



MPOAC

The Florida Metropolitan Planning Organization Advisory Council

Commissioner Nick Maddox
Chair

MPOAC Governing Board Meeting

Date: Thursday, January 27, 2022
Time: 3:00 p.m. – 5:30 p.m.
Location: Florida Hotel
1500 Sand Lake Road, Orlando, FL 32809
Legacy North Ballroom

GoToMeeting Link: <https://global.gotomeeting.com/join/592746253>
Call in Using your Phone: United States: [+1 \(872\) 240-3412](tel:+18722403412)
Access Code: 592-746-253

Commissioner Nick Maddox, Presiding

- 1. Call to Order & Pledge of Allegiance**
- 2. Remarks from Secretary Kevin Thibault**
- 3. Approval of Minutes: October 28, 2021 Meeting**
- 4. Public Comments (non-agenda items)**
- 5. Executive Director's Report**
 - A. The First 47 Days**
 - B. OIG Investigation/Budget Report**
 - C. Legislative Update**
 - D. MPOAC Meeting Survey Results**
- 6. Agency Reports**
 - A. Florida Department of Transportation**
 - B. Federal Highway Administration**
 - C. Federal Transit Administration**
- 7. Business Items & Presentations**
 - A. Joint Presentation of the Federal Infrastructure Bill (FDOT/FHWA)**
 - B. MPOAC Documents Reviews**
 - a. MPOAC General Counsel Contract**
 - b. Draft MPOAC UPWP**

c. MPOAC Bylaws Review

C. Mileage-Based User Fee Alliance (MBUFA) Discussion

D. MPOAC Future Direction

E. Election of Officers

8. Communications

9. Member Comments

10. Adjournment

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 Mark Reichert at (850) 414-4062 or by email to mark.reichert@dot.state.fl.us.

Item Number 1

Call to Order & Pledge of Allegiance

DISCUSSION:

The Chair will open the meeting and a quorum will be determined. All are asked to rise for the Pledge of Allegiance.

REQUESTED ACTION:

None requested.

ATTACHMENT:

None.

Item Number 2

Remarks from Secretary Kevin Thibault

DISCUSSION:

Secretary Thibault will address the Governing Board on key issues, including but not limited to, the 2022 Legislative Session, Federal Transportation reauthorization, partnership building, etc.

REQUESTED ACTION:

None requested.

ATTACHMENT:

None.

Item Number 3

Approval of Minutes: October 28, 2021

DISCUSSION:

Review and comments from members.

REQUESTED ACTION:

Approval of Meeting Minutes from the October 28, 2021 meeting of the MPOAC Governing Board Meeting.

ATTACHMENT:

October 28, 2021 MPOAC Governing Board Meeting Minutes.

**Florida MPO Advisory Council
Meeting of the Governing Board
October 28, 2021
Orlando, Florida
Draft Meeting Minutes**

Governing Board Members in Attendance:

IN-PERSON (GOVERNING BOARD – A TOTAL OF 13 WITH 9 MAKING AN IN-PERSON QUORUM):

Commissioner Nick Maddox, Capital Region TPA, Chair
Commissioner Sandy Johnson, Broward MPO
Commissioner James Herston, Charlotte County-Punta Gorda MPO
Commissioner Robert Bender, Florida-Alabama TPO
Commissioner Karen Seel, Forward Pinellas
Councilmember Fred Forbes, Lee County MPO
Commissioner Mayra Uribe, MetroPlan Orlando
Mayor Dick Ryneerson, Okaloosa-Walton TPO
Commissioner Phillip Walker, Polk TPO
Commissioner Chris Cloudman, River to Sea TPO
Commissioner Vanessa Baugh, Sarasota/Manatee MPO
Councilmember Andrea Young, Space Coast TPO
Councilmember Stephanie Morgan, St. Lucie TPO

IN-PERSON (OTHERS):

Jeff Kramer, MPOAC Interim Director/CUTR
Paul Gougelman, MPOAC General Counsel
Tia Boyd, CUTR
Karen Brunelle, Federal Highway Administration
Romero Dill, Florida Department of Transportation
Abra Horne, Florida Department of Transportation
Paula San Gregorio, Florida Department of Transportation
Alison Stettner, Florida Department of Transportation
Erika Thompson, Florida Department of Transportation
Bryan Calteka, Broward MPO
Greg Slay, Capital Region TPA
Brandy Otero, Collier MPO
Scott Philips, Collier MPO
Don Scott, Lee County MPO
Gary Huttman, Metroplan Orlando
Nick Lepp, MetroPlan Orlando

Rob Balmes, Ocala/Marion MPO
Dawn Schwartz, Okaloosa-Walton TPO
Chandra Fredrick, Polk TPO
Colleen Nicoulin, River to Sea TPO
Dave Hutchinson, Sarasota/Manatee MPO
Peter Buchwald, St. Lucie TPO
Don Scott, Lee County MPO
Mark Reichert, Member of the Public
Yvonne Bough

VIRTUAL (GOVERNING BOARD – A TOTAL OF 3 THAT CANNOT CONTRIBUTE TO A QUORUM):

Tim Stanley, Heartland TPO
Commissioner Mary Alford, Gainesville MTPO
Commissioner Craig Estep, Lake-Sumter MPO

VIRTUAL (OTHERS):

Austin Mount, Florida-Alabama TPO
Gary Kramer, Florida-Alabama TPO
Scott Koons, Gainesville MTPO
Cathy Kendall, Federal Highway Administration
Justin Hall, Florida Department of Transportation
Dana Reiding, Florida Department of Transportation
Anna Taylor, Florida Department of Transportation
Kellie Smith, Florida Department of Transportation
Dave Muntean, Kittelson & Associates, Inc.
Daniel Crotty, Sepi, Inc.
Mary Ann Rozengard, Stokes Creative Group, Inc.’

1 CALL TO ORDER

Commissioner Nick Maddox, Chair, Capital Region TPA, called the meeting to order at 3:00 p.m. and a quorum was determined. All in attendance introduced themselves. Those attending online were then given an opportunity to introduce themselves.

Persons attending online were asked to type their questions and comments into the meeting chat box.

The meeting attendees stood for the pledge of allegiance.

A motion to allow online members to participate in the meeting due to the extraordinary circumstances of COVID-19 was made by Commissioner Robert Bender, Florida-Alabama TPO,

and seconded by Commissioner James Herston, Charlotte County-Punta Gorda MPO. The motion was approved unanimously. The motion was then rescinded because no MPOAC Governing Board members were present online at the time, though three members later joined the meeting online.

As a result, Commissioner Robert Bender, Florida-Alabama TPO, made a motion to reinstate the motion allowing online members to participate in the meeting due to the extraordinary circumstances of COVID-19. Commissioner James Herston, Charlotte County-Punta Gorda MPO, seconded. The motion carried unanimously.

2 APPROVAL OF MINUTES: JULY 29, 2021 MEETING

Commissioner Vanessa Baugh, Sarasota/Manatee MPO, moved to approve the minutes of the July 29, 2021 meeting of the MPOAC Governing Board. Commissioner James Herston, Charlotte County-Punta Gorda MPO, seconded. The motion carried unanimously.

3 PUBLIC COMMENTS

No public comments were made.

4 EXECUTIVE DIRECTOR'S REPORT

• UPWP REPORT

Item 4A, UPWP Report, was deferred to the MPOAC budget discussion under item 6B.

• LEGISLATIVE UPDATE

Mr. Kramer presented an update of federal and state legislative activity of interest to the MPOAC membership.

The legislative session starts on January 11th, 2021 and ends on March 11th, 2022, unless there are extensions. The legislative committees have begun meeting and approximately 766 bills have been submitted to date, but Mr. Kramer noted that this number is changing quickly. Previously, the number of bills typically exceeds 1000. The bills of interest to the MPOAC membership include the following:

- HB179: Photographic Enforcement of School Bus Safety
- HB 127: First Responder Roadway Safety
- HB 157 and SB 398 Companion Bill: Transportation Projects

- Modifies the language related to the State Transportation Trust Fund (STTF) that caps spending from the trust fund on public transportation project at 25% of the value of the overall STTF
- SB 426: Amends Section 339.175, F.S. to dissolve the Tampa Bay Area Regional Transit Authority (TBARTA) and the Chairs Coordinating Committee (CCC), which has been rebranded as the Sun Coast Transportation Planning Alliance (SCTPA).

The printed version of MPOAC legislative priorities has been provided here at the meeting and has been mailed to MPO offices across the state. The legislative summary from the 2021 Florida session has been posted on the MPOAC website.

The Fixing America's Surface Transportation (FAST) Act was extended on October 1st, 2021 to October 31st, 2021. Unless Congress approves an additional extension or a replacement for the FAST Act, there will be a furlough of federal employees whose positions are funded from the Highway Trust Fund (HTF) and a pause in federal funding for transportation projects that have not already been approved.

Mr. Kramer shared his email address (kramer@usf.edu) for those with questions. Questions received by Mr. Kramer regarding the legislative update will be recorded.

• HONORING STEVE DIEZ

Mr. Kramer led a brief remembrance and moment of silence for Steve Diez, former Hernando/Citrus MPO Executive Director

• THANK YOU

Mr. Kramer thanked FDOT staff, including Alison Stettner, Abra Horne, Paula San Gregorio, Romero Dill, and Erika Thompson, the MPOAC Staff Directors, and Chair Don Scott for their support during his time as the MPOAC Interim Executive Director.

5 AGENCY REPORTS

• FLORIDA DEPARTMENT OF TRANSPORTATION

Ms. Abra Horne, FDOT Metropolitan Planning Administrator, presented the FDOT Agency Report and reviewed recent FDOT activities of note for the MPOs and their partners.

Ms. Horne shared that Erika Thompson, FDOT, has assisted in scheduling the Florida Metropolitan Planning Partnership (FMPP). The meeting will be held on January 6th and 7th,

2022. Ms. Thompson is developing a preliminary list of topics for the meeting and the FDOT Office of Policy Planning (OPP) is asking for interactive ideas to include in the meeting. An email was sent to the MPO staff directors asking for topics and sharing a preliminary list of topics.

Ms. Horne discussed three upcoming projects:

- The Consolidated Planning Grant (CPG) is estimated to be completed by the end of 2021.
- The Unified Planning Work Program (UPWP) template is estimated to be completed by mid-November 2021.
- The UPWP thresholds is estimated to be completed by the end of 2021.

Ms. Horne shared that later in the meeting she will provide an update on FDOT actions to address this year's federal planning findings and a schedule for Census information.

• FLORIDA DIVISION OF FEDERAL HIGHWAY ADMINISTRATION

Ms. Karen Brunelle, Director of Project Development, Florida Division, Federal Highway Administration (FHWA), updated the members on the activities of the Florida Division Office of FHWA and brought forward information of importance to the membership.

The statewide planning findings and approval report for 2021 were included in the meeting agenda packets. Ms. Brunelle shared that Florida was recognized for three noteworthy practices 1) partnerships, 2) public involvement, and 3) transit.

Meeting attendees were informed that there was one corrective action regarding an MPO not adopting transit safety targets, but that the MPO adopted transit safety targets at the end of September. The documentation is still under review and a letter will be sent out once the corrective action is resolved. FHWA made three recommendations, which include the following:

- 1) UPWP template, thresholds, and tracking of non-PL funds.
- 2) Improve the STIP project descriptions and timeliness when submitting the materials for the planning findings review.
- 3) More frequent all-partner communication between FHWA, MPOs, and FDOT to enhance the planning process.

Transportation Performance Measurement (TPM)

Ms. Brunelle thanked those who participated in the Target Establishment Survey and the Freight Assessment Survey. All surveys were completed on time and no extensions were needed.

Ms. Brunelle shared the following updates with meeting attendees:

- May - FHWA published updated TPM performance data.
- July - FHWA determined that the transit asset management plan (TAMP) was consistent with federal requirements.
- August - FDOT confirmed that they were going to use the National Performance Management Research Data Set (NPMRDS) for the PM2 and PM3 activities and set the 2021 safety targets at zero.
- September - FHWA determined compliance with the National Highway System (NHS) bridge condition.
- October - FHWA determined that Florida was in compliance with the Interstate System pavement condition.
- Florida TPM Training
 - Training held in October
 - Advancing TPM and Decision-Making Seminar – How to Use Data to Tell the TPM Story and Establish Targets.
 - The South Regional Assessment Management Peer Exchange.
 - Upcoming training
 - Unmanned Aircraft System (UAS) Interactive Workshop will be held virtually in November.
 - TAMP training will be held in November, December, and January.
 - The MPO Target Setting Study Peer Exchanges will be held in December.
- TPM Activities
 - The end of December is the end point for the PM2 and PM3 data collection period.
 - February 27, 2022 is the deadline for MPO action to adopt their own safety targets or accept the FDOT safety targets.

6 BUSINESS ITEMS & PRESENTATIONS

Commissioner Mayra Uribe, MetroPlan Orlando made a motion to move agenda items 6E and 6C. Councilmember Fred Forbes, Lee County MPO, seconded. The motion passed unanimously.

• MPOAC EXECUTIVE DIRECTOR SELECTION

The MPOAC Governing Board, at the July 29, 2021 meeting in Orlando, FL, delegated authority to the MPOAC Executive Committee to prepare a timeline for recruitment of an Executive Director, prepare a shortlist of candidates, conduct interviews, and recommend in order of preference, a list of finalists for MPOAC Governing Board approval. An advertisement for the MPOAC Executive Director position was posted to the State of Florida People First employment website, the MPOAC website, the AMPO website, and the NARC website on September 14, 2021 with an October 5, 2021 closing date. The Committee met

on October 11, 2021 to review 15 resumes, prepare a shortlist of candidates, and select applicants to be formally interviewed. A total of 2 candidates were interviewed on October 28, 2021. Based on resumes and interviews, the MPOAC Executive Committee identified a finalist for Governing Board approval. Mr. Don Scott, MPOAC Staff Directors' Advisory Committee Chair, presented this agenda item.

