the customer's entry point to the customer's exit point.”

## **An Act Relating to Enhanced Safety for School Crossings (HB 493)**

*Section 1 (no statute number specified)*

- **Requires the Department of Transportation to evaluate the viability and cost of a uniform system of high-visibility markings and signage for designation of safe school crossings locations. Authorizes the Department to consider in its evaluation implementation of new technology or innovations that enhance pedestrian and crosswalk visibility. Requires a report be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives before January 1, 2018.**
- “Safe school crossing locations; evaluation by Department of Transportation.—  
The Department of Transportation shall evaluate the viability and cost of a uniform system of specific, high-visibility pavement markings and signage for use on arterial roads or collector roads ... within a 1-mile radius of all schools, public and private, to designate safe school crossing locations. In its evaluation, the department may consider implementation of new technology or innovations that enhance pedestrian and crosswalk visibility. Before January 1, 2018, the department shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives providing the findings of its study and any recommendations for legislation relating to safe school crossing locations.”

## An Act Relating to Unmanned Devices (HB 1027)

*Section 1 (amends s. 316.003, F.S.)*

- **Revises and provides a variety of definitions related to unmanned devices.**
  - “Definitions.—The following words and phrases ... shall have the meanings respectively ascribed to them ..., except where the context otherwise requires:
    - (40) MOTOR VEHICLE.— ... a self-propelled vehicle not operated upon rails or guideway, but not including any bicycle, motorized scooter, electric personal assistive mobility device, personal delivery device, swamp buggy, or moped.”...
    - (51) PERSONAL DELIVERY DEVICE.— An electrically powered device that:
      - (a) Is operated on sidewalks and crosswalks and intended primarily for transporting property;
      - (b) Weighs less than 80 pounds, excluding cargo;
      - (c) Has a maximum speed of 10 miles per hour; and
      - (d) Is equipped with technology to allow for operation of the device with or without the active control or monitoring of a natural person.

A personal delivery device is not considered a vehicle unless expressly defined by law as a vehicle.

  - (52) PERSONAL DELIVERY DEVICE OPERATOR.— An entity or its agent that exercises direct physical control over or monitoring of the navigation system and operation of a personal delivery device. For the purposes of this subsection, the term "agent" means a person charged by the entity with the responsibility of navigating and operating the personal delivery device. The term "personal delivery device operator" does not include an entity or person who requests the services of a personal delivery device for the purpose of transporting property or an entity or person who only arranges for and dispatches the requested services of a personal delivery device. ...
  - (97) VEHICLE.— Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except personal delivery devices and devices used exclusively upon stationary rails or tracks.”

*Section 2 (amends s. 316.008, F.S.)*

- **Authorizes operation of personal delivery devices within a county or municipality, with exceptions.**
  - “Powers of local authorities.—
    - (a) A county or municipality may enact an ordinance to permit, control, or regulate the operation of vehicles, golf carts, mopeds, motorized scooters, and electric personal assistive mobility devices on sidewalks or sidewalk areas when 16 such use is permissible under federal law. The ordinance must restrict such vehicles or devices to a maximum speed of 15 miles per hour in such areas.

- (b) 1. ..., a personal delivery device may be operated on sidewalks and crosswalks within a county or municipality when such use is permissible under federal law. This paragraph does not restrict a county or municipality from otherwise adopting regulations for the safe operation of personal delivery devices.
2. A personal delivery device may not be operated on the Florida Shared-Use Nonmotorized Trail Network ... or components of the Florida Greenways and Trails System ...”

*Section 3 (creates s. 316.2071, F.S.)*

- **Provides requirements for the operation of personal delivery devices, including insurance coverage requirements.**
  - “Personal delivery devices.—
    1. Notwithstanding any provision of law to the contrary, a personal delivery device may operate on sidewalks and crosswalks ... A personal delivery device operating on a sidewalk or crosswalk has all the rights and duties applicable to a pedestrian under the same circumstances, except that the personal delivery device must not unreasonably interfere with pedestrians or traffic and must yield the right-of-way to pedestrians on the sidewalk or crosswalk.
    2. A personal delivery device must:
      - (a) Obey all official traffic and pedestrian control signals and devices.
      - (b) Include a plate or marker that has a unique identifying device number and identifies the name and contact information of the personal delivery device operator.
      - (c) Be equipped with a braking system that, when active or engaged, enables the personal delivery device to come to a controlled stop.
    3. A personal delivery device may not:
      - (a) Operate on a public highway except to the extent necessary to cross a crosswalk.
      - (b) Operate on a sidewalk or crosswalk unless the personal delivery device operator is actively controlling or monitoring the navigation and operation of the personal delivery device.
      - (c) Transport hazardous materials ...
    4. A person who owns and operates a personal delivery device in this state must maintain an insurance policy, on behalf of himself or herself and his or her agents, which provides general liability coverage of at least \$100,000 for damages arising from the combined operations of personal delivery devices under the entity's or agent's control.”

*Section 5 (amends s. 320.02, F.S.)*

- **Exempts personal delivery devices from certain registration and insurance requirements.**
  - “Registration required; application for registration; forms.—
    - (1) A personal delivery device ... is not required to satisfy the registration and insurance requirements of this section.”



## **Item Number 4C**

### **Executive Director's Report Federal Infrastructure Package Efforts**

#### **DISCUSSION:**

1). During the April MPOAC Governing Board meeting members were made aware of discussions between MPOAC Executive Director Carl Mikyska and the staff of Representative Kevin McCarthy (R- CA 23<sup>rd</sup> District, Bakersfield, CA) about possible changes to federal transportation planning requirements. These potential changes could be included in a federal infrastructure package.

Congressman McCarthy is interested in pursuing a change to the update cycle of MPO Long Range Transportation Plans. His proposal would change the update period from five (5) years to ten (10) years. In order to make a ten (10) year update cycle workable, other complimentary changes would be necessary.

2). On June 08, 2017, USDOT published in the Federal Register a Notice which is asking for input from the public to identify unnecessary obstacles to transportation infrastructure projects. The Federal Register notice did specify that proposals be directed at non-statutory requirements. This notice is similar to the item above.

#### **STAFF DIRECTORS RECOMMENDATION:**

The Staff Director's Meeting occurred prior to this Federal Register Notice and therefore the Staff Directors did not have an opportunity to review the notice and provide a recommendation to the MPOAC Governing Board.

#### **MPOAC POLICY AND TECHNICAL COMMITTEE RECOMMENDATION:**

The MPOAC Policy and Technical Committee met on July 13<sup>th</sup>, their recommendations, will be presented to the Governing Board.

#### **REQUESTED ACTIONS:**

For member consideration and recommendation.

#### **ATTACHMENT:**

June 08, 2017 Federal Register Notice of Review of Policy, Guidance and Regulation by USDOT



such, no safety risk is present, even though there is a noncompliance with FMVSS No. 108 regulatory requirements.

Volkswagen concluded by expressing the belief that the subject noncompliance presents no risk and is inconsequential as it relates to motor vehicle safety, and that its petition to be exempted from providing notification of the noncompliance, as required by 49 U.S.C. 30118, and a remedy for the noncompliance, as required by 49 U.S.C. 30120, should be granted.

**NHTSA'S Decision**

*NHTSA's Analysis:* NHTSA has reviewed and accepts Volkswagen's analysis that the subject noncompliance is inconsequential to motor vehicle safety. Specifically, the halogen headlamps missing the required operation voltage label on the headlamp assembly poses little if any risk to motor vehicle safety.