The MPOAC Staff Directors' Advisory Committee recommended approval of Mark Reichert as the MPOAC Executive Director to the MPOAC Governing Board.

Councilmember Andrea Young, Space Coast TPO, made a motion to approve Mark Reichert to be hired as the MPOAC Executive Director. Commissioner Vanessa Baugh, Sarasota/Manatee MPO, seconded. The motion passed unanimously.

Mark Reichert spoke to the group and expressed his excitement at being selected as the MPOAC Executive Director and shared his email (mreichert2101@comcast.net) with the meeting attendees.

Commissioner Maddox, Chair, charged Mr. Reichert with creating a vision for the MPOAC moving forward. He encouraged Mr. Reichert to be innovative and encouraged the MPOAC membership in supporting the development of that vision.

The meeting attendees discussed the following:

- Shortening the legislative policy positions to streamline and improve how the MPOAC promotes its positions (funding, revenue streams, etc.).
- Increasing awareness about the MPOAC to other board members and other organizations.
 - Promoting the MPOAC as the experts and leaders in transportation.
 - Using memberships to support common goals and garner support for the MPOAC's stance.
 - Emphasizing the importance of commonality and comradery between organizations with overlapping goals and interests.

Commissioner Maddox discussed the MPOAC strategic plan, highlighting the need for the meeting agendas to mirror the strategic plan and aligning with the strategic plan priorities. He encouraged the Governing Board members to consider what needs to be changed, how the MPOAC can be innovative, and how it can reach the established goals in 3-5 years.

- FUTURE MEETING LOCATION AND HYBRID MEETING OPTIONS

The MPOAC will meet four times during calendar year 2022 (January 27, April 28, July 28, and October 27). The October 2021 meeting of the MPOAC is being held at a new venue (the Renaissance Orlando Airport Hotel) to comply with state requirements to secure “green lodging” accommodations when possible. Additionally, the Staff Directors’ Advisory Committee requested that the October 2021 meeting be conducted as a hybrid meeting to accommodate members that are unable to attend due to COVID 19 precautions and to provide an alternative method for the public to attend the meeting. The MPOAC has not secured a meeting venue for the calendar year 2022 meetings. This agenda item provides members with an opportunity to express their opinions on the Renaissance Orlando Airport Hotel as a meeting venue for calendar year 2022 and to discuss the relative value of continuing a hybrid meeting format given additional costs associated with the format and the potential impact it may have on achieving a quorum. Mr. Don Scott, MPOAC Staff Directors’ Advisory Committee Chair, presented this agenda item.

The MPOAC Governing Board Members were informed that the MPOAC Staff Directors’ Advisory Committee made a motion requesting the MPOAC Executive Director find hybrid meeting formats for the 2022 MPOAC meetings.

Councilmember Fred Forbes, Lee County MPO, made a motion to approve the MPOAC Staff Directors’ Advisory Committees recommendations. Commissioner Sandy Johnson, Broward MPO, seconded. The motion passed unanimously.

- MPOAC BUDGET DISCUSSION

Ms. Alison Stettner, Director, FDOT Office of Policy Planning, presented a financial update for the MPOAC including existing contracts and a Unified Planning Work program (UPWP) and budget summary. Membership dues and continuity of operations protocols will be included in the presentation. The MPOAC procurement process will also be discussed.

Overview

Ms. Stettner explained the current structure for financial oversight, financial responsibilities of the MPOAC Governing Board, and provided a UPWP review using the new UPWP budget template currently under development. The UPWP budget template was shared with meeting attendees to reference during the presentation.

On September 1, 2021, FDOT took full financial control of the MPOAC's finances. The budget highlights shared by Ms. Stettner are as follows:

- \$332,000 was allocated for salaries.
- There are 5 existing contracts – MPOAC Interim Executive Director, general planning support, FTA 5305(d), the MPOAC Institute for Elected Officials, and legal.
- A total of 6 legal invoices were unpaid and a total of 5 planning invoices were unpaid from FY 2020-2021. Some of these invoices had accrued interest, but both the University of South Florida and the law firm of Weiss Serota waived all accrued interest. The MPOAC is now paid up to date for the planning and legal contracts.
- Several membership dues that were unpaid are now paid.
- Progress reports have been submitted. Progress report reviews are coordinated with Mr. Don Scott in his role as Chair of the Staff Directors' Advisory Committee to ensure that activities align with the expectations of the MPOAC. Once approved, invoices are submitted for payment.

The MPOAC has memberships with the following organizations:

- Association of Metropolitan Planning Organizations (AMPO) paid February 2021.
- Floridians for Better Transportation (FBT) submitted October 2021.
- Florida Public Transportation Association (FPTA) invoice due November 2021.
- Intelligent Transportation Systems of Florida (ITS – FL). Invoice due January 2022, but was not paid in 2021.
- National Association of Regional Councils (NARC) paid October 2021.
- The total cost membership dues is \$170,692.16.

Procurement

There are several contracts expiring on June 30th, 2022 and the MPOAC Interim Executive Director contract expires on December 31, 2021. Options for procurement include exempt, exempt multiple for universities and Regional Planning Councils, and request for proposals (RFPs) for a competitive contract. Ms. Stettner explained the timeline for each procurement type. The exempt schedule takes approximately 3 months and the RFP takes approximately 7 months. The Center for Urban Transportation Research (CUTR) could help with the exempt contracts, but not the RFP.

The meeting attendees were updated on the balances of each contract and contract history. Ms. Stettner recommended that the MPOAC evaluate each contract.

Courses of action need to be decided for the following:

- Procurement type
- Type of services and work
- Memberships and dues

- Financial procedures and evaluations for consultants
- Continuity of operations

Discussion

Commissioner Maddox, Chair, shared that the MPOAC Executive Committee members discussed the need for a Financial Policies and Procedures Committee. The Financial Policies and Procedures Committee will be tasked with creating a financial policies and procedures handbook. Alison Stettner, FDOT, shared that the document needed to be drafted by January and approved in April. Commissioner Maddox asked the Governing Board members and Staff Directors to email staff to volunteer for the committee.

Commissioner Vanessa Baugh, Sarasota/Manatee MPO, made a motion for the establishment of a Financial Policies and Procedures Committee including volunteers from the Staff Directors' Advisory Committee and the Governing Board, and staffed by Mark Reichert, MPOAC Executive Director with support from Allison Stettner, FDOT. The committee will draft a financial policies and procedures handbook for review and recommendation by the Staff Directors' Advisory Committee and review and approval by the MPOAC Governing Board in April 2022. Commissioner Robert Bender, Florida-Alabama TPO, seconded. The motion passed unanimously.

Commissioner Mayra Uribe, MetroPlan Orlando, made a motion for the MPOAC Executive Committee to serve as the Bylaws Committee to make any necessary changes to the bylaws. The committee will bring forth recommended changes for review and recommendation by the Staff Directors' Advisory Committee and review and approval by the MPOAC Governing Board. Councilmember Fred Forbes, Lee County MPO, seconded. The motion passed unanimously.

Alison Stettner shared that the Department will look into the financial practices and assign a liaison to monitor invoices and contracts to ensure federal and state compliance.

Don Scott shared that the MPOAC Staff Directors' Advisory Committee recommended that the MPOAC Governing Board select the exempt multiple procurement option, task the MPOAC Policy and Technical Committee with developing the needed scopes, and renew existing memberships as identified, and task the MPOAC Executive Director with providing detailed budget updates at each MPOAC meeting as a standing item.

Councilmember Fred Forbes, Lee County MPO, made a motion to approve the MPOAC Staff Directors' Advisory Committees recommendations and for the Financial Policies and Procedures Committee to discuss how to address the identified financial concerns, identify long-term solutions for the MPOAC's financial needs, and review the MPOAC procedures to

ensure that they align with the MPOAC's future vision. Commissioner Mayra Uribe, MetroPlan Orlando, seconded. The motion passed unanimously.

- **FEDERAL PLANNING FINDINGS**

Federal Highway Administration/ Federal Transit Administration (FHWA/FTA) approval of the Statewide Transportation Improvement Program (STIP) must include a finding that the process from which the STIP was developed is consistent with the provisions of federal rule related to the statewide transportation planning process. The findings from this annual assessment are contained in a summary report. The summary report accompanied a September 30, 2021 letter approving the Fiscal Year 2021/22-2024/25 STIP. The report recognized three noteworthy practices, one corrective action, and offered three recommendations for FDOT's consideration to improve the program. Ms. Abra Horne, Metropolitan Planning Administrator, FDOT Policy Planning Office, presented this item.

Corrective Action

The Public Transportation Agency Safety Plan (PTASP) final rule requires MPOs, in coordination with transit providers and the State, to set their initial transit safety targets, agree upon specific written provisions for transit safety measures with the State and public transportation providers, and include transit safety measures and targets in all Long Range Transportation Plans (LRTPs) and Transportation Improvement Programs (TIPs) after July 20, 2021. A few MPOs in the state did not meet that deadline, but have subsequently addressed this issue. As noted by Karen Brunelle as part of the FHWA agency report earlier in the meeting, the documentation is still under review and the corrective action is pending resolution until that review is completed.

Recommendations

The following recommendations and FDOT actions to implement those recommendations were presented by Ms. Horne:

- **UPWP**
 - FHWA/FTA Recommendations – Complete a template for use in the FY22 MPO UPWPs, finalize UPWP revision thresholds so that they are in place prior to implementation of the Consolidated Planning Grant (CPG) process, and continue working with Federal partners to clarify the planning funds table (PL, STBG, 5305, CMAQ, TA, etc.) to account for any funding discrepancies between the STIP and MPO TIPs.
 - FDOT Action – The UPWP template and UPWP thresholds are on target to be completed by the end of 2021. The monthly tracking sheets for PL and non-PL funds will continue to be provided.

- STIP Documentation
 - FHWA/FTA Recommendation – standardized and recurring communication between FDOT Central Office and Districts and improved coordination and information exchange between FDOT, MPOs and transit agencies, and develop a realistic schedule that allows sufficient time for review of supporting documentation for the STIP and Statewide Planning Finding.
 - FDOT Action – Monthly messages and on-line training are being put in place to improve communication between FDOT Central Office and the Districts and a new mutually agreeable schedule is being developed to allow for more time for federal review.
- Partner Communication
 - FHWA/FTA Recommendation – continued improvement communicating with all federal planning partners.
 - FDOT Action – Innovative strategies to communicate with partners are being developed, including virtual office hours for MPOs and liaisons to provide improved access to the FDOT OPP team.

Successes

The following noteworthy activities for FDOT were presented by Ms. Horne:

- Partnership – including making process improvements to address federal partner concerns and working on ways to share practice innovations through training and peer exchanges.
- Public Involvement and Outreach – FDOT coordinated with federal partners to develop a successful hybrid meeting approach
- Transit – FDOT updated TBEST (Transit Boardings Estimation and Simulation Tool), a GIS-based scenario planning tool, integrating socio-economic, land use, and transit network data.

• 2020 CENSUS UPDATE

On behalf of Mr. Joel Worrell, Transportation Data Inventory Manager, FDOT Transportation Data and Analytics Office, Ms. Abra Horne, presented information on the 2020 Census schedule and resources.

Ms. Horne provided a little background, noting that urban areas are revised every 10 years based on population counts from the decennial Census and urban boundaries are adjusted to be consistent with Census data and transportation needs. She continued by saying Census information is not released all at once, but on a schedule over a period of months/years. May 2021 was the first release of the apportionment results from the Census and August 2021 was the second release of Census data products.

Ms. Horne highlighted the following proposed changes for the 2020 Urban Areas data:

- Adoption of housing density unit threshold instead of population density with new minimum thresholds,
- Increase minimum threshold to qualify as an urban area from 2,500 people to 10,000 people or 4,000 housing units,
- Cease distinguishing between different types of urban areas,
- Refined urban area delineation for jumps, hops, and low-density areas, and
- Use worker flow data to split and adjust boundaries or adjacent urban areas.

Ms. Horne shared the estimated Census implementation timeline, which included:

- Publication of the urban area criteria final rule in Fall/Winter 2021.
- Publication of a list of qualifying urban areas (with boundaries) in Spring/Summer 2022.
- Transportation Management Area (TMA) designation in Fall 2022 and states revisit the statewide PL distribution formula before October 2022.
- MPOs adjust MPAs to include new urban area boundaries before next MTP update, after October 1, 2022, or within 4 years of new urban area boundary designation
- If identified, new MPOs designated by Governor in Spring/Summer 2023.
- New TMAs must adopt a congestion management plan and Governor approves adjusted urban area boundaries in Spring 2024.
- New MPOs adopt Long Range Transportation Plans (LRTPs) and Transportation Improvement Programs (TIPs) in Spring/Summer 2026.

Ms. Horne shared that FDOT Central Office will make tools available and share the resources posted on the FDOT Website.

7 COMMUNICATIONS

The Consolidated Planning Grant resolution transmittal was included in the agenda package.

8 MEMBER COMMENTS

No member comments were made.

9 ADJOURNMENT

The next meeting of the MPOAC Governing Board will be January 27, 2022. A meeting notice will be sent out at least one month prior to the meeting date.

Adjournment 4:19 p.m.

Item Number 4

Public Comments (non-agenda items)

DISCUSSION:

Recommendations or comments by the public.

REQUESTED ACTION:

As may be desired.

ATTACHMENT:

None.

Item Number 5

Executive Director's Report

DISCUSSION:

Mark Reichert, MPOAC Executive Director, will be providing an update of his first 47 days on the job, results of the OIG investigation, federal and state legislative activity of interest to the MPOAC membership, and the results of the MPOAC Meeting Survey.

REQUESTED ACTION:

As may be desired.

ATTACHMENTS:

Budget Report to be handed out separately
Legislative Bills Tracking Spreadsheet
MPOAC Meeting Survey Results

Florida PL Formula

Year 2003		Year 2006		Year 2013	
Off-the-top Allocations		Off-the-top Allocations		Off-the-top Allocations	
\$200,000 base to MPOAC adjusted annually for inflation, not to exceed approved operating budget \$50,000 for consultant services \$300,000 divided equally between air quality maintenance areas \$61,332 AMPO annual dues for MPOAC and the MPOs \$275,000 base for each MPO		\$270,455 base to MPOAC adjusted annually for inflation, not to exceed approved operating budget \$65,000 for consultant fees \$75,000 for MPOAC Institute \$100,000 AMPO and NARC annual dues for MPOAC and MPOs \$350,000 base for each MPO		\$332,626 base to MPOAC, not to exceed approved operating budget \$55,000 for consultant fees \$85,000 for MPOAC Institute \$134,826 AMPO and NARC annual dues for MPOAC and MPOs \$350,000 base for each MPO	
Remaining Funds		Remaining Funds		Remaining Funds	
Distributed proportionately among MPOs based on urbanized area population		Distributed proportionately among MPOs based on urbanized area population		Distributed proportionately among MPOs based on urbanized area population	
<u>Other</u>		<u>Other</u>		<u>Other</u>	
- MPOs that merge, retain base allocation \$275,000 one-time allocation for MPOs extending boundaries to include new urbanized areas - Provisions related to excess PL funds		- MPOs that merge, retain base allocation \$350,000 one-time allocation for MPOs extending boundaries to include new urbanized areas - Provisions related to excess PL funds		- MPOs that merge, retain base allocation \$350,000 one-time allocation for MPOs extending boundaries to include new urbanized areas - Provisions related to excess PL funds	

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

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2022 OPP Legislative Bill Tracking

Bill #	Related Bill(s)	Linked Bill(s)	Bill Title & Summary	Updates / Notes	Potential Impacts	FDOT Planning Commented	New to Tracking
HB 1005	SB 728 (Identical)		Advanced Air Mobility; Creates Advanced Air Mobility Study Task Force adjunct to DOT; specifies composition of task force; provides for per diem & travel expenses; specifies duties of task force; requires report to Governor & Legislature; provides for abolishment of task force.	HOUSE - On committee agenda Tourism, Infrastructure & Energy Subcommittee, 01/25/22 1:00 PM	Mobility		
SB 1434	HB 1077 (Identical)		Public Financing of Potentially At-risk Structures and Infrastructure; Providing that certain areas are at risk due to sea-level rise and structures and infrastructure within those areas are potentially at risk; providing an additional requirement for the standard for conducting a SLIP study, etc.	SENATE - On Committee agenda-- Environment and Natural Resources, 01/24/22, 3:00 pm	Resiliency		
HB 1077	SB 1434 (Identical)		Public Financing of Potentially At-risk Structures and Infrastructure; Provides certain areas are at risk due to sea level rise & structures & infrastructure within those areas are potentially at risk.	HOUSE- On committee agenda Environment, Agriculture & Flooding Subcommittee, 01/25/22 3:30 PM	Resiliency		
HB 1297			Driving Over the Speed Limit; Provides that person who drives vehicle at or above specified speed commits reckless driving; revises threshold above posted speed limit at which person in violation of certain provisions must be cited for moving violation.	HOUSE- On committee agenda Criminal Justice & Public Safety Subcommittee, 01/25/22 1:00 PM	Safety		
HB 907	SB 1038 (Similar)		Florida Seaport Transportation and Economic Development Council; Includes representative of Port Putnam as member of Florida Seaport Transportation & Economic Development Council; authorizes Putnam County to apply for grant through council for feasibility study regarding establishment of port; provides for evaluation of application; requires DOT to include study in its budget request; terminates membership of Port Putnam on council under certain circumstances.	HOUSE - On committee agenda Tourism, Infrastructure & Energy Subcommittee, 01/25/22 1:00 PM	Seaport		
CS/CS/SB 280	HB 403 (Similar)		Local Ordinances; Authorizing courts to assess and award attorney fees and costs and damages in certain civil actions filed against local governments; requiring a board of county commissioners to prepare a business impact statement before the adoption of a proposed ordinance; requiring a governing body of a municipality to prepare a business impact statement before the adoption of a proposed ordinance, etc.	SENATE - Favorable with CS/CS by-Rules; YEAS 14 NAYS 2 (Second committee reference)	Community Planning		
SB 620	CS/HB 569 (Identical)		Local Government; Authorizing certain businesses to claim business damages from a county or municipality if the county or municipality enacts or amends certain ordinances or charter provisions; authorizing businesses to recover costs and fees in a specified manner and if certain requirements are met; requiring courts to consider certain factors and follow specified guidance when assessing costs; specifying requirements for the courts in determining and awarding attorney fees; requiring attorneys and businesses to submit certain documentation relating to attorney fees, etc.	SENATE - Favorable with CS by-Appropriations; YEAS 11 NAYS 7 (Second committee reference)	Community Planning		
CS/SB 954	HB 1139 (Similar)		Energy; Revising the selection criteria for purchasing or leasing vehicles for state agency, college, or university or certain local government fleets; removing a provision requiring the use and procurement of ethanol and biodiesel fuels; requiring the Department of Management Services, before a specified date, to make recommendations to state agencies and local governments relating to the procurement and integration of electric vehicles, etc.	SENATE - Favorable with CS by Governmental Oversight and Accountability (First committee reference)	Energy		
HB 6083			Fuel Sales Tax; Removes annual indexing of fuel sales tax rates.		Funding		Added

2022 OPP Legislative Bill Tracking

Bill #	Related Bill(s)	Linked Bill(s)	Bill Title & Summary	Updates / Notes	Potential Impacts	FDOT Planning Commented	New to Tracking
CS/HB 569	SB 620 (Similar)		Business Damages Caused by Local Governments; Authorizes certain businesses to claim business damages from county or municipality if county or municipality enacts or amends certain ordinances or charter provisions; provides exceptions; requires presuit procedures; authorizes recovery of costs & fees; specifies that certain evidence relating to mediations & negotiations is inadmissible; requires courts to consider certain factors & follow specified guidance.	Passed first committee reference	Community Planning		
SB 1530	HB 1385 (Identical)		State Contracting; Requiring an agency subject to ch. 287, F.S., to require any vendor awarded a competitively solicited contract for commodities or contractual services to use certified minority, woman-owned, or veteran-owned business enterprises as subcontractors or subvendors for at least a specified minimum percentage of the contract value; requiring the Office of Supplier Diversity to commission a disparity study to review and evaluate the use of minority, woman-owned, and veteran-owned business enterprises within this state by a specified date, etc. APPROPRIATION: \$500,000		Contracts		
SB 1454	HB 1081 (Identical)		Office of the Blue Economy; Establishing the office within the Department of Economic Opportunity; defining the term “blue economy”; providing duties of the office; requiring the Office of Economic and Demographic Research to conduct a biennial evaluation of the blue economy for inclusion in a certain assessment, etc.		Economic Development		
HB 1081	SB 1454 (Identical)		Office of the Blue Economy; Establishes Office of the Blue Economy within DEO; provides duties of office; requires EDR to conduct biennial evaluation of blue economy for inclusion in certain assessment.		Economic Development		
SB 908		SB 918 (Linked)	Fees/Electric Vehicles and Plug-in Hybrid Electric Vehicles; Imposing specified additional annual flat fees on electric vehicles; imposing a license tax and an additional annual flat fee on plug-in hybrid electric vehicles; authorizing persons and entities to biennially renew vehicle registrations for electric vehicles and plug-in hybrid electric vehicles; providing for the distribution of proceeds from the additional fees, etc.		Electric Vehicle		
SB 918		SB 908 (Linked)	Electric Vehicle Charging Infrastructure; Revising a requirement for the Department of Transportation’s goals relating to mobility; requiring that certain funds be used for specified purposes relating to the Electric Vehicle Infrastructure Grant Program, beginning in a specified fiscal year; requiring the department to establish the Electric Vehicle Infrastructure Grant Program; requiring the Department of Transportation to seek programmatic federal approval for the issuance of permits and for the accommodation as a utility of the installation of electric vehicle charging stations in highway rights-of-way, etc.		Electric Vehicle	Requested	

2022 OPP Legislative Bill Tracking

Bill #	Related Bill(s)	Linked Bill(s)	Bill Title & Summary	Updates / Notes	Potential Impacts	FDOT Planning Commented	New to Tracking
HB 871	SB 914 (Identical)		Department of Highway Safety and Motor Vehicles; Requires law enforcement agencies to annually report race & ethnicity data of certain violators to DHSMV; requires motor vehicle operator to display proof of maintenance of security to law enforcement officer; extends date by which DHSMV must implement rebuilt motor vehicle inspection program; adds counties where program is implemented; prohibits DHSMV & tax collector from charging certain fees; redefines "apportionable vehicle"; revises applicability; requires licensed mobile home dealers, recreational vehicle dealers, mobile home manufacturers, & recreational vehicle manufacturers, distributors, & importers to deliver certain documents to DHSMV within certain timeframe; specifies term of certain garage liability insurance policy; requires certain commercial motor vehicles to meet certain federal requirements.	FLHSMV Legislative Priorities	FLHSMV		
SB 914	HB 871 (Identical)		Department of Highway Safety and Motor Vehicles; Requiring law enforcement agencies to annually report race and ethnicity data of certain violators to the department; deleting a precondition to a requirement that the operator of a motor vehicle display proof of maintenance of security to a law enforcement officer or certain other persons; extending the date by which the department must implement a rebuilt motor vehicle inspection program; requiring that certain commercial motor vehicles meet certain federal financial responsibility requirements, etc.	Passed first committee reference	FLHSMV Legislative Priorities		
SB 728	HB 1005 (Identical)		Advanced Air Mobility; Creating the Advanced Air Mobility Study Task Force adjunct to the Department of Transportation; specifying the composition of the task force; providing that task force members shall serve without compensation but are entitled to certain reimbursement; defining the term "VTOL aircraft"; requiring the task force to submit a certain report to the Governor and the Legislature by a specified date, etc.	Passed first committee reference	Mobility	Yes	
CS/HB 157	CS/SB 398 (Compare)		Transportation Projects; Revises amount of state revenues committed by DOT for public transportation projects; provides that document that reveals identity of potential bidder on transportation project is public record; authorizes DOT to enter into agreement with FHP to pay for work zone speed enforcement using moneys in State Transportation Trust Fund.	Passed first committee reference	Operations		
HB 1365	SB 1784 (Identical)		Road Construction; Creates Rural Roads Initiative pilot program within DOT; provides purpose; provides application & funding requirements; specifies role of DOT in distributing funds; specifies project standards; requires annual report to Legislature; requires Legislature to designate pilot program review committee; provides appropriation; revises amount of construction contract for which contractor must first be certified by DOT in order to bid on such contract. APPROPRIATION: \$20,000,000		Operations		
CS/SB 398	CS/HB 157 (Compare)		Transportation Projects; Revising the requirement for the annual commitment of State Transportation Trust Fund revenues for public transportation projects by the Department of Transportation; providing that a document that reveals the identity of a potential bidder on a transportation project is a public record; authorizing the department to enter into an agreement with the Division of Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles to pay for work zone speed enforcement using moneys in the State Transportation Trust Fund, etc.	Passed first committee reference	Operations		

2022 OPP Legislative Bill Tracking

Bill #	Related Bill(s)	Linked Bill(s)	Bill Title & Summary	Updates / Notes	Potential Impacts	FDOT Planning Commented	New to Tracking
SB 1784	HB 1365 (Identical)		Road Construction; Creating the Rural Roads Initiative Pilot Program within the Department of Transportation; providing the purpose of the pilot program; authorizing the Governor to reallocate funds under certain circumstances; revising the amount of a construction contract for which a contractor must first be certified by the department in order to bid on such contract, etc.		Operations		
SB 1786		SB 476 (Linked)	Trust Funds/Chet Smith Bike Path Trust Fund; Creating the Chet Smith Bike Path Trust Fund within the Department of Transportation; providing the purpose of the trust fund; specifying uses for the moneys in the trust fund; providing for future review and termination or re-creation of the trust fund; requiring the Chief Financial Officer to maintain the trust fund within the State Treasury for the department, etc.		Operations / Safety		
SB 674			Public Meetings During Declared States of Emergency; Providing for the suspension of certain statutory provisions during declared states of emergency for a specified timeframe; authorizing governing bodies to use communications media technology to conduct meetings during declared states of emergency; providing that certain remote participation by a governing body member in a meeting constitutes that individual's presence at such meeting and counts toward a quorum during a declared state of emergency; authorizing members of a governing body to attend certain meetings in person or through communications media technology, etc.		Public Meetings		
HB 101	SB 228 (Similar)		Resiliency Energy Environment Florida Program; Authorizes certain notices of lien to be recorded in public records of specified counties; provides that certain liens are not enforceable; revises types of items which local government or program administrator must reasonably determine before entering into assessment financing agreements with residential & nonresidential real property owners; provides additional requirements to be met by program administrators when administering REEF program for qualifying improvements on residential real properties; provides guidelines to be used by program administrators dealing with certain contractors; provides marketing & communications guidelines for use by program administrators; prohibits contractors from taking certain actions related to pricing of qualifying improvements; requires program administrators to appropriately develop & implement procedures to handle complaints & monitor contractors.		Resiliency		
SB 1252	HB 743 (Similar)		Traffic Offenses; Creating the "Vulnerable Road User Act"; providing criminal penalties for a person who commits a moving violation that causes serious bodily injury to, or the death of, a vulnerable road user; requiring the person who commits the moving violation to pay a specified fine, serve a minimum period of house arrest, and attend a driver improvement course; requiring the court to revoke the person's driver license for a minimum specified period; defining the term "vulnerable road user", etc.		Safety		
HB 6029	SB 870 (Compare)		Traffic Infraction Detectors; Repeals provisions relating to Mark Wandall Traffic Safety Program, authorization to use traffic infraction detectors, distribution of penalties, transitional implementation, & placement & installation.		Safety		