Volkswagen stated in their petition that the H7 bulb is always a 12V halogen light bulb. In accordance with paragraph S11 of FMVSS No. 108, each replaceable light source must be designed to conform to the dimensions and electrical specifications furnished with respect to it pursuant to part 564, on file in Docket No. NHTSA-98-3397. By VW's line of thought, to ensure the bulb performs within the luminous flux and power ranges specified, the bulb designer would ensure that the performance of the bulb is such that the output is compliant for a known input of 12.8V and therefore the voltage becomes implicitly specified for that specific bulb. NHTSA notes that the docket entry detailing the H7 replaceable light source specifications<sup>1</sup> shows that DOT compliant H7 replaceable light sources when tested at 12.8 volts must achieve a luminous flux of 1250 ± 12% lumens with a maximum of 55.6 watts.

Consumers, dealers, and repair businesses will look at the bulb designation, H7, when replacing the light source in a headlamp assembly and will in no way rely on the voltage marking. As such, the missing voltage marking poses little if any risk to motor vehicle safety.

*NHTSA's Decision:* In consideration of the foregoing, NHTSA finds that Volkswagen has met its burden of persuasion that the subject FMVSS No. 108 noncompliance in the affected vehicles is inconsequential to motor vehicle safety. Accordingly, Volkswagen's petition is hereby granted and Volkswagen is consequently

exempted from the obligation of providing notification of, and a free remedy for, that noncompliance under 49 U.S.C. 30118 and 30120.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, this decision only applies to the subject vehicles that Volkswagen no longer controlled at the time it determined that the noncompliance existed. However, the granting of this petition does not relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant vehicles under their control after Volkswagen notified them that the subject noncompliance existed.

**Authority:** 49 U.S.C. 30118, 30120; delegations of authority at 49 CFR 1.95 and 501.8.

**Jeffrey M. Giuseppe,**  
 Director, Office of Vehicle Safety Compliance.  
 [FR Doc. 2017-11871 Filed 6-7-17; 8:45 am]

**BILLING CODE 4910-59-P**

**DEPARTMENT OF TRANSPORTATION**

**Office of the Secretary of Transportation**

[Docket No. OST-2017-0057]

**Transportation Infrastructure: Notice of Review of Policy, Guidance, and Regulation**

**AGENCY:** Office of the Secretary of Transportation (OST), DOT.

**ACTION:** Notice; request for input.

**SUMMARY:** The Department of Transportation (DOT) is reviewing its existing policy statements, guidance documents, and regulations to identify unnecessary obstacles to transportation infrastructure projects. As part of this review, the Department invites affected stakeholders and the public to identify non-statutory requirements that the Department imposes and that should be removed or revised.

**DATES:** Comments should be received on or before July 24, 2017. Late-filed comments will be considered to the extent practicable.

**ADDRESSES:** You may file comments identified by the docket number DOT-

OST-2017-0057 by any of the following methods:

- *Federal eRulemaking Portal:* Go to <http://www.regulations.gov> and follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Ave. SE., Room W12-140, Washington, DC 20590-0001.
- *Hand Delivery or Courier:* The Docket Management Facility is located on the West Building, Ground Floor, of the U.S. Department of Transportation, 1200 New Jersey Ave. SE., Room W12-140, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* 202-493-2251.

*Instructions:* You must include the agency name and the Docket Number DOT-OST-2017-0057 at the beginning of your comment. All comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided.

*Privacy Act:* In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice, DOT/ALL-14 FDMS, accessible through [www.dot.gov/privacy](http://www.dot.gov/privacy). In order to facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

*Docket:* For access to the docket to read background documents or comments received, visit the Docket Management Facility described above or go to <http://www.regulations.gov> and follow the online instructions for accessing the docket.

**FOR FURTHER INFORMATION CONTACT:** Michael A. Smith, Office of the General Counsel, U.S. Department of Transportation, 1200 New Jersey Ave. SE., Washington, DC 20590, 202-366-2917, [michael.a.smith@dot.gov](mailto:michael.a.smith@dot.gov).

**SUPPLEMENTARY INFORMATION:**

**Purpose**

The Department of Transportation recognizes that there are regulatory and administrative burdens that impede transportation infrastructure projects. The Department also recognizes that the stakeholders who deliver projects have

<sup>1</sup> NHTSA-1998-3397-0004.

direct experience with those burdens. Public and private project sponsors, engineering and construction professionals, related organizations, and other stakeholders encounter and overcome these obstacles to project delivery on a daily basis. The purpose of this notice is to solicit input from those affected stakeholders to help the Department identify requirements that the Department imposes through rules, or interpretations found in policy statements or guidance, that unjustifiably delay or prevent completion of surface, maritime, and aviation transportation infrastructure projects. The Department's primary focus is on administrative items that it has the authority to change, but if there are critical changes that are achievable only through legislative action, please submit proposed legislative changes. Commenters should make legislative suggestions only if all non-statutory options have been exhausted.

The DOT's mission is to serve the United States by ensuring a safe, fast, efficient, accessible, and convenient transportation system that meets the nation's vital interests and enhances the quality of life of the American people, today and into the future. To advance that mission through financial assistance and regulatory activity, the Department imposes requirements that affect the delivery of transportation infrastructure projects. Under its financial assistance programs, DOT places conditions of the receipt and expenditure of Federal funds. Under its safety authorities, DOT directly regulates State, local, and individual activities. These assistance conditions and safety regulations are intended to satisfy statutory mandates and, when discretionary, properly balance public benefits against the burdens that they impose. However, imbalances can arise. The current benefits may not justify the current burdens due to changing circumstances, incomplete analyses, or other factors.

#### Request for Input

The Department is requesting that affected stakeholders and the public submit comments identifying requirements that the Department imposes through rules, or interpretations found in policy statements or guidance documents, that unjustifiably delay or prevent completion of surface, maritime, and aviation transportation infrastructure projects. In some circumstances, Federal statute requires the Department, without exercising discretion, to issue regulations implementing specific statutory requirements. Because the

Department lacks authority to remove those requirements, the Department asks commenters responding to this notice to focus their comments on requirements that either lack statutory mandate or could be accomplished through reasonable alternatives. However, if non-statutory changes are insufficient to address a specific obstacle to transportation infrastructure projects, commenters may submit legislative solutions.

#### Content of Comments

The Department will review all comments submitted to the docket associated with this notice, DOT-OST-2017-0057. To maximize the usefulness of comments, the Department encourages commenters to provide the following information:

1. *Specific reference.* A specific reference to the policy statement, guidance document, regulation, or statute that imposes the burden that the comment discusses. This should be a citation to the Code of Federal Regulations, a guidance document number, or an Internet link. A specific reference will assist the Department identify the requirement, the original source of the requirement, and relevant documentation that may describe the history and effects of the requirement.

2. *Description of burden.* A description of the burden that the identified policy statement, guidance document, regulation, or statute imposes on the completion of transportation infrastructure projects. A comment that describes how the policy statement, guidance document, regulation, or statute impedes efficient project delivery is more useful than a comment that merely asserts that it is burdensome. Comments that reflect experience with the requirement and provide data describing that experience are more credible than comments that are not tied to direct experience. Verifiable, quantifiable data describing burdens are more useful than anecdotal descriptions.

3. *Description of less burdensome alternatives.* If the commenter believes that the objective that motivated the policy statement, guidance document, regulation, or statute may be achieved using a less burdensome alternative, the commenter should describe that alternative in detail. Likewise, if the commenter believes that there is not a less burdensome alternative or there is not a legitimate objective motivating the requirement, then that should be explained in the comment.