2022 OPP Legislative Bill Tracking

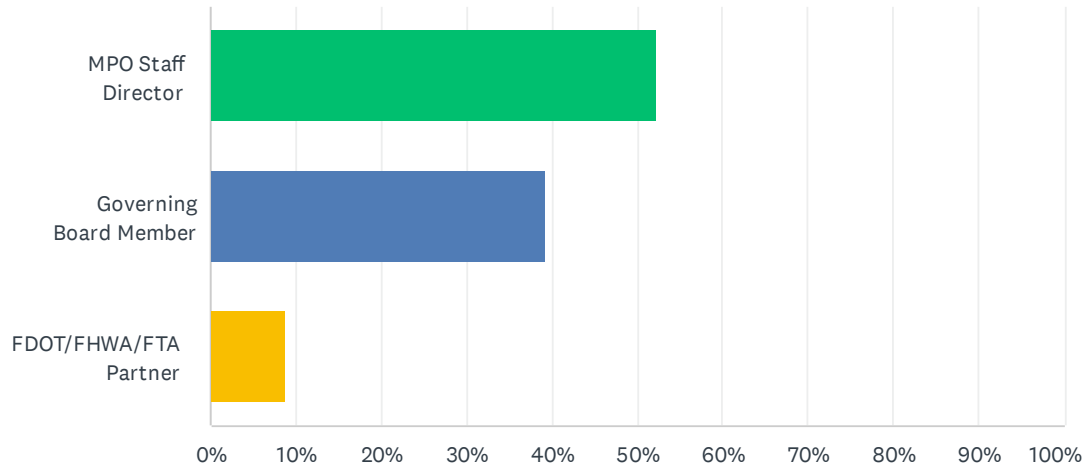
Bill #	Related Bill(s)	Linked Bill(s)	Bill Title & Summary	Updates / Notes	Potential Impacts	FDOT Planning Commented	New to Tracking
HB 189	SB 410 (Identical) HB 797 (Compare)		Photographic Enforcement of School Zone Speed Limits; Authorizes counties & municipalities to enforce school speed zones through use of speed detection systems; authorizes person who receives notification of violation to request hearing; requires counties & municipalities to pay certain funds to DOR; provides for distribution of funds; provides notification requirements & procedures; provides criminal penalties; specifies evidence that is admissible in certain proceedings; provides requirements for speed detection systems; prohibits points from being imposed against driver license for certain infractions; prohibits infractions from being used to set motor vehicle insurance rates.		Safety		
HB 127			First Responder Roadway Safety; Applies prohibition against texting while driving & prohibition against using wireless communications device in handheld manner in certain areas to motor vehicle that is stopped until authorized emergency vehicle has passed; prohibits person from operating motor vehicle while using wireless communications device in handheld manner in immediate vicinity of certain first responders; authorizes law enforcement officer to issue warnings or citations; provides that billing records or certain testimony are admissible as evidence in certain crashes; authorizes first-time offenders to participate in driving safety program; authorizes clerk of court to dismiss case & assess court costs; requires law enforcement officers to record certain information when issuing citation; requires report to DHSMV, Governor, & Legislature.		Safety		
SB 1814	HB 1303 (Similar)		Northeast Florida Regional Spaceport Authority; Creating the "Northeast Florida Regional Spaceport Authority Act"; creating the Northeast Florida Regional Spaceport Authority; specifying authority territory; providing membership requirements and terms of the authority's board of directors; authorizing the board to discontinue and shut off services and facilities under certain circumstances; providing construction relating to revenue bonds issued by the authority; providing insurance and safety program requirements; prohibiting a person or business entity from using the name of the authority without written approval, etc.		Space		
HB 1303	SB 1814 (Similar)		Northeast Florida Regional Spaceport Authority; Creates Northeast Florida Regional Spaceport Authority; provides purpose, responsibilities, powers, & duties; specifies authority territory; provides membership requirements, terms, powers, & duties of authority board of directors; provides for sovereign immunity; provides legal remedies for certain violations; provides for bond issuance, lien of pledges, & trust agreements; authorizes board to make certain investments; establishes fiscal year; provides insurance & safety program requirements; exempts authority from certain taxes; specifies authority ownership of rights to intellectual property; authorizes DOT to enter into joint participation agreement with authority for certain purposes; requires authority to develop spaceport master plan for submission to DOT & M.P.O.; authorizes DOT to participate in capital cost of certain projects.		Space		

2022 OPP Legislative Bill Tracking

Bill #	Related Bill(s)	Linked Bill(s)	Bill Title & Summary	Updates / Notes	Potential Impacts	FDOT Planning Commented	New to Tracking
SB 828	HB 1147 (Similar)		Critical Infrastructure ; Citing this act as the "Critical Infrastructure Standards and Procedures Act"; requiring that, beginning on a specified date, asset owners ensure that the operation and maintenance of operational technology comply with specified standards and practices; requiring that certain contracts for critical infrastructure meet specified minimum standards; providing requirements and procedures relating to civil actions based on cybersecurity-breach-related claims; authorizing the Department of Law Enforcement to institute appropriate legal proceedings against a business, a service provider, or another person or entity that violates the act, etc.	critical infrastructure includes public transportation as defined in S. 163.566, F.S.	Technology		
SB 426			Tampa Bay Area Regional Transit Authority ; Repealing provisions relating to the creation and operation of the authority; dissolving the authority and requiring the authority to discharge its liabilities, settle and close its activities and affairs, and provide for the distribution of the authority's assets, etc.		Transit		
SB 1098	HB 835 (Similar)		Smart Region Zones ; Authorizing a group of four or more contiguous counties to apply to Enterprise Florida, Inc., to receive designation as a smart region zone; authorizing the designated smart region zone centers of excellence and certain projects within a smart region zone to apply to Enterprise Florida, Inc., for funding; requiring smart region zone centers of excellence to submit quarterly reports containing specified information to Enterprise Florida, Inc., etc.				
HB 835	SB 1098 (Similar)		Smart Region Zones ; Authorizes contiguous group of four or more counties to apply to Enterprise Florida, Inc., to receive designation as smart region zone; provides requirements for such designation; authorizes smart region zone centers of excellence & certain projects within smart region zone to apply to Enterprise Florida, Inc., for funding; requires smart region zone centers of excellence to submit reports.				
HB 6089			Purchase of Plant Materials for Transportation Projects ; Removes provisions requiring that certain percentages of funds allocated by DOT for construction projects be used for purchase of plant materials.				

Q1 What is your current role with the MPOAC?

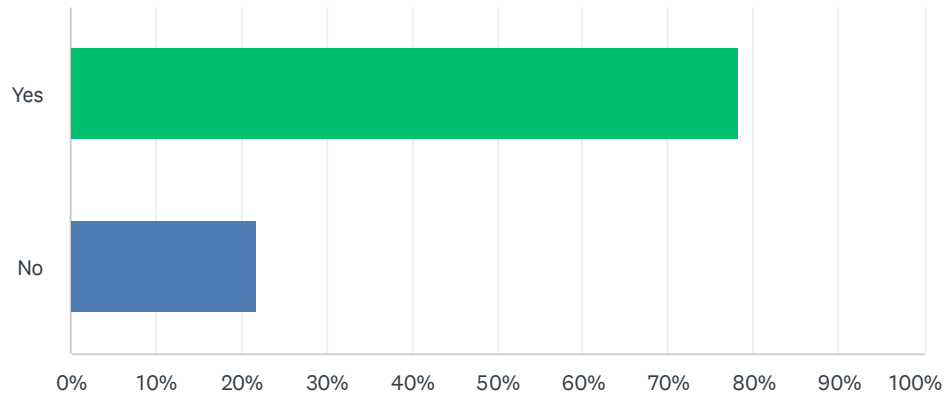
Answered: 46 Skipped: 0



ANSWER CHOICES	RESPONSES	
MPO Staff Director	52.17%	24
Governing Board Member	39.13%	18
FDOT/FHWA/FTA Partner	8.70%	4
TOTAL		46

Q2 Do you support the current meeting format of holding the Staff Directors Advisory Committee meeting and the Governing Board Meeting on the same day?

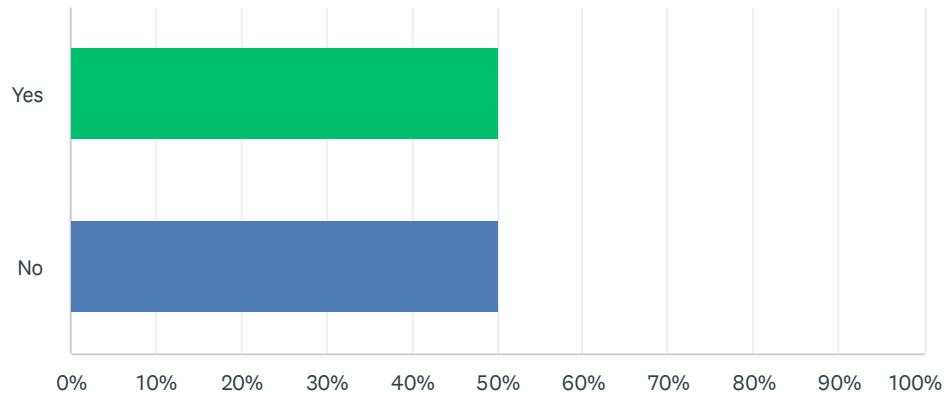
Answered: 46 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	78.26%	36
No	21.74%	10
Total Respondents: 46		

Q3 Do you support splitting the meetings over a two-day period with the Staff Directors Advisory Committee meeting being held in the afternoon of Day 1 and the Governing Board Meeting in the morning of Day 2?

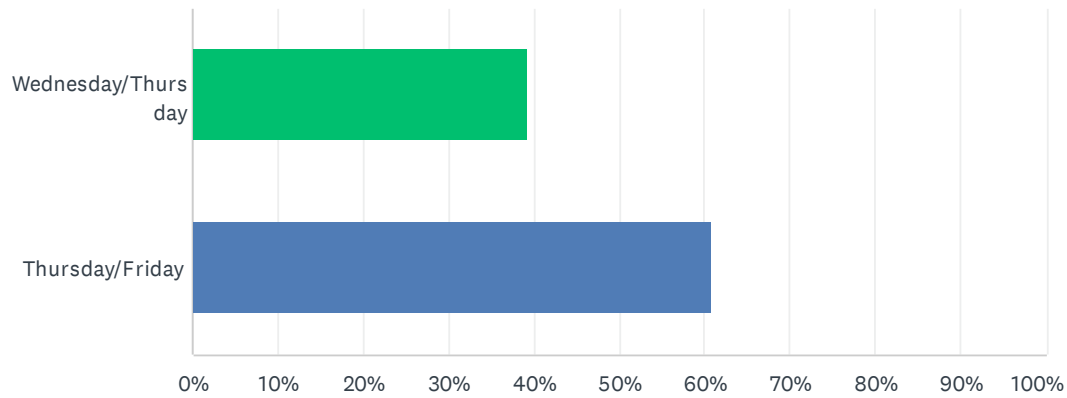
Answered: 44 Skipped: 2



ANSWER CHOICES	RESPONSES	
Yes	50.00%	22
No	50.00%	22
Total Respondents: 44		

Q4 If you support the two-day option, which format would you prefer?

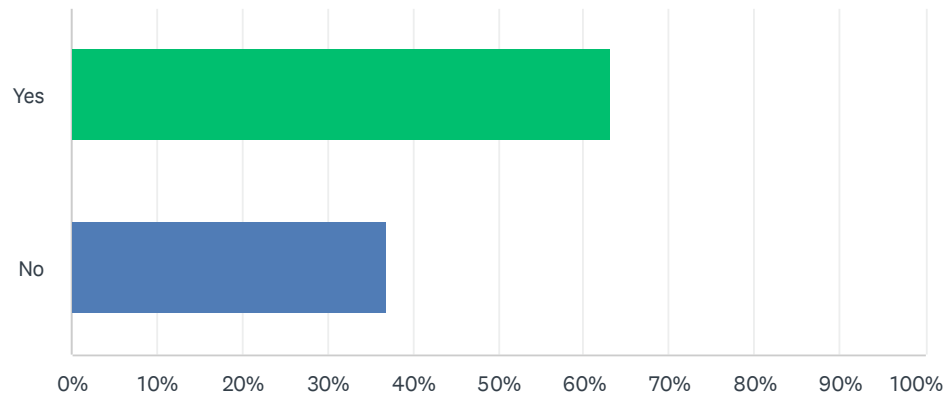
Answered: 23 Skipped: 23



ANSWER CHOICES	RESPONSES	
Wednesday/Thursday	39.13%	9
Thursday/Friday	60.87%	14
Total Respondents: 23		

Q5 Do you prefer the meetings always being held in Orlando?

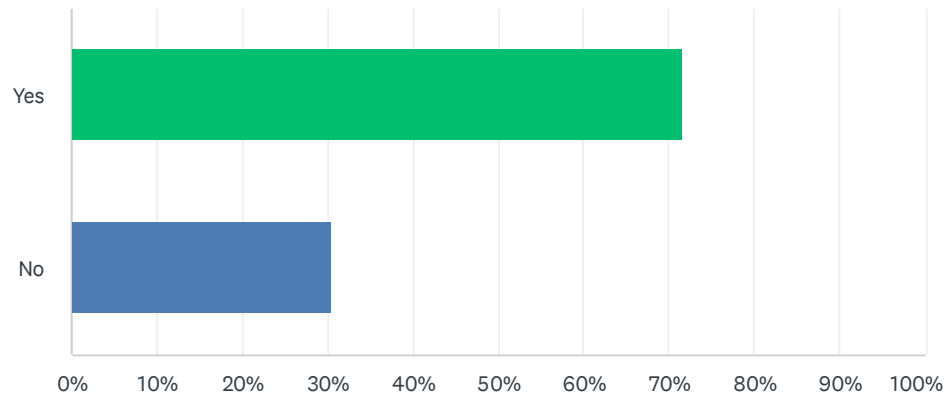
Answered: 46 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	63.04%	29
No	36.96%	17
Total Respondents: 46		

Q6 Would you be open to holding meetings in Orlando and Tampa?

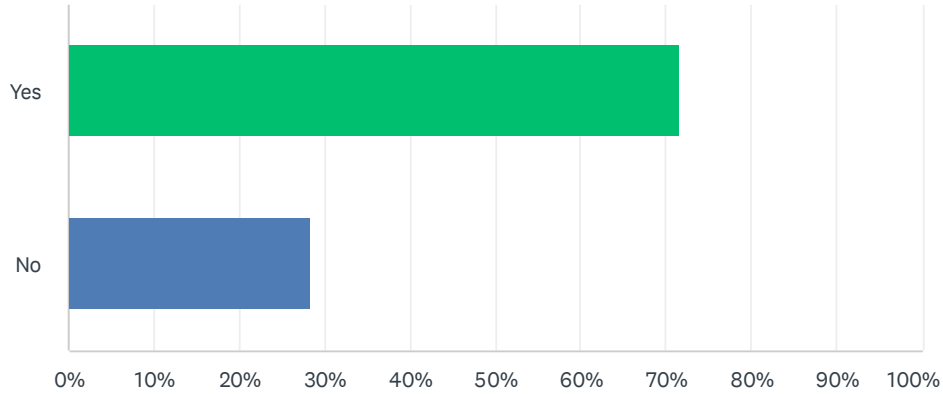
Answered: 46 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	71.74%	33
No	30.43%	14
Total Respondents: 46		

Q7 Would you be amenable to holding meetings occasionally in other locations throughout Florida?

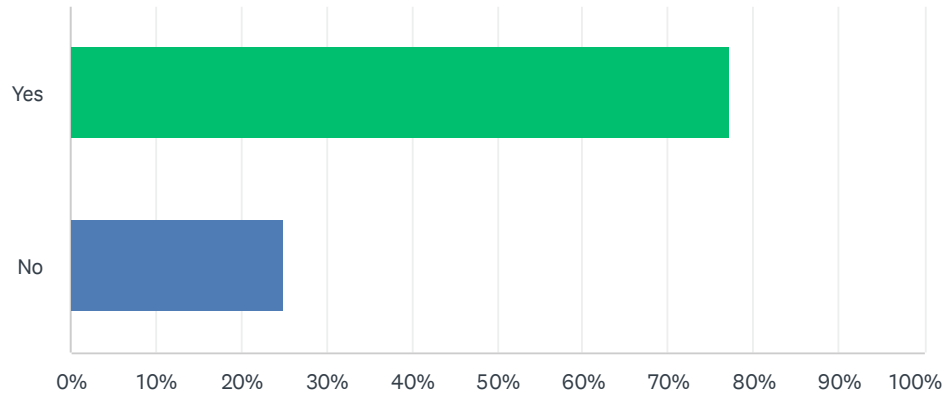
Answered: 46 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	71.74%	33
No	28.26%	13
Total Respondents: 46		

Q8 Should we try to collocate our meetings at FDOT facilities as a cost saving measure?

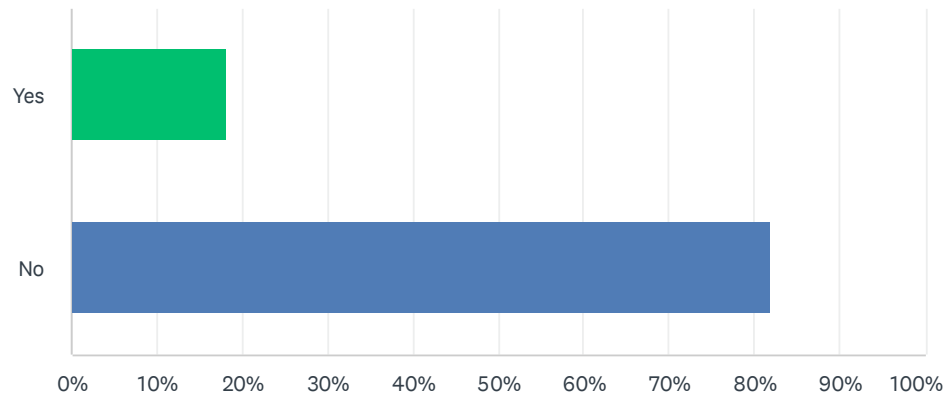
Answered: 44 Skipped: 2



ANSWER CHOICES	RESPONSES	
Yes	77.27%	34
No	25.00%	11
Total Respondents: 44		

Q9 Is holding the meetings close to an airport important to you?

Answered: 44 Skipped: 2



ANSWER CHOICES	RESPONSES	
Yes	18.18%	8
No	81.82%	36
Total Respondents: 44		

Q10 Is there another meeting structure you feel would be more conducive to meeting our needs?

Answered: 25 Skipped: 21

#	RESPONSES	DATE
1	No	12/16/2021 4:55 PM
2	The current meeting is fine. It's simple and a structure we are all familiar with. Zoom meeting would be ok in an emergency only. More gets done and conversation flows more freely in face to face meetings.	12/16/2021 12:19 PM
3	Not that I can currently think of.	12/16/2021 9:05 AM
4	Virtual meetings would be the greatest savings.	12/16/2021 9:05 AM
5	Occasional use of virtual workshops could be useful	12/16/2021 8:24 AM
6	I would also be open to staggering the staff directors and governing board meetings further apart, say by one or two weeks. This would allow for staff recommendations to be summarized and conveyed with more time to absorb.	12/15/2021 8:37 AM
7	The Staff Directors Advisory Committee Meeting and the Governing Board Meeting can be conducted from 2 to 4 weeks apart from each other as there are not a lot of items that are time sensitive that cannot be postponed to a subsequent meeting.	12/14/2021 4:27 PM
8	No	12/14/2021 11:44 AM
9	Staff in morning and Governing Board right after lunch. With it being so late in the afternoon everyone is scrambling to leave prior to rush hour. It would be better to have the meeting end by 3 instead of 5is	12/14/2021 11:27 AM
10	No	12/9/2021 9:34 PM
11	Willing to try other structures. Occasional field trip meetings have been informative.	12/9/2021 7:45 PM
12	There may be some other public meeting rooms (County, MPO) that works as well to meet as and FDOT facility.	12/9/2021 7:13 PM
13	Hybrid meeting formats to allow people from the public and to enhance participation more regionally.	12/9/2021 1:58 PM
14	No	12/9/2021 12:47 PM
15	Keeping it in a central location is ideal for all MPO's. Some of the smaller MPO's do not have the budgets to travel all around the state or fly or stay at a hotel and waste taxpayer funding and time. There is not an even playing field at all, especially for some MPO's with local funds. If it is in the body's decision to move the meetings around, a virtual option will be necessary to ensure participation when some of the smaller MPO's cannot travel.	12/9/2021 12:46 PM
16	Having and respecting a break in between meetings. Add quarterly policy committee meetings to discuss issues in detail (wouldn't be voting, so could be held remotely) and then use the traditional MPOAC meetings to take needed actions/share info presentations.	12/9/2021 10:23 AM
17	Virtual Hybrid meeting options should be standard and high quality.	12/9/2021 9:54 AM
18	Meeting in Tallahassee	12/9/2021 9:39 AM
19	Current meeting structure works fine.	12/9/2021 9:32 AM
20	Yes. I will support whatever the group decides, but I think for a statewide group such as ours, the more virtual meetings we can hold, the better. The staff director meetings in 2020 on Teams were simple and productive. How many actions does our group really need to take in a year? Do we really need to all travel to one part of the state every single quarter? How much more participation might we get if we maximize our use of virtual meetings?	12/9/2021 9:13 AM

MPOAC Meeting Poll

21	I would prefer an afternoon ExecDirector meeting and a next day morning MPO Board meeting to break it up.	12/9/2021 9:01 AM
22	I'm okay with the current meeting structure.	12/9/2021 8:59 AM
23	No	12/9/2021 8:58 AM
24	Zoom	12/9/2021 8:49 AM
25	Occasional virtual meetings would be great. Also, providing a virtual option for speakers would help	12/9/2021 8:48 AM

Q11 How do you feel about our current agenda structure?

Answered: 29 Skipped: 17

#	RESPONSES	DATE
1	It works for me	12/16/2021 4:55 PM
2	Agenda structure is fine but I would like a printed packet for each meeting. If others prefer using their device they should be able to opt out of a printed packet. Or in reverse, those who prefer the printed packet should be able to opt in and have a packet provided at the table.	12/16/2021 12:19 PM
3	Current structure works well.	12/16/2021 10:44 AM
4	It seems to work fine but I have only been on board for less than a week.	12/16/2021 9:05 AM
5	Fine	12/16/2021 9:05 AM
6	It works well, need to keep some of the agency reports short. They can go long.	12/16/2021 8:24 AM
7	It's all right. I like highlighting best practices (noteworthy practices, whatever) and getting the federal and statewide perspectives.	12/15/2021 8:37 AM
8	I find it tiring and that doesn't help my elected official.	12/14/2021 6:15 PM
9	FDOT and FHWA updates should only be conducted for the Staff Directors with the Governing Board conducting MPOAC business items and receiving informative presentations.	12/14/2021 4:27 PM
10	Action items should be first.	12/14/2021 12:28 PM
11	I like it.	12/14/2021 11:44 AM
12	It is fine	12/9/2021 9:34 PM
13	Ok.	12/9/2021 7:45 PM
14	I think we need to be identifying virtual or other options for the informational items that do not need to be voted on to free up time for stuff we need to get done with a quorum in person.	12/9/2021 7:13 PM
15	The current format is not sufficiently detailed on topic, timeframe, presenter, etc.	12/9/2021 1:58 PM
16	Ok	12/9/2021 12:47 PM
17	The current agenda is effective.	12/9/2021 12:46 PM
18	Too many items for time allotted. Some items may be needed on staff only agenda in addition to items that appear on Advisory Committee agenda.	12/9/2021 11:34 AM
19	It's a long day with little breaks. Hard to stay focused.	12/9/2021 10:23 AM
20	more time for MPO core issues, best practices from around the state,	12/9/2021 9:54 AM
21	Current agenda structure works fine.	12/9/2021 9:32 AM
22	I would like to see some flexibility in the agenda to showcase best practices.	12/9/2021 9:26 AM
23	I really like having the FDOT and FHWA update slides provided in the agenda packet - it makes them easy to share with my staff as they are relevant. I'm not sure why we can't have a ten-minute Noteworthy Practices presentation as a standing item on the agenda.	12/9/2021 9:13 AM
24	Structure of meeting is fine	12/9/2021 9:02 AM
25	I would like the agenda packets to go out earlier and would like more back-up for the agenda items, especially for the agency reports.	12/9/2021 8:59 AM
26	Ok	12/9/2021 8:58 AM
27	I like it	12/9/2021 8:49 AM

MPOAC Meeting Poll

28	✓	12/9/2021 8:49 AM
29	No opinion	12/9/2021 8:48 AM

Q12 Are there any other meeting improvements you would like to see implemented?

Answered: 24 Skipped: 22

#	RESPONSES	DATE
1	Not at this time	12/16/2021 4:55 PM
2	Better direction to the meeting site after parking in the Suntrust parking garage. Even temporary signs of MPOA meeting and an arrow would help. Wandering around the parking lot asking for directions is very frustrating for people who are not familiar with the area. I had signs made for meetings I chair and I personally place them out as drivers approach the meeting site and then I pick them up after the meeting.	12/16/2021 12:19 PM
3	Not at this time.	12/16/2021 9:05 AM
4	Not at this time	12/16/2021 9:05 AM
5	A little more enthusiasm from certain FDOT and FHWA presenters.	12/15/2021 8:37 AM
6	Less repetition in the meetings. FDOT and fhwa reports should be different at each meeting	12/14/2021 6:15 PM
7	WiFi and parking should always be free!	12/14/2021 4:27 PM
8	Continue to address the infrastructure, gas tax situation. Let's lead the nation, by coming up with a workable solution, which incorporates electric vehicles.	12/14/2021 11:44 AM
9	No	12/9/2021 9:34 PM
10	Reduce duplicate presentations when possible.	12/9/2021 7:45 PM
11	More focus on pushing for what we need to do as a group and leveraging the members we have to get there. As an example, we have been talking for years now about the gas tax and how it is not sustainable and it is not keeping up with inflation. There have been recommendations raised but we never move forward with anything of substance, besides a group of recommendations. If the MPO's that deal with long range plans does not address this then who do we think will be addressing this?	12/9/2021 7:13 PM
12	Would like to see broader participation and discussion.	12/9/2021 1:58 PM
13	No	12/9/2021 12:47 PM
14	Elimination of the wasted consultant resources to walk around the room asking everyone to individually sign in. Just pass around like every other meeting and have Chair remind people to sign.	12/9/2021 11:34 AM
15	Maintain the remote option.	12/9/2021 10:23 AM
16	1. instant polling 2. seems like there is an issue between Governing Board and Staff Directors. We don't appear to be on the same page	12/9/2021 9:54 AM
17	The continuation of the hybrid, in-person and virtual, meeting format for meeting is essential for the new "normal" way of conducting business.	12/9/2021 9:32 AM
18	If not a single meeting location, then we should rotate throughout the state. Not just Orlando and Tampa as Question 6 implies. Either one city or all cities.	12/9/2021 9:26 AM
19	Our discussions sometimes get bogged down and while it is important for everyone to have an opportunity to share their concerns, it would be helpful to have some kind of real time polling mechanism to gauge how many other MPOs have the same concern; then the chairman could make a judgment call about whether to form a temporary sub-group to look into the issue and come back with a recommendation, or just ask FDOT/FHWA to coordinate directly with the concerned MPO.	12/9/2021 9:13 AM
20	No	12/9/2021 9:02 AM

MPOAC Meeting Poll

21	The option provided was for FDOT facilities, but since this is the MPO AC, what about having MPOs host at their facilities for those that are big enough?	12/9/2021 9:01 AM
22	In the past, the MPOAC met in Tallahassee during session in the conference room/building next to the FDOT building. One time that room wasn't available and one of the staff directors (who frequents Tallahassee) made a motion to no longer have meetings during session. This was very unfortunate for those staff directors that do not often have the opportunity to go to Tallahassee.	12/9/2021 8:59 AM
23	I agree with what I heard Chair Maddox talk about and making the organization more relevant and if I understood correctly less FDOT focused.	12/9/2021 8:50 AM
24	Virtual meeting options and review by-laws to adjust for the current work climate and general conditions	12/9/2021 8:48 AM

Item Number 6A

Agency Reports – Florida Department of Transportation

DISCUSSION:

The FDOT Agency Report will review recent FDOT activities of note for the MPOs and their partners, including the UPWP timeline, Transportation Performance Measures, CPG timeline, Census timeline, Revenue Forecast timeline, Planning Emphasis Areas, and LRTP activities. Ms. Abra Horne, Metropolitan Planning Administrator, will present this item.