4. *Examples of affected projects.* Examples of projects that are, have been, or will be negatively affected by the

identified policy statement, guidance document, regulation, or statute and examples of projects that will benefit if the requirement is removed or revised. A comment listing specific projects is more useful because it will assist the Department in investigating the burden and how it may be most effectively addressed.

#### Scope of Comments

The Department is interested in comments on any DOT requirement that unjustifiably delays or prevents surface, maritime, and aviation transportation infrastructure projects, including requirements contained regulations, or interpretations found in policy statements or guidance documents, issued from the Office of the Secretary of Transportation (OST) and the following Operating Administrations: The Federal Aviation Administration (FAA); the Federal Highway Administration (FHWA); the Federal Railroad Administration (FRA); the Federal Transit Administration (FTA); the Maritime Administration (MARAD); and the Pipeline and Hazardous Materials Safety Administration (PHMSA).

Under this notice, the Department is not soliciting petitions for rulemaking.

#### Relationship to Other Review Activities

Improvement of regulations is a continuous focus for the Department. For that reason, DOT regularly and deliberately reviews its rules in accordance with the Department's 1979 Regulatory Policies and Procedures (44 FR 11034), Executive Order (EO) 12866, EO 13563, and section 610 of the Regulatory Flexibility Act. That process is summarized in Appendix D of the Department's semi-annual regulatory agenda (e.g., 81 FR 94784). In EO 13771 and EO 13777, President Trump directed agencies to further scrutinize their regulations. The review described in this notice will supplement the Department's periodic regulatory review and its activities under EO 13771 and EO 13777. Unlike those activities, this request for input is narrowly focused on identifying and addressing impediments to the completion of transportation infrastructure projects. The comments that DOT receives in response to this notice will inform those other, broader activities.

Issued on May 30, 2017.

**James Ray,**

*Senior Advisor for Infrastructure.*

[FR Doc. 2017-11791 Filed 6-7-17; 8:45 am]

**BILLING CODE 4910-9X-P**

## **Item Number 4D**

### **Executive Director's Report Summary of MPOAC Weekend Institute**

#### **DISCUSSION:**

Carl Mikyska will present a summary of the participant ratings of the two MPOAC Weekend Institute sessions that were conducted earlier this year. Also presented will be a summary of ratings and attendee profiles from the inception of the MPOAC Weekend Institute to present.

**STAFF DIRECTORS RECOMMENDATION:** None.

#### **REQUESTED ACTIONS:**

For member consideration and recommendation.

#### **ATTACHMENTS:**

Power Point presentation



# MPOAC Weekend Institute for Elected Officials

## MPOAC Weekend Institute Overview

- The Institute provides MPO Board members with an opportunity to enhance their leadership skills and their understanding of transportation decision-making
- The Institute topics include:
  - Basic Concepts in Transportation Planning
  - Sources of Transportation Funding
  - Laws and Regulations Affecting MPOs
  - MPO Board Responsibilities and Authority
  - MPO Products and Processes
  - Critical Funding Issues
  - Origins of MPOs
  - Transportation Jargon & Acronyms



### Institute Trainers

**Hal Beardall**  
Transportation Specialist  
FCRC Consensus Center at FSU

**Scott Paine**  
Director Leadership Development and Education  
Florida League of Cities

**Kristine Williams**  
Program Director  
CLPP at USG

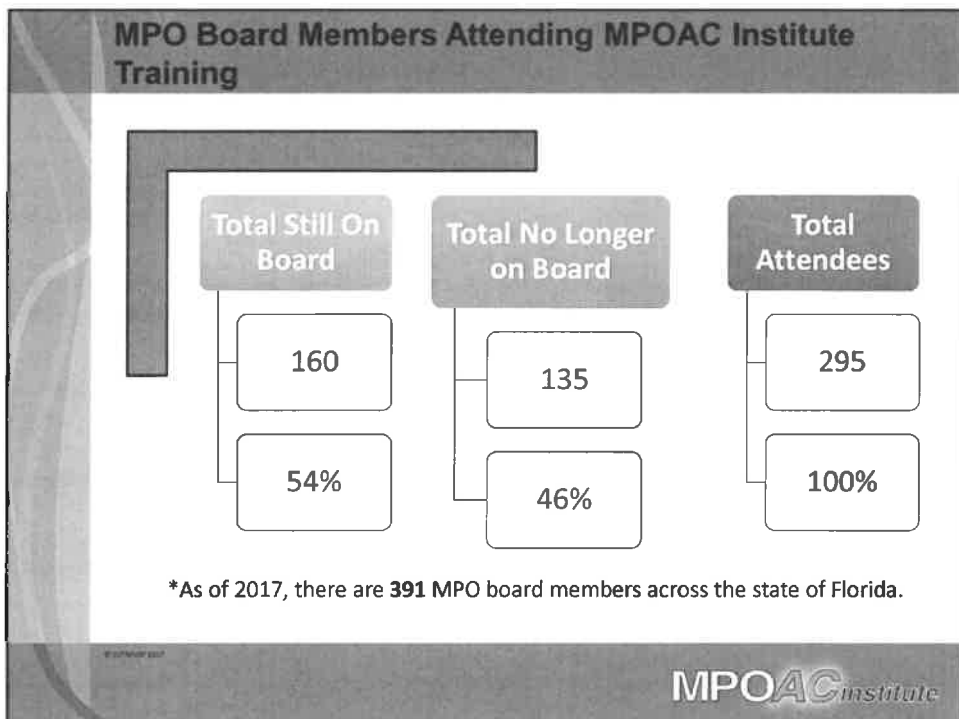
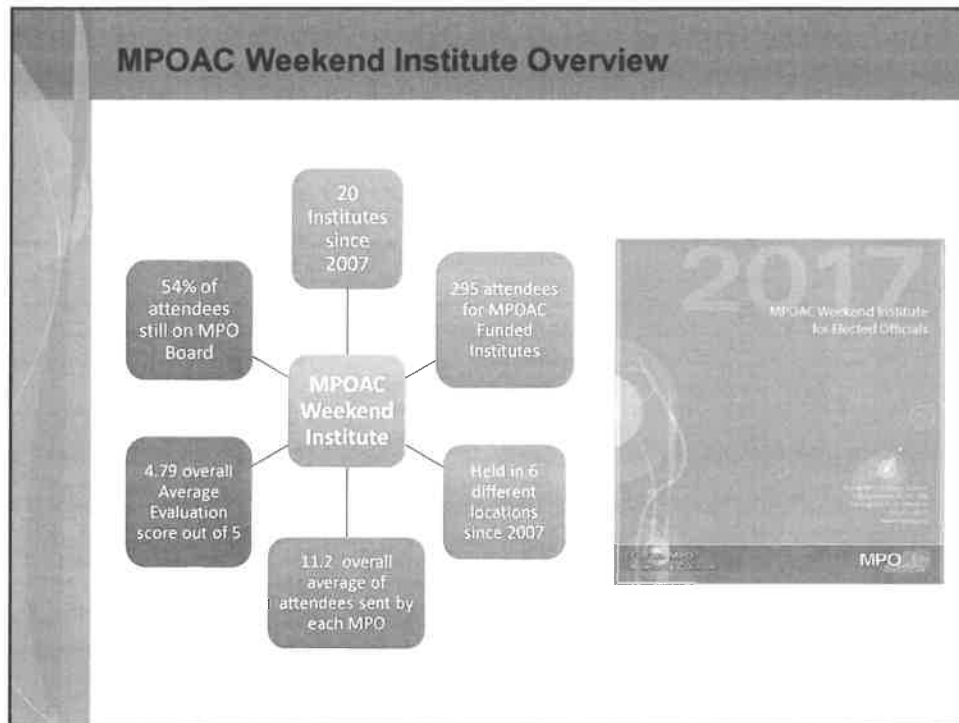
**Jeff Kramer**  
Senior Instructor  
CLPP at USG