REQUESTED ACTION:

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

ATTACHMENT:

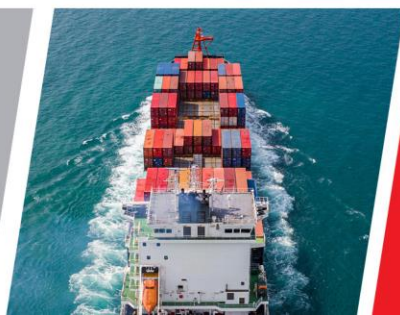
FDOT Discussion Points and Timelines Presentation



FDOT Discussion Points and Timelines

for the MPOAC

January 27, 2022



Strategic
development

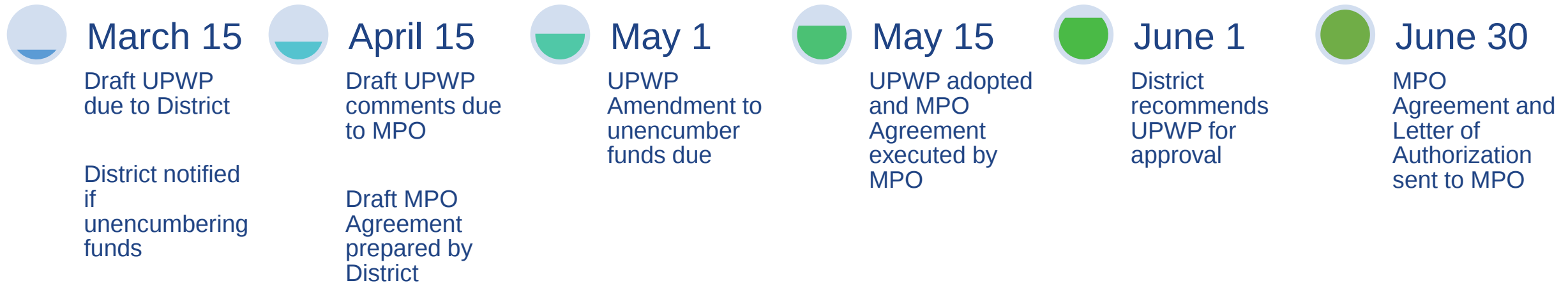
Discussion Points

- UPWP timeline
- Transportation Performance Measures (TPMs)
- CPG timeline
- Census timeline
- Revenue estimation timeline
- Incorporation of PEAs in required documents
- LRTP activities

UPWP Timeline for 2022/2023:

Date	Milestone
Early 2022	Finalize coordination with federal review team, answer questions, address comments, and release Final UPWP Template and Guidelines
January, February, March 2022	OPP and consultant team available to support MPO staff and MPO Liaisons with implementation questions
Summer/Fall 2022	Obtain feedback on UPWP development from MPO Liaisons, MPOs, and federal partners
Late 2022/2023	Add interoperability with invoice tracker tool and discuss Phase 2 improvements

UPWP Development and Approval

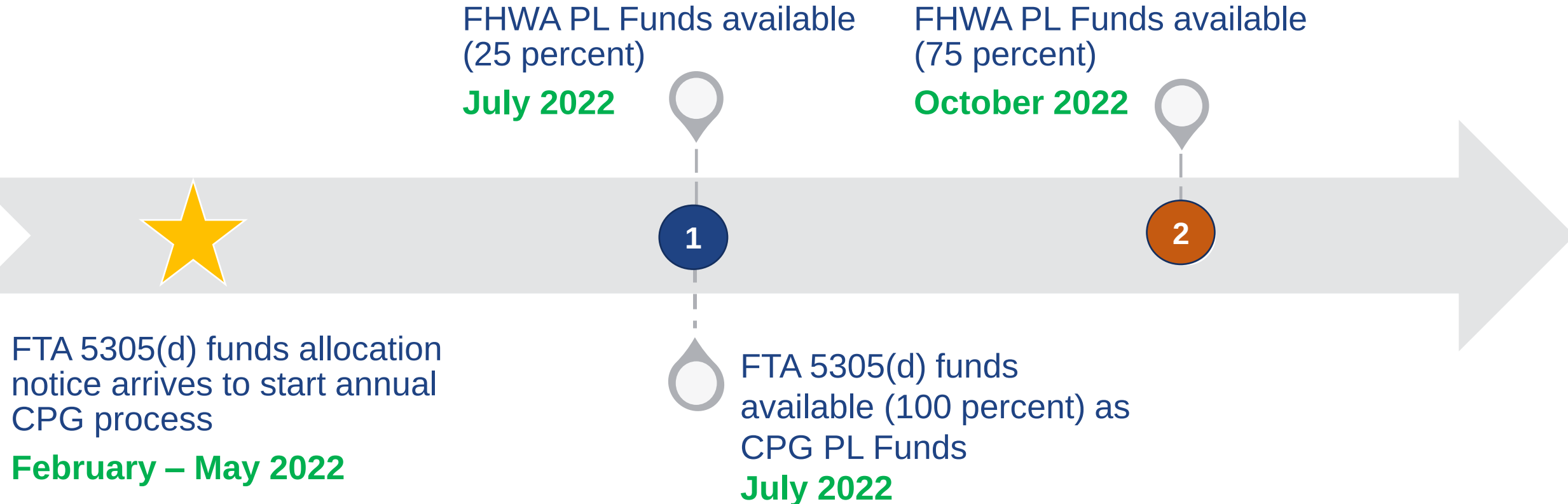


TPM Timeline for 2022/2023:

Key Dates for MPOs

Date	Milestone
February 27, 2022 (on or before)	MPOs establish CY 2022 Highway Safety (PM1) targets
July 20, 2022	Updated Public Transportation Agency Safety Plan; after this date , MPOs should reference updated transit provider targets in TIP update and formally update MPO targets as part of LRTP updates
October 1, 2022	Updated Transit Asset Management Plan; after this date, MPOs should reference updated transit provider targets in TIP update and formally update MPO targets as part of LRTP updates
February 27, 2023 (on or before)	MPOs establish CY 2023 Highway Safety (PM1) targets (not later than 180 days after FDOT action, August 31, 2022)
March 30, 2023 (on or before)	MPOs establish 4-year targets bridge /pavement (PM2) and system performance (PM3) target for the second performance period (not later than 180 days after FDOT action, October 1, 2022).

CPG Year 1 – Timeline



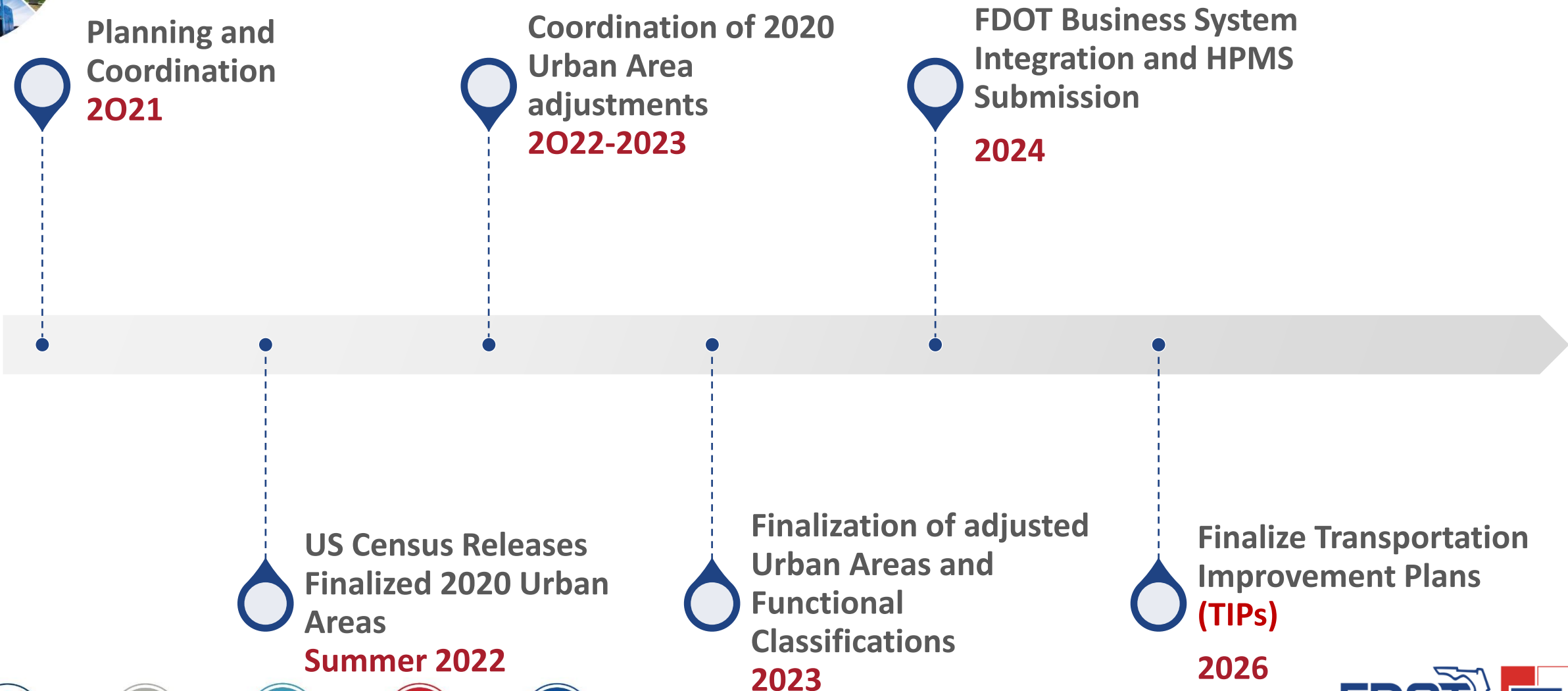
CPG Year 2 – Timeline





Major Milestones Timeline (2021-2026)

*Reference: [FHWA Schedule](#)



Estimated Census Implementation Timeline



February 2021

Census Bureau publishes proposed criteria for urban areas

Fall/Winter 2021

DELAYED

Census Bureau publishes final criteria for urban areas

Spring/Summer 2022

Census Bureau releases list of qualifying urban areas

Spring/Summer 2022

USDOT provides urban area boundaries

Fall 2022

USDOT designates TMAs

Before October 2022

FDOT revisits PL distribution formula

Source: <https://ctpp.transportation.org/wp-content/uploads/sites/57/2021/03/FHWA-Adjusted-Urban-Area-Boundaries-AUAB.pdf>



Estimated Census Implementation Timeline

Before next MTP update, after
October 1, 2022, or within 4
years of new urban area
boundary designation

MPOs adjust MPAs to include new urban area boundaries

Spring/Summer 2023

New MPOs must be designated by Governor

Spring 2024

New TMAs must have a Congestion Management Plan (CMP)

Spring 2024

Governor approves adjusted urban area boundaries

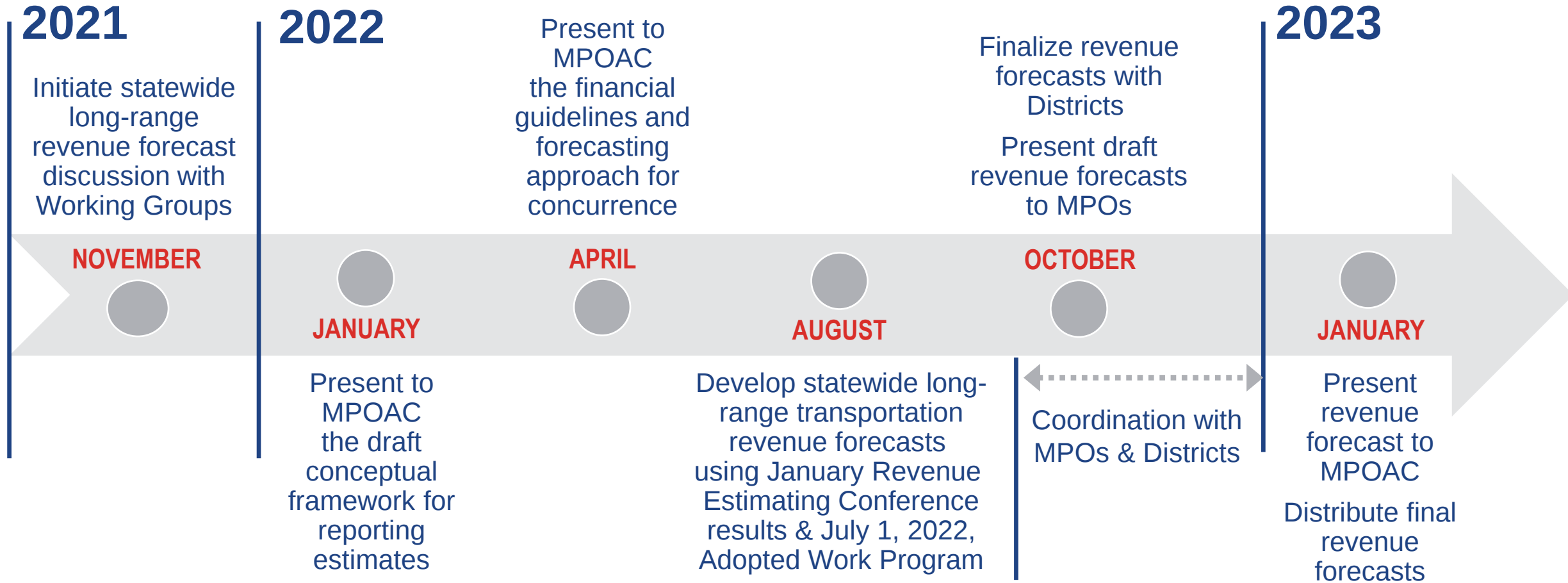
Spring/Summer 2026

New MPOs must have adopted MTPs and TIPs

Source: <https://ctpp.transportation.org/wp-content/uploads/sites/57/2021/03/FHWA-Adjusted-Urban-Area-Boundaries-AUAB.pdf>



Tentative Schedule



FDOT Planning Emphasis Areas

Safety

The FTP and Strategic Highway Safety Plan place top priority on safety, with a state target of zero traffic fatalities and serious injuries.