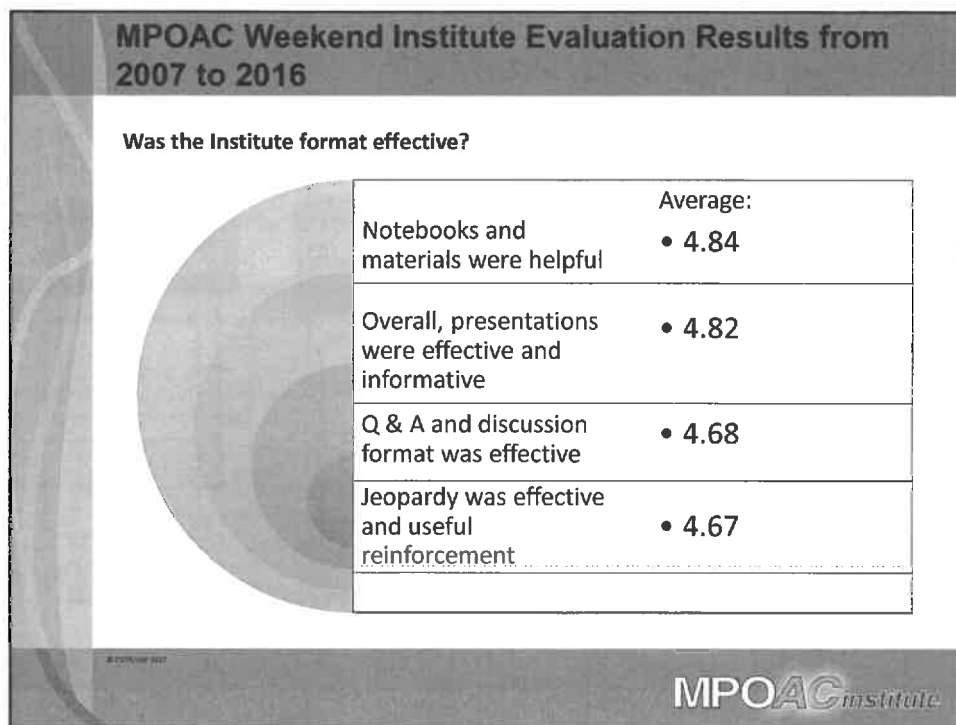
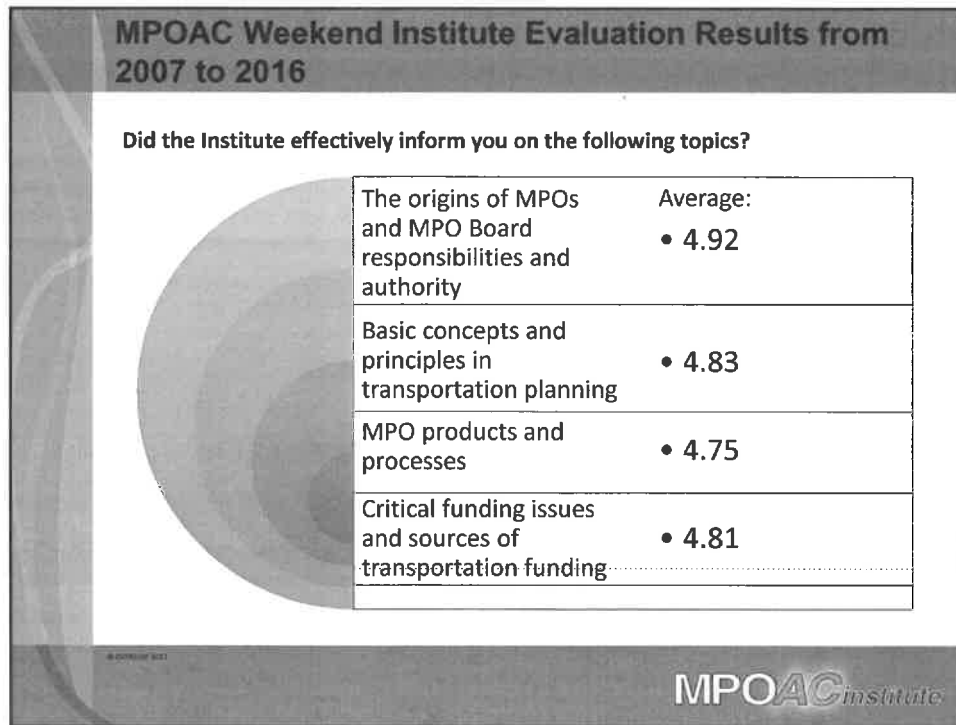
**MPOAC***institute*

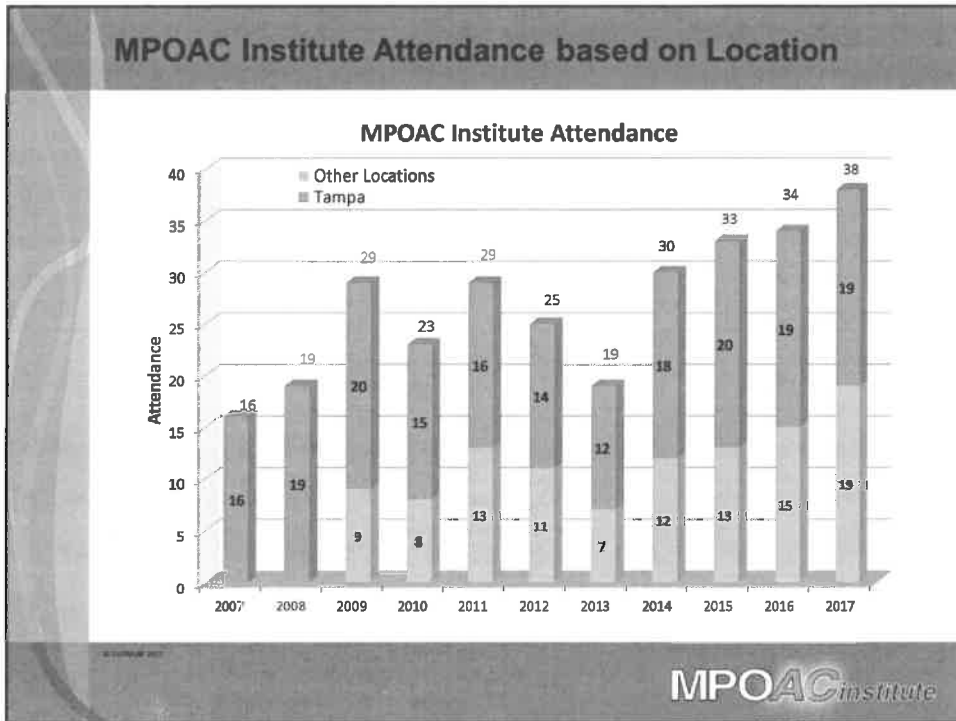
### 2017 MPOAC Weekend Institute Overview

	Number Attendees in Orlando • 19 (April 21-23, 2017)
	Number Attendees in Tampa • 19 (May 19 – 21, 2017)
	Overall Average Rating • 4.79

**MPOAC***institute*







### Contact Information

A central circle contains the MPOACinstitute logo. Three lines radiate from this central circle to three smaller circles, each containing contact information for a specific entity.

- Jeff Kramer**
  - [kramer@cutr.usf.edu](mailto:kramer@cutr.usf.edu)
  - 813.974.1397
- Florida MPO Advisory Council**
  - [www.mpoac.org](http://www.mpoac.org)
  - 850.414.4037
- Christen Miller**
  - [christen@cutr.usf.edu](mailto:christen@cutr.usf.edu)
  - 727.916.2599

MPOACinstitute



## **Item Number 5A**

### **Agency Reports – Florida Department of Transportation**

#### **DISCUSSION:**

Mr. Mark Reichert, Administrator, Metropolitan Planning, will update the members on the activities of FDOT and bring forward topics of interest to the MPOs. Mr. Reichert will specifically discuss the following:

1. The Florida DOT Safety Performance Target
2. Safety Project Coordination with MPOs
3. MPO Mobility Performance Measures

#### **REQUESTED ACTION:**

As may be desired.

#### **ATTACHMENTS:**

None



## **Item Number 5B**

### **Agency Reports – Florida Division of Federal Highway Administration**

#### **DISCUSSION:**

Ms. Karen Brunelle, Director, Office of Project Development and Ms. Lee Ann Jacobs, Planning Team Leader will present items of interest to the MPOs. Ms. Brunelle will specifically discuss the following:

1. General Announcements and Funding Opportunities
2. Overview of TPM Timeframes

#### **REQUESTED ACTION:**

As may be desired.

#### **ATTACHMENTS:**

Power Point presentation related to transportation performance measures implementation

Summary of FHWA Performance Measures Implementation Requirements in Florida

Summary of FHWA Performance Measures and Target Setting Dates

MPO Safety Performance Measures Fact Sheet



# Transportation Performance Measures

Assisting Florida with Implementing Requirements

July 2017



U.S. Department of Transportation  
Federal Highway Administration

## Performance Measures and Planning Requirements

- Discuss the Overall Due Dates and Time Frames for Implementing the Recently Released Rule Makings
- Provide a Tool for Quick Reference
- Discuss Next Steps



U.S. Department of Transportation  
Federal Highway Administration

# Chart Handout

Table with columns: Agency, Title, Effective Date, and various regulatory references. Includes sections for 'Summary of FHWA Performance Measures Implementation Requirements for TCEs' and 'Summary of FHWA Performance Measures Implementation Requirements for MPOs'.



# Chart Legend

- Related to Performance Measures (Final Rules: 3/15/16, 1/18/17, 5/19/17)
- Related to Plans the MPO Needs to Integrate per 23 CFR 306(d)(4), which may or may not have Performance Measures (Federal Register Notice:10/14/16, Final Rule: 10/24/16)
- Related to New Planning Requirements (Final Rule: 3/27/16)



## Due Date Overview

Rev. 6/26/17

\*Technical correction on due date forthcoming.

Agency	Safety Measures	Freight Plan	Asset Management Plan <sup>2</sup>	Planning Requirements	System Performance Measures*	Bridge Measures	Pavement Measures
FDOT Due Date (Target, Plan, etc)	Aug 31, 2017	Dec 4, 2017	Apr 30, 2018	May 27, 2018	May 20, 2018	May 20, 2018	May 20, 2018
MPO Due Date (Target)	Feb 27, 2018	N/A	N/A	May 27, 2018	Nov 16, 2018	Nov 16, 2018	Nov 16, 2018
L RTP and S/TIP Due Date for Performance Measures Requirements (2 Years After Effective Date)	Apr 18, 2018 <sup>1</sup>	N/A	N/A	May 27, 2018	May 20, 2019	May 20, 2019	May 20, 2019

- 1 Use May 27, 2018 Implementation Date for Safety Measures  
2 Future Asset Management Plan Requirements



U.S. Department of Transportation  
Federal Highway Administration

## L RTP

L RTP	Safety Measures	Freight Plan	Asset Management Plan <sup>2</sup>	Planning Requirements	System Performance Measures	Bridge Measures	Pavement Measures
Any L RTP Amended By May 26, 2018	N/A						
Any L RTP Amended Between May 27, 2018 and May 19, 2019	X	X	X	X			
Any L RTP Amended Between May 20, 2019 and the MPO's next L RTP adoption date 2019/2020/2021/2022 (First L RTPs Due Oct 2019)	X	X	X	X	X	X	X
Any L RTP Adopted 2019/2020/2021/2022	X	X	X	X	X	X	X



U.S. Department of Transportation  
Federal Highway Administration

## Next LRTP Due Dates

- Designed to Be a Quick Reference
- Organized by Month, Year
- Numbers in "(##)" is the Date within the Month for that MPO's Last Adoption Date
- Every MPO's next LRTP will be Required to Address All of the Performance Measures and the New Planning Requirements



U.S. Department of Transportation  
Federal Highway Administration

## S/TIP

S/TIP <sup>3</sup>							
S/TIP	Safety Measures	Freight Plan	Asset Management Plan <sup>2</sup>	Planning Requirements	System Performance Measures	Bridge Measures	Pavement Measures
S/TIP Effective October 1, 2017	N/A						
Any S/TIP Amended Between October 1, 2017 and May 26, 2018	N/A						
Any S/TIP Amended Between May 27, 2018 and September 30, 2018	X	X	X	X			
S/TIP Effective October 1, 2018	X	X	X	X			
Any S/TIP Amended Between Oct 1, 2018 and May 19, 2019	X	X	X	X			
Any S/TIP Amended Between May 20, 2019 and September 30, 2019	X	X	X	X	X	X	X
S/TIP Effective October 1, 2019 and Beyond	X	X	X	X	X	X	X

3 S/TIP Expected to Meet Requirements Even if LRTP has not been Updated



U.S. Department of Transportation  
Federal Highway Administration

# S/TIP

- Any S/TIP Amendments beginning May 27, 2018 - Start Addressing New Requirements
- Every MPO's TIP Approved into the October 2018 STIP – Start Addressing New Requirements
- Any S/TIP Amendments beginning May 20, 2019 - Address All Requirements
- Every MPO's TIP that is Approved into the October 2019 STIP – Address All Requirements



U.S. Department of Transportation  
Federal Highway Administration

# Performance Measures Summary Handout

Rev. 2/2017

Summary of FHWA Performance Measures and Target Setting Dates

Agency	Performance Measure	Target Setting Date	Target Setting Date	Target Setting Date
FY01 Data Target	FY02 Data Target	FY03 Data Target	FY04 Data Target	FY05 Data Target
MPO Data Target	MPO Data Target	MPO Data Target	MPO Data Target	MPO Data Target
	Reliability	% of person miles traveled on the Interstate that are Reliable	% of RRB Bridges Classified as Good Condition	% of segments of the Interstate System in Good Condition
	Rate of Fatality per 100M VMT	% of person miles traveled on the non-Interstate RRB that are Reliable	% of RRB Bridges Classified as Poor Condition	% of segments of the Interstate System in Poor Condition
	System Reliability	The sum of minimum Truck Travel Time Reliability (TTTR) for each reporting segment, divided by the total interstate system miles		% of segments of the non-Interstate RRB in Good Condition
	Rate of Serious Injuries per 100M VMT	Annual Hours of Road Closure Exceeds Daily (AEDD) Per Capita (0/A for 0)		% of segments of the non-Interstate RRB in Poor Condition
	% of non-motorized fatalities and non-motorized vehicles injured	Percent of Non-Single Occupancy Vehicle (SOV) Travel (0/A for 0)		
		Cumulative 2 Year and 6 Year emissions Reduction (against the CMAQ funded projects of reduced emissions for New, VOC, CO, PM10, PM2.5 (0/A for 0)		