Resiliency

Resilience is defined as the ability to adapt to changing conditions and prepare for, withstand, and recover from disruption.

Equity

EO 13985 defines equity as the consistent and systematic fair, just, and impartial treatment of individuals.

Emerging Mobility

Advances in communication and automation technology result in new mobility options, ranging from automated and connected transport, electric vehicles, ridesharing, and micro-mobility, to flying cars and space travel.



Abra Horne

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strategic
development

Item Number 6B

Agency Reports – Florida Division of Federal Highway Administration

DISCUSSION:

Ms. Cathy Kendall, Planning Team Leader and Ms. Karen Brunelle, Director of Project Development, will update the members on the activities of the Florida Division Office of FHWA and bring forward information of importance to the membership including:

- Bipartisan Infrastructure Bill
- Proven Safety Countermeasures
- Planning Emphasis Areas (PEAs)
- TPM updates
- LRTP Fiscal Constraint Guidance

REQUESTED ACTION:

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

ATTACHMENTS:

Bipartisan Infrastructure Law Summary for Florida (BIL)
FHWA BIL Memorandum
Proven Safety Countermeasures Presentation
PEAs Letter
PEAs Comparison Matrix
Transportation Performance Management (TPM) Recent Updates
LRTP Fiscal Constraint Guidance

<https://www.fhwa.dot.gov/bipartisan-infrastructure-law/>

 U.S. Department of Transportation
Federal Highway Administration

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Funding

Technical Assistance / Local Support

Fact Sheets

Guidance

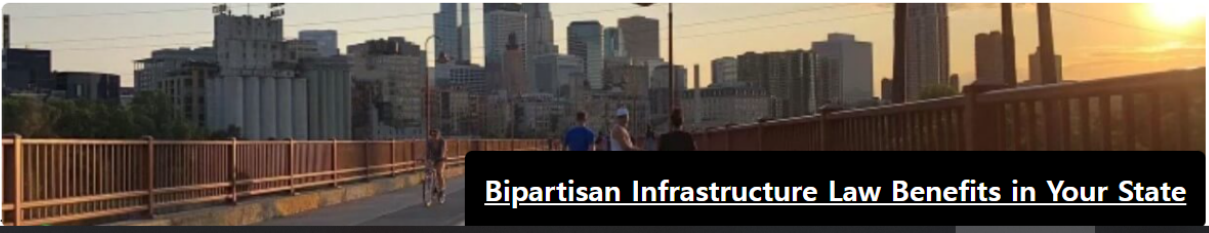
BIPARTISAN INFRASTRUCTURE LAW



On November 15, 2021, President Biden signed the [Infrastructure Investment and Jobs Act \(IIJA\)](#) (Public Law 117-58, also known as the “[Bipartisan Infrastructure Law](#)”) into law. The Bipartisan Infrastructure Law is the largest long-term investment in our infrastructure and economy in our Nation’s history. It provides \$550 billion over fiscal years 2022 through 2026 in new Federal investment in infrastructure, including in roads, bridges, and mass transit, water infrastructure, resilience, and broadband.

This website will serve as your one-stop shop for FHWA’s implementation of the Bipartisan Infrastructure Law, including everything from fact sheets and funding notices to guidance, regulations, and presentations.

The FHWA will continue to add new information to this page over the weeks and months to come.



Bipartisan Infrastructure Law Benefits in Your State



U.S. Department of Transportation
Office of Public Affairs
1200 New Jersey Avenue, SE
Washington, DC 20590
www.transportation.gov/newsroom

News

The Bipartisan Infrastructure Law Will Deliver for Florida

President Biden and Vice President Harris's Bipartisan Infrastructure Law is the largest long-term investment in our infrastructure and competitiveness in nearly a century. **The need for action in Florida is clear, and recently released state-level data demonstrates that the Bipartisan Infrastructure Law will deliver for Florida.** For decades, infrastructure in Florida has suffered from a systemic lack of investment. In fact, the American Society of Civil Engineers gave Florida a C on its infrastructure report card. The historic Bipartisan Infrastructure Law will make life better for millions of Florida residents, create a generation of good-paying union jobs and economic growth, and position the United States to win the 21st century.

Specifically, with regard to transportation, the Bipartisan Infrastructure Law will:

Repair and rebuild our roads and bridges with a focus on climate change mitigation, resilience, equity, and safety for all users, including cyclists and pedestrians. In Florida there are 408 bridges and over 3,564 miles of highway in poor condition. Since 2011, commute times have increased by 11.6% in Florida, and on average, each driver pays \$425 per year in costs due to driving on roads in need of repair. The Bipartisan Infrastructure Law is the single largest dedicated bridge investment since the construction of the interstate highway system. **Based on formula funding alone, Florida would expect to receive approximately \$13.3 billion over five years in Federal highway formula funding for highways and bridges.** On an average annual basis, this is about 26% more than the State's Federal-aid highway formula funding under current law (1). Florida can also compete for the \$12.5 billion Bridge Investment Program for economically significant bridges and \$15 billion of national funding in the law dedicated to megaprojects that will deliver substantial economic benefits to communities. Florida can also expect to receive approximately \$320 million over five years in formula funding to reduce transportation-related emissions, in addition to about \$364 million over five years to increase the resilience of its transportation system (2). States may also apply federal aid dollars towards climate resilience and safety projects.

Improve the safety of our transportation system. The Bipartisan Infrastructure Law invests \$13 billion over the Fixing America's Surface Transportation (FAST) Act levels directly into improving roadway safety. Over five years, Florida will receive approximately \$100 million in 402 formula funding for highway safety traffic programs, which help states to improve driver behavior and reduce deaths and injuries from motor vehicle-related crashes. On an average annual basis, this represents about a 29% increase over FAST Act levels (3). Local and tribal governments in Florida will also be eligible to compete for \$6 billion in funding for a new **Safe Streets for All program** which will provide funding directly to these entities to support their efforts to advance "vision zero" plans and other improvements to reduce

crashes and fatalities, especially for cyclists and pedestrians. In addition, Florida can expect to receive approximately \$103.7 million over five years in funding to augment their commercial motor vehicle (CMV) safety efforts to reduce CMV crashes through the Federal Motor Carrier Safety Administration's Motor Carrier Safety Assistance Program (MCSAP) formula grant. This represents about a 65% increase in funding compared to FAST Act levels (4). Florida will be able to apply for funds to modernize data collection systems to collect near real time data on all reported crashes, including fatal ones, to enhance safety and to allow the Department to understand and address trends as they are identified. Florida also includes communities that will be eligible to apply for grants to community owned utilities to support the repair or replacement of leaky and unsafe cast iron and bare steel natural gas distribution pipelines, some of which are over 100 years old.

Improve healthy, sustainable transportation options for millions of Americans. Floridians who take public transportation spend an extra 77.9% of their time commuting and non-White households are 3.5 times more likely to commute via public transportation. 16.1% of transit vehicles in the state are past useful life. **Based on formula funding alone, Florida would expect to receive about \$2.8 billion over five years under the Bipartisan Infrastructure Law to improve public transportation options across the state (5). In the first year, this represents about a 33% increase over 2021 FAST Act formula transit funding levels.**

Build a network of EV chargers to facilitate long-distance travel and provide convenient charging options. The U.S. market share of plug-in electric vehicle (EV) sales is only one-third the size of the Chinese EV market – in 2020, plug-in electric vehicles made up only 2.3% of new car sales in the U.S., compared to 6.2% in China. The President believes that must change. The law invests \$7.5 billion to build out the first-ever national network of EV chargers in the United States and is a critical element in the Biden-Harris Administration's plan to accelerate the adoption of EVs to address the climate crisis and support domestic manufacturing jobs. **Under the Bipartisan Infrastructure Law, Florida would expect to receive about \$198 million over five years to support the expansion of an EV charging network in the state (6). Florida will also have the opportunity to apply for grants out of the \$2.5 billion available for EV charging.**

Modernize and expand passenger rail and improve freight rail efficiency and safety. The Bipartisan Infrastructure Law includes \$66 billion above baseline to eliminate the Amtrak maintenance backlog, modernize the Northeast Corridor, and bring world-class rail service to areas outside the northeast and mid-Atlantic. Within these totals, \$22 billion would be provided as grants to Amtrak, \$24 billion as federal-state partnership grants for Northeast Corridor modernization, and \$12 billion for partnership grants for intercity rail service, including high-speed rail. On top of this, Florida will be eligible to compete for \$5 billion for rail improvement and safety grants and \$3 billion for grade crossing safety improvements.

Improve our nation's airports. The United States built modern aviation, but our airports lag far behind our competitors. **Under the Bipartisan Infrastructure Law, airports in Florida would receive approximately \$1.2 billion for infrastructure development for airports over five years (7).** This funding will address airside and landside needs at airports, such as improving runways, taxiways and airport-owned towers, terminal development projects, and noise reduction projects. In addition, \$5 billion in discretionary funding is available over five years for airport terminal development projects that address the aging infrastructure of our nation's airports, including projects that expand accessibility for persons with disabilities, improve access for historically disadvantaged populations, improve energy efficiency, and improve airfield safety.

State and local governments can look forward to these new & expanded competitive grant programs in the Bipartisan Infrastructure Law (BIL) anticipated to launch over the course of the next year:

- **Safe Streets for All (\$6B, new)** – This program will provide funding directly to local and tribal governments to support their efforts to advance “vision zero” plans and other improvements to reduce crashes and fatalities, especially for cyclists and pedestrians.
- **Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grants (\$15B, expanded)** – RAISE grants support surface transportation projects of local and/or regional significance.
- **Infrastructure for Rebuilding America (INFRA) Grants (\$14B, expanded)** – INFRA grants will offer needed aid to freight infrastructure by providing funding to state and local government for projects of regional or national significance. The BIL also raises the cap on multimodal projects to 30% of program funds.
- **Federal Transit Administration (FTA) Low and No Emission Bus Programs (\$5.6B, expanded)** – BIL expands this competitive program which provides funding to state and local governmental authorities for the purchase or lease of zero-emission and low-emission transit buses as well as acquisition, construction, and leasing of required supporting facilities.
- **FTA Buses + Bus Facilities Competitive Program (\$2.0B, expanded)** – This program provides competitive funding to states and direct recipients to replace, rehabilitate, and purchase buses and related equipment and to construct bus-related facilities including technological changes or innovations to modify low or no emission vehicles or facilities.
- **Capital Investment Grants (CIG) Program (\$23B, expanded)** – The BIL guarantees \$8 billion, and authorizes \$15 billion more in future appropriations, to invest in new high-capacity transit projects communities choose to build.
- **Federal Aviation Administration (FAA) Terminal Program (\$5B, new)** – This discretionary grant program will provide funding for airport terminal development and other landside projects.
- **MEGA Projects (\$15B, new)** – This new National Infrastructure Project Assistance grant program will support multi-modal, multi-jurisdictional projects of national or regional significance.
- **Promoting Resilient Operations for Transformative, Efficient, and Cost-saving Transportation (PROTECT) Program (\$8.7B, new)** – PROTECT will provide \$7.3 billion in formula funding to states and \$1.4 billion in competitive grants to eligible entities to increase the resilience of our transportation system. This includes funding for evacuation routes, coastal resilience, making existing infrastructure more resilient, or efforts to move infrastructure to nearby locations not continuously impacted by extreme weather and natural disasters.
- **Port Infrastructure Development Program (\$2.25B, expanded)** – BIL will increase investment in America’s coastal ports and inland waterways, helping to improve the supply chain and enhancing the resilience of our shipping industry. BIL overall doubles the level of investment in port infrastructure and waterways, helping strengthen our supply chain and reduce pollution.
- **5307 Ferry Program (\$150M, existing)** – BIL retains the \$30 million per year passenger ferry program for ferries that serve urbanized areas.
- **Electric or Low Emitting Ferry Program (\$500M, new)** – This competitive grant program will support the transition of passenger ferries to low or zero emission technologies.
- **Rural Ferry Program (\$2B, new)** – This competitive grant program will ensure that basic essential ferry service continues to be provided to rural areas by providing funds to States to support this service.