The data is used in the State Performance Report



U.S. Department of Transportation  
Federal Highway Administration

## Next Steps

- Each Planner will Reach Out to each MPO Staff Director for a One-on-One Session and Answer Questions
- 1 – 1.5 Hours
- Remote (Unless Coordinated with other Travel)



U.S. Department of Transportation  
Federal Highway Administration

## Next Steps

- FDOT Safety Target is Due Aug 31, 2017
- MPO Safety Target is Due Feb 27, 2018
- Available for Technical Assistance
- Safety Fact Sheet Handout



U.S. Department of Transportation  
Federal Highway Administration

# Any Other Questions?



U.S. Department of Transportation  
Federal Highway Administration



Summary of FHWA Performance Measures Implementation Requirements in Florida

Agency	Safety Measures	Freight Plan	Asset Management Plan <sup>2</sup>	Planning Requirements	System Performance Measures*	Bridge Measures	Pavement Measures
FDOT Due Date (Target, Plan, etc)	Aug 31, 2017	Dec 4, 2017	Apr 30, 2018	May 27, 2018	May 20, 2018	May 20, 2018	May 20, 2018
MPO Due Date (Target)	Feb 27, 2018	N/A	N/A	May 27, 2018	Nov 16, 2018	Nov 16, 2018	Nov 16, 2018
L RTP and S/TIP Due Date for Performance Measures Requirements (2 Years After Effective Date)	Apr 18, 2018 <sup>1</sup>	N/A	N/A	May 27, 2018	May 20, 2019	May 20, 2019	May 20, 2019
L RTP							
L RTP	Safety Measures	Freight Plan	Asset Management Plan <sup>2</sup>	Planning Requirements	System Performance Measures	Bridge Measures	Pavement Measures
Any L RTP Amended By May 26, 2018				N/A			
Any L RTP Amended Between May 27, 2018 and May 19, 2019	X	X	X	X			
Any L RTP Amended Between May 20, 2019 and the MPO's next L RTP adoption date 2019/2020/2021/2022 (First L RTPs Due Oct 2019)	X	X	X	X	X	X	X
Any L RTP Adopted 2019/2020/2021/2022	X	X	X	X	X	X	X
S/TIP <sup>3</sup>							
S/TIP	Safety Measures	Freight Plan	Asset Management Plan <sup>2</sup>	Planning Requirements	System Performance Measures	Bridge Measures	Pavement Measures
S/TIP Effective October 1, 2017				N/A			
Any S/TIP Amended Between October 1, 2017 and May 26, 2018				N/A			
Any S/TIP Amended Between May 27, 2018 and September 30, 2018	X	X	X	X			
S/TIP Effective October 1, 2018	X	X	X	X			
Any S/TIP Amended Between Oct 1, 2018 and May 19, 2019	X	X	X	X			
Any S/TIP Amended Between May 20, 2019 and September 30, 2019	X	X	X	X	X	X	X
S/TIP Effective October 1, 2019 and Beyond	X	X	X	X	X	X	X
Legend:							
Related to Performance Measures (Final Rules: 3/15/16, 1/18/17, 5/19/17)							
Related to Plans the MPO Needs to Integrate per 23 CFR 306(d)(4), which may or may not have Performance Measures (Federal Register Notice: 10/14/16, Final Rule: 10/24/16)							
Related to New Planning Requirements (Final Rule: 3/27/16)							

<sup>1</sup>The 2 year implementation date for the safety PM is Apr 2018. Since the planning rule is not effective until May 2018, that is when the Safety PM is required to be implemented.  
<sup>2</sup> 6/30/2019: FDOT Submits Asset Management Plan Meeting All Requirements; 11/23/2020: FDOT must prepare an evaluation to determine if there are reasonable alternatives to roads, highways, and bridges that have required repair and reconstruction activities on two or more occasions due to emergency events prior to including any project relating to such facility in the STIP. {23 CFR 667.7(b)}

<sup>3</sup> If targets are set and effective, the TIP is expected to meet the associated performance measurement requirements even if the L RTP has not yet been updated.

Next L RTP Due Dates	
October 2019: Palm Beach (16); Miami-Dade (23)	March 2021: Heartland (16)
November 2019: Hillsborough (12); North Florida (13)	June 2021: Bay (22)
December 2019: Hernando-Citrus (9); Pinellas (10); Broward (11); Pasco (11)	Feb 2022: Okaloosa-Walton (16)
September 2020: River to Sea (23)	



Summary of FHWA Performance Measures and Target Setting Dates				
Agency	Safety Measures	System Performance Measures*	Bridge Measures	Pavement Measures
FDOT Due Date (Target)	Aug 31, 2017	May 20, 2018	May 20, 2018	May 20, 2018
MPO Due Date (Target)	Feb 27, 2018	Nov 16, 2018	Nov 16, 2018	Nov 16, 2018
	# Fatalities	% of person-miles traveled on the Interstate that are Reliable	% of NHS Bridges Classified as Good Condition	% of pavements of the Interstate System in Good Condition
	Rate of Fatalities Per 100M VMT	% of person-miles traveled on the non-Interstate NHS that are Reliable	% of NHS Bridges Classified as Poor Condition	% of pavements of the Interstate System in Poor Condition
	# Serious Injuries	The sum of maximum Truck Travel Time Reliability (TTTR) for each reporting segment, divided by the total Interstate System miles		% of pavements of the non-Interstate NHS in Good Condition
	Rate of Serious Injuries per 100M VMT	Annual Hours of Peak Hour Excessive Delay (PHED) Per Capita <b>(N/A for FL)</b>		% of pavements of the non-Interstate NHS in Poor Condition
	# of non-motorized Fatalities and non-motorized serious injuries	Percent of Non-Single Occupancy Vehicle (SOV) Travel <b>(N/A for FL)</b>		
		Cumulative 2-Year and 4-Year emissions Reduction (kg/day) for CMAQ funded projects of reduced emissions for Nox, VOCs, CO, PM10, PM2.5 <b>(N/A for FL)</b>		

\*Technical correction on due date forthcoming.



# Metropolitan Planning Organization Safety Performance Measures Fact Sheet

## Safety Performance Measures

The Safety Performance Management Measures regulation supports the Highway Safety Improvement Program (HSIP) and requires State Departments of Transportation (DOTs) and Metropolitan Planning Organizations (MPOs) to set HSIP targets for 5 safety performance measures. This document highlights the requirements specific to MPOs and provides a comparison of MPO and State DOT responsibilities.

### How do MPOs establish HSIP targets?

Coordination is the key for all stakeholders in setting HSIP targets. Stakeholders should work together to share data, review strategies and understand outcomes. MPOs must work with the State DOT. MPOs should also coordinate with the State Highway Safety Office, transit operators, local governments, the FHWA Division Office, National Highway Transportation Safety Administration (NHTSA) Regional Office, law enforcement and emergency medical services agencies, and others. By working together, considering and integrating the plans and programs of various safety stakeholders, MPOs will be better able to understand impacts to safety performance to establish appropriate HSIP targets. Coordination should start with the Strategic Highway Safety Plan (SHSP). More information on the SHSP is available at <http://safety.fhwa.dot.gov/hsip/shsp/>.

HSIP Safety Targets Established by MPOs	
1	Number of fatalities
2	Rate of fatalities
3	Number of serious injuries
4	Rate of serious injuries
5	Number of non-motorized fatalities and non-motorized serious injuries

*MPOs establish HSIP targets by either:*

1. agreeing to plan and program projects so that they contribute toward the accomplishment of the State DOT HSIP target or
2. committing to a quantifiable HSIP target for the metropolitan planning area.

To provide MPOs with flexibility, MPOs may support all the State HSIP targets, establish their own specific numeric HSIP targets for all of the performance measures, or any combination. MPOs may support the State HSIP target for one or more individual performance measures and establish specific numeric targets for the other performance measures.

If an MPO agrees to support a State HSIP target, the MPO would...	If an MPO establishes its own HSIP target, the MPO would...
<ul style="list-style-type: none"> <li>■ Work with the State and safety stakeholders to address areas of concern for fatalities or serious injuries within the metropolitan planning area</li> <li>■ Coordinate with the State and include the safety performance measures and HSIP targets for all public roads in the metropolitan area in the MTP (Metropolitan Transportation Plan)</li> <li>■ Integrate into the metropolitan transportation planning process, the safety goals, objectives, performance measures and targets described in other State safety transportation plans and processes such as applicable portions of the HSIP, including the SHSP</li> <li>■ Include a description in the TIP (Transportation Improvement Program) of the anticipated effect of the TIP toward achieving HSIP targets in the MTP, linking investment priorities in the TIP to those safety targets</li> </ul>	<ul style="list-style-type: none"> <li>☒ Establish HSIP targets for all public roads in the metropolitan planning area in coordination with the State</li> <li>☒ Estimate vehicles miles traveled (VMT) for all public roads within the metropolitan planning area for rate targets</li> <li>☒ Include safety (HSIP) performance measures and HSIP targets in the MTP</li> <li>☒ Integrate into the metropolitan transportation planning process, the safety goals, objectives, performance measures and targets described in other State safety transportation plans and processes such as applicable portions of the HSIP, including the SHSP</li> <li>■ Include a description in the TIP of the anticipated effect of the TIP toward achieving HSIP targets in the MTP, linking investment priorities in the TIP to those safety targets</li> </ul>



**Volumes for HSIP Rate Targets:** MPOs that establish fatality rate or serious injury rate HSIP targets must report the VMT estimate used for such targets, and the methodology used to develop the estimate, to the State DOT. For more information on volumes for HSIP rate targets, see [http://www.fhwa.dot.gov/planning/processes/tools/technical\\_guidance/index.cfm](http://www.fhwa.dot.gov/planning/processes/tools/technical_guidance/index.cfm).

**Roads addressed by MPO HSIP Targets:** HSIP targets cover all public roadways within the metropolitan planning area boundary regardless of ownership or functional classification, just as State HSIP targets cover all public roads in the State.

## How do MPOs with multi-State boundaries establish HSIP targets?

MPOs with multi-State boundaries must coordinate with all States involved. If an MPO with multi-State boundaries chooses to support a State HSIP target, it must do so for each State. For example, an MPO that extends into two States would agree to plan and program projects to contribute to two separate sets of HSIP targets (one for each State). If a multi-State MPO decides to establish its own HSIP target, the MPO would establish the target for the entire metropolitan planning area.

## When do MPOs need to establish these targets?

States establish HSIP targets and report them for the upcoming calendar year in their HSIP annual report that is due August 31 each year. MPOs must establish HSIP targets within 180 days of the State establishing and reporting its HSIP targets. Since FHWA deems the HSIP reports submitted on August 31, MPOs must establish HSIP targets no later than February 27 of each year.

Top 5 Things to Know about MPO HSIP Safety Performance Targets	
✓	All MPOs must set a target for each of the 5 HSIP Safety Performance Measures
✓	MPOs may adopt and support the State's HSIP targets, develop their own HSIP targets, or use a combination of both
✓	MPOs must establish their HSIP targets by February 27 of the calendar year for which they apply
✓	MPO HSIP targets are reported to the State DOT
✓	MPO HSIP targets are not annually assessed for significant progress toward meeting targets; State HSIP targets are assessed annually

## Where do MPOs report targets?

While States report their HSIP targets to FHWA in their annual HSIP report, MPOs do not report their HSIP targets directly to FHWA. Rather, the State(s) and MPO mutually agree on the manner in which the MPO reports the targets to its respective DOT(s). MPOs must include baseline safety performance, HSIP targets and progress toward achieving HSIP targets in the system performance report in the MTP.

Whether an MPO agrees to support a State HSIP target or establishes its own HSIP target the MPO would include in the MTP a systems performance report evaluating the condition and performance of the transportation system with respect to the safety performance targets described in the MTP including progress achieved by the MPO in achieving safety performance targets

## Assessment of Significant Progress

While FHWA will determine whether a State DOT has met or made significant progress toward meeting HSIP targets, it will not directly assess MPO progress toward meeting HSIP targets. However, FHWA will review MPO performance as part of ongoing transportation planning process reviews including the Transportation Management Area certification review and the Federal Planning Finding associated with the approval of the Statewide Transportation Improvement Program.



## **Item Number 6A**

### **Business Items & Presentations Approval of MPO LRTP Horizon Year of 2045**

#### **DISCUSSION:**

Each cycle of MPO Long Range Transportation Plans (LRTPs), the Florida MPOs agree upon a unified set of financial guidelines. Among these common items is the establishing of a universal horizon year which is used by Florida DOT to build revenue projections for future years out to a specific year, in this case the year proposed by the Staff Directors is 2045.

The Policy and Technical Committee met on July 13<sup>th</sup> and reviewed other elements of the Financial Guidelines for Florida MPO Long Range Plans. They may be bringing forward additional, agreed upon, financial details for all MPOs to utilize in their LRTPs

#### **STAFF DIRECTORS RECOMMENDATION:**

Approval of 2045 as the horizon year for next cycle of Florida LRTPs. MPOs may extend their LRTP beyond the 2045 year if desired.

#### **POLICY AND TECHNICAL COMMITTEE RECOMMENDATION:**

The MPOAC Policy and Technical Committee met on July 13<sup>th</sup>, their recommendations if any, will be presented to the Governing Board.

#### **REQUESTED ACTION:**

Approval of 2045 as the horizon year for next cycle of Florida LRTPs. MPOs may extend their LRTP beyond the 2045 year if desired.

#### **ATTACHMENT:**

None



## **Item Number 6B**

### **Business Items & Presentations 2018 Proposed Legislative Policy Positions**

#### **DISCUSSION:**

The 2018 Legislative Session will be starting in January. Legislative committees will begin meeting prior to the general session and in order for MPOAC to have adopted policy positions available for distribution prior to the start of legislative committee meetings, the MPOAC Governing Board will need to formally adopt a platform of positions at the July 19<sup>th</sup> meeting.

The proposed 2018 policy positions are the same as the 2017 policy positions with a few minor word changes.

#### **STAFF DIRECTORS RECOMMENDATION:**

Adoption of the policy positions as presented in the attachment.

#### **REQUESTED ACTIONS:**

Adoption of the proposed 2018 policy positions as presented in the attachment.

#### **ATTACHMENTS:**

Draft 2018 MPOAC Legislative Policy Positions



# FLORIDA METROPOLITAN PLANNING ORGANIZATION ADVISORY COUNCIL

## 2018 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.

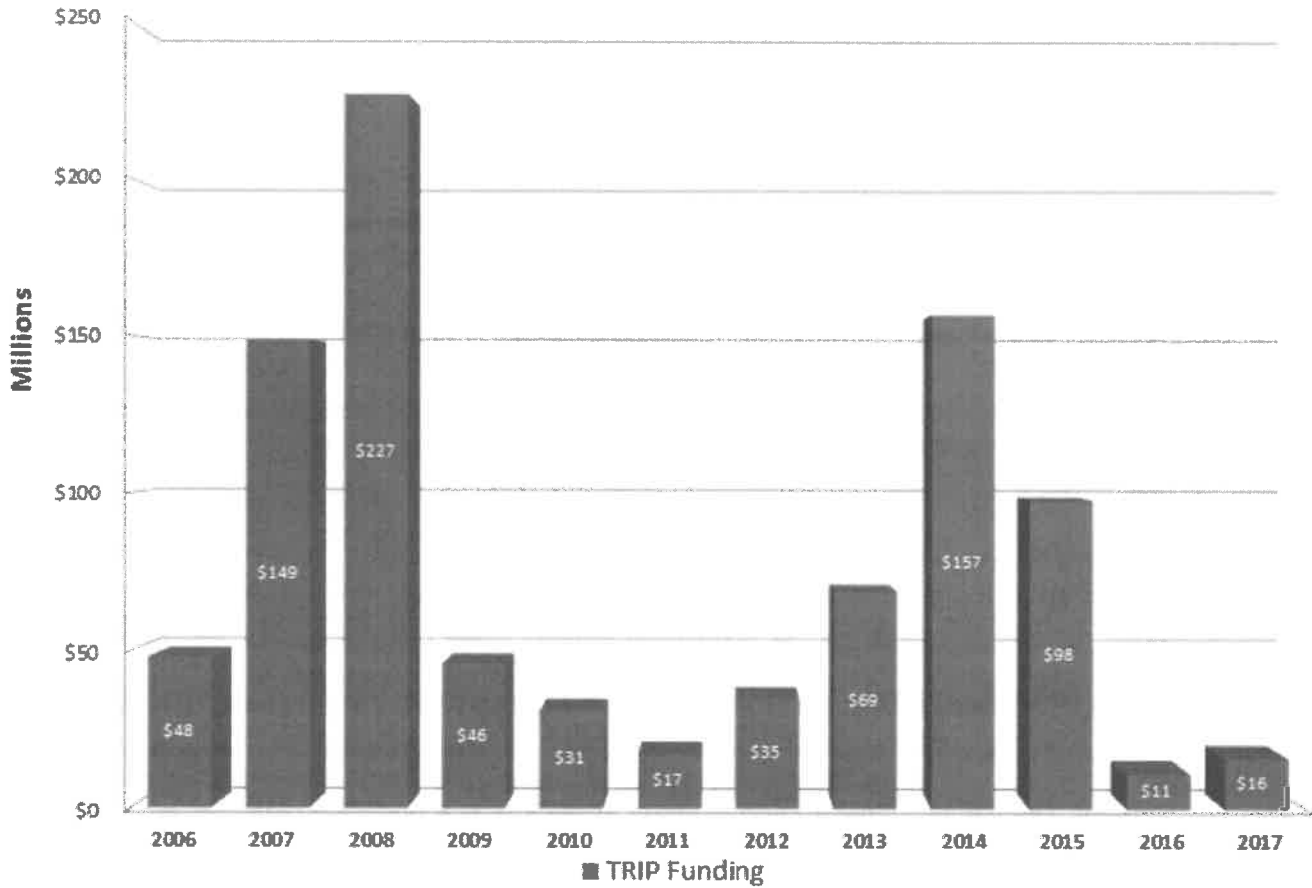
#### Key Recommendations:

- 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.
2. Regulates distracted driving as a *primary* offense by prohibiting 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, 2015, 2016 and 2017 Florida Legislatures underscored the severity of distracted driving by considering bills that would have substantially increased the penalty for distracted driving. This legislative proposal would seek to strengthen the enforcement mechanism for the texting while driving ban by making it a primary offense.

- Restores funding to 2007 levels for the Transportation Regional Incentive Program (TRIP). The TRIP leverages state documentary stamp tax proceeds to promote regional planning and project development by providing state matching funds for improvements to regionally significant transportation facilities identified and prioritized by regional partners. This proposal seeks to restore TRIP funding by reducing diversions of documentary stamp proceeds for non-transportation purposes.

**Transportation Regional Incentive Program (TRIP) Funding**



## Additional Policy Positions

### *The MPOAC supports State Legislation that:*

4. 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.

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.

6. 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.



## **Item Number 6C**

### **Business Items & Presentations**

#### **Recommendations from the MPOAC Policy and Technical Committee**

#### **DISCUSSION:**

The MPOAC Policy and Technical Committee held a meeting on July 13<sup>th</sup> in Orlando, FL. The meeting and any recommendations from the meeting occurred after the meeting package was printed and mailed out to the MPOAC Governing Board. Any recommendations of this group will be presented at the meeting. The agenda for the MPOAC Policy and Technical Committee included the following:

Call to Order

Public Comments

Development of MPOAC Priorities for the USDOT Policy Guidance Review and Federal Infrastructure Bill

Development of MPOAC Financial Guidelines for LRTPs

Implementation of Performance Measures by Florida MPOs

Member Comments

#### **POLICY AND TECHNICAL COMMITTEE RECOMMENDATION(S):**

Any recommendations of the committee will be presented at the MPOAC Governing Board Meeting.

#### **REQUESTED ACTIONS:**

To be determined.

#### **ATTACHMENT:**

None



## **Item Number 6D**

### **Business Items & Presentations US 27 Multi-Modal Corridor Study**

#### **DISCUSSION:**

Numerous studies have been undertaken regarding the potential of the US 27 multimodal (truck and rail) freight corridor between Miami and Lake Okeechobee and beyond, the most recent being the FDOT PACE study in 2013. The Treasure Coast Regional Planning Council, in partnership with stakeholders, is seeking to reinvigorate exploration of this project to provide a new route between Miami and Orlando.

#### **REQUESTED ACTIONS:**

None – Discussion and action as desired.

#### **ATTACHMENT:**

None



## **Item Number 7**

### **Communications**

#### **DISCUSSION:**

Comments or recommendations by MPOAC members

#### **REQUESTED ACTION:**

As may be desired.

#### **ATTACHMENT:**

Letter from USDOT, Office of the Secretary of Transportation to Carl Mikyska.



6/30/17  
BM



**U.S. Department  
of Transportation**

Under Secretary for Policy

1200 New Jersey Avenue, SE  
Washington, DC 20590

Office of the Secretary  
of Transportation

June 23, 2017

Mr. Carl J. Mikyska  
Executive Director  
Florida Metropolitan Planning Organization  
Advisory Council  
605 Suwannee Street, MS 28B  
Tallahassee, FL 32399

Dear Mr. Mikyska:

Thank you for your letter on behalf of the Florida Department of Transportation's application for the Northeast Florida Freight Rail Program under the Nationally Significant Freight and Highway Projects (NSFHP) grant program, also known as FASTLANE. We appreciate knowing of your support for this project.

We understand that the NSFHP is an important part of the Fixing America's Surface Transportation (FAST) Act of 2015, and we intend to award grants with funds appropriated in the Fiscal Year 2017 omnibus appropriations bill. Since taking office, however, we have been working to better align grant programs with the President's vision for rebuilding the Nation's infrastructure, and we expect to issue a Notice of Funding Opportunity (NoFO) very soon.

Again, thank you for your interest in this program.

Sincerely,

Maria Lefevre  
Executive Director



## **Item Number 8**

### **Member Comments**

#### **DISCUSSION:**

Comments or recommendations by MPOAC members.

#### **REQUESTED ACTION:**

As may be desired.

#### **ATTACHMENT:**

None



## **Item Number 9**

### **Adjournment**

The next meeting of the MPOAC Governing Board will be held on Tuesday, November 7th, 2017 in Panama City Beach, FL. We will be meeting in conjunction with the Emerald Coast Transportation Symposium which will held at:

Bay Point Resort  
4114 Jan Cooley Drive  
Panama City Beach, FL 32408