- **Federal Highway Administration (FHWA) competitive grants for nationally significant bridges and other bridges (\$12.5B, new)** – This new competitive grant program will assist state, local, federal, and tribal entities in rehabilitating or replacing bridges, including culverts. Large projects and bundling of smaller bridge projects will be eligible for funding.
- **FTA All Station Accessibility Program (\$1.75B, new)** – This competitive grant program will provide funding to legacy transit and commuter rail authorities to upgrade existing stations to meet or exceed accessibility standards under the Americans with Disabilities Act.
- **Charging and fueling infrastructure discretionary grants (Up to \$2.5B, new)** – This discretionary grant program will provide up to \$2.5 billion in funding to provide convenient charging where people live, work, and shop.
- **Reconnecting Communities Pilot Program (\$1B, new)** – This new competitive program will provide dedicated funding to state, local, MPO, and tribal governments for planning, design, demolition, and reconstruction of street grids, parks, or other infrastructure.
- **FHWA Nationally Significant Federal Lands and Tribal Projects (\$1.5B, expanded)** – This discretionary program provides funding for the construction, reconstruction, and rehabilitation of nationally-significant projects within, adjacent to, or accessing Federal and tribal lands. BIL amends this program to allow smaller projects to qualify for funding and allows 100% federal share for tribal projects.
- **Strengthening Mobility and Revolutionizing Transportation (SMART) Grant Program (\$1B, new)** – The SMART Grant program will be a programmed competition that will deliver competitive grants to states, local governments, and tribes for projects that improve transportation safety and efficiency.
- **Rural Surface Transportation Grant Program (\$2B, new)** – This new competitive grant program will improve and expand surface transportation infrastructure in rural areas, increasing connectivity, improving safety and reliability of the movement of people and freight, and generate regional economic growth.

- (1) *These values are estimates and may change based on updated factor data each fiscal year.*
- (2) *These values are estimates and may change based on updated factor data each fiscal year.*
- (3) *These values are estimates based on the 2020 FHWA public road mileage data for FYs 2022-2026. Formula funding amounts in FYs 2023-2026 are subject to change as a result of the annual public road mile data certified by FHWA. The 402 amounts do not include redistribution of unawarded 405 balances per 23 USC § 405(a)(8) as that information is unknown at this time. The Bipartisan Infrastructure Law specifies NHTSA must distribute the supplemental appropriations for Section 402 in “equal amounts for each fiscal year 2022 through 2026”. This analysis is subject to provisions of FY 2022-FY2026 appropriations acts.*
- (4) *These values are estimates and may change based on updated factor data each fiscal year.*
- (5) *Transit formula funding amounts are subject to changes resulting from the 2020 census or from annual transit service data reported to FTA’s National Transit Database.*
- (6) *These values are estimates and may change based on updated factor data each fiscal year.*
- (7) *Precise allocations would change each year because the formulas use current passenger boarding and cargo data, and this estimate is based on 2019 data.*

###



U.S. Department
of Transportation
**Federal Highway
Administration**

Memorandum

Subject: **INFORMATION: Policy on Using
Bipartisan Infrastructure Law
Resources to Build a Better America**

Date: December 16, 2021

From: Stephanie Pollack 
Deputy Administrator

In Reply Refer To:
HPL-1 and HCC-1

To: Associate Administrators
Chief Counsel
Chief Financial Officer
Directors of Field Services
Division Administrators

The recently enacted Bipartisan Infrastructure Law (BIL), enacted as the Infrastructure Investment and Jobs Act (IIJA), Pub. L. 117-58 (Nov. 15, 2021), will deliver generational investments in our roads and bridges, promote safety for all road users, help combat the climate crisis, and advance equitable access to transportation. The BIL also presents the Federal Highway Administration (FHWA) with a unique opportunity: to exercise our stewardship and oversight responsibilities and evolve the century-old relationship with State departments of transportation and other stakeholders in a way that takes advantage of the tools Congress has provided and prioritizes investments that align with the underlying policies evident throughout the BIL to help our states and communities Build a Better America.

This guidance is intended to serve as an overarching framework to prioritize the use of BIL resources on projects that will Build a Better America. The intent of the guidance also is to ensure that the funding and eligibilities provided by the BIL will be interpreted and implemented, to the extent allowable under statute, to encourage States and other funding recipients to invest in projects that upgrade the condition of streets, highways and bridges and make them safe for all users, while at the same time modernizing them so that the transportation network is accessible for all users, provides people with better choices across all modes, accommodates new and emerging technologies, is more sustainable and resilient to a changing climate, and is more equitable.

The BIL creates two kinds of new resources that FHWA's State, regional, Tribal and local stakeholders can use to Build a Better America:

- (1) changes to the eligibilities and policy requirements in FHWA's "legacy" apportioned programs such as National Highway Performance Program and the Surface Transportation Block Grant Program and its Transportation Alternatives set-aside; and
- (2) new programs (some formula, some discretionary grants and some a combination of the two) such as the Bridge Investment Program, National EV Charging Program, Carbon Reduction Program and PROTECT program.

FHWA will issue guidance and regulations, as appropriate, to fully implement these legislative changes and new programs and is actively soliciting stakeholder input on these matters through a just-opened [Federal Register docket](#).

Investments and projects that align with the BIL and will help Build a Better America include those that:

- improve the condition, resilience and safety of road and bridge assets consistent with asset management plans (including investing in preservation of those assets);
- promote and improve safety for all road users, particularly vulnerable users;
- make streets and other transportation facilities accessible to all users and compliant with the Americans with Disabilities Act;
- address environmental impacts ranging from stormwater runoff to greenhouse gas emissions;
- prioritize infrastructure that is less vulnerable and more resilient to a changing climate;
- future-proof our transportation infrastructure by accommodating new and emerging technologies like electric vehicle charging stations, renewable energy generation, and broadband deployment in transportation rights-of-way;
- reconnect communities and reflect the inclusion of disadvantaged and under-represented groups in the planning, project selection and design process; and
- direct Federal funds to their most efficient and effective use, consistent with these objectives.

Encouraging and Prioritizing Projects That Build a Better America

Under this Policy, FHWA will work with recipients of any Federal funds made available under title 23, United States Code to encourage and prioritize the repair, rehabilitation, reconstruction, replacement, and maintenance of existing transportation infrastructure, especially the incorporation of safety, accessibility, multimodal, and resilience features.¹ Projects to be prioritized include those that maximize the existing

¹ For purposes of this memorandum, FHWA recipients include Federal Land Management Agencies (FLMAs). In addition, Federal funds include both Federal-aid highway and Federal lands highway funds, as well as Transportation Infrastructure Finance and Innovation programs funds that are administered by the FHWA.

right-of-way for accommodation of non-motorized modes and transit options that increase safety, accessibility, and/or connectivity.

For FLMAs under the Federal lands program, FHWA will work with our Federal stakeholders to incorporate these policies into their programming policies and decisions, including asset management systems established under 23 U.S.C. 201(c)(5).

The maintenance of existing roads and highways in a state of good repair is an important tool to ensure the effective use of Federal funding while also improving transportation safety, reducing surface transportation-related greenhouse gas emissions, delivering equitable transportation options and access, and accommodating new and emerging technologies by upgrading the nation's existing infrastructure. Proper maintenance is also an affirmative responsibility of the States as required by 23 U.S.C 116. This Building a Better America Policy will help achieve these important goals. Additionally, this Policy is consistent with the Bipartisan Infrastructure Law and recently issued Presidential Executive Orders (EOs), including, EO 14008, Tackling the Climate Crisis at Home and Abroad (86 FR 7619); EO 13985, Advancing Racial Equity and Support for Underserved Communities Through the Federal Government (86 FR 7009); and EO 14030 Climate Related Financial Risk (86 FR 27967).

Prioritizing Investment in All Federal-Aid and Federal Lands Eligible Transportation Assets

FHWA staff shall emphasize to our planning and project selection and project delivery stakeholders that the resources made available under the BIL can and should be applied to modernize all eligible streets, highways, and bridges – not just those owned and operated by State departments of transportation.

Many projects funded with Federal-aid highway funds are either on the Interstate System (which constitutes just under 50,000 system miles and accounts for 25% of VMT) or the broader National Highway System (which constitutes approximately 222,000 system miles and accounts for 55% of VMT). However, there are over 1 million miles of streets and highways, which account for 85% of Vehicle Miles Travelled, that are Federal-aid highways and may benefit from BIL investments. Nationally, arterials and collectors are in poorer condition compared to the interstate highway system. BIL also expands the universe of eligible roadways for certain types of investments. For example, up to 15% of National Highway Performance Program funds may be spent on projects on Federal-aid highways (and bridges) off the National Highway System for projects that add protective features related to mitigating risk of recurring damage or the cost of future repairs from extreme weather events, flooding, or other natural disasters.

For bridges, there are over 620,000 bridges on the National Bridge Inventory (NBI), which includes all of the nation's bridges located on public roads, including Interstate highways, U.S. highways, State and county roads, as well as publicly-accessible bridges on Federal and tribal lands. All of these bridges are eligible for investments under the restored bridge formula program.

FHWA staff should encourage metropolitan planning organizations, State transportation departments, FMLAs, and other decisionmakers to direct new and expanded investments based on asset condition and need for modernization, as well as the potential for an investment or project to achieve Building a Better America objectives – rather than focusing exclusively or primarily on assets owned by States. Asset owners of all Federal-aid highways, Federal Lands highways and streets and all NBI bridges should be involved in decisions about which projects are selected for investment.

NEPA Review

FHWA staff shall emphasize to our planning and project selection and project delivery stakeholders that one advantage of focusing investment on Building a Better America projects is that they can be delivered faster because, in many cases, such projects may require only a Categorical Exclusion under FHWA's NEPA environmental review regulations, 23 CFR Part 771. For example, construction of bicycle and pedestrian lanes, paths, and facilities normally meet the FHWA and CEQ criteria for categorical exclusions and, absent unusual circumstances, do not require any further NEPA approvals by the FHWA. 23 CFR 771.117(c)(3). Similarly, street and highway modernization projects involving resurfacing, restoration, rehabilitation, or reconstruction; highway safety or traffic operations improvement projects; bridge rehabilitation and reconstruction projects; and construction of grade separation to replace existing at-grade railroad crossings will generally qualify for Categorical Exclusions. 23 CFR 771.117(c)(3)

By contrast, other types of projects necessarily require more scrutiny under NEPA. For example, highway capacity expansion projects that involve “acquisition of more than a minor amount of right-of-way or that would result in any residential or non-residential displacements” may *not* be processed as categorical exclusions. Categorical exclusions are also not available if the proposed project would:

- induce significant impacts to planned growth or land use for the area;
- have a significant impact on any natural, cultural, recreational, historic or other resource; or
- have significant impacts to travel patterns.

23 CFR 771.117(a).

FHWA staff shall encourage metropolitan planning organizations, State transportation departments, FLMAAs and other decisionmakers to consider the timeline for delivering projects and eligibility for Categorical Exclusions under NEPA as they are programming funding made available under the Bipartisan Infrastructure Law.

General Purpose Capacity Expansion Projects

This Policy prioritizes projects that move more people and freight by modernizing and increasing the operational efficiency of existing roads and highways over projects that expand the general purpose capacity of roads and highways. Consistent with this

Policy, FHWA will implement policies and undertake actions to encourage—and where permitted by law, require—recipients of Federal highway funding to select projects that improve the condition and safety of existing transportation infrastructure within the right-of-way before advancing projects that add new general purpose travel lanes serving single occupancy vehicles.

Application of this Policy does not prohibit the construction of new general purpose capacity on highways or bridges, but in most cases Federal-aid highway and Federal Lands funding resources made available through the BIL should be used to repair and maintain existing transportation infrastructure before making new investments in highway expansions for additional general purpose capacity. State transportation departments should also be mindful of their ability to transfer resources to support transit projects that may be more consistent with these priorities.

Specifically, FHWA staff shall encourage metropolitan planning organizations, State transportation departments, FLMAs and other decisionmakers and recipients of Federal-aid highway and Federal Lands funding to consider the following factors before advancing projects that result in new capacity for single occupancy vehicles:

- progress in achieving a state of good repair consistent with the State’s asset management plan under 23 U.S.C 119(e).
- how the project will support the achievement of the State’s performance targets under 23 U.S.C 150 (including any new performance targets established by FHWA); and
- whether the project is more cost-effective than both operational improvements to the facility or corridor and transit projects eligible under chapter 53 of title 49.

Additional Planned Actions

In pursuit of these important policy objectives, FHWA will adopt guidance and implement new requirements, to the extent permitted by statute, to advance this Policy on *Using Bipartisan Infrastructure Law Resources to Build a Better America*. These actions will include:

- incorporating the principles advanced in this Policy into all guidance documents issued for “legacy” apportioned programs for which the BIL includes changes in eligibility or other requirements;
- incorporating the principles advanced in this Policy into all guidance and regulatory documents issued for new programs created by the BIL and administered by FHWA;
- incorporating the principles advanced in this Policy into all notice of funding opportunities (NOFOs) for its allocated discretionary grant programs;
- working with the Federal Transit Administration to review and, if appropriate, propose changes to guidance or regulations governing the federally required transportation planning processes in metropolitan areas, as set forth in 49 U.S.C.

5303 and 23 U.S.C. 134, and in rural areas and on a statewide basis set forth in 49 U.S.C. 5304 and 23 U.S.C. 135;

- reviewing and, if appropriate, proposing changes to guidance or regulations governing Transportation Asset Management Plans;
- reviewing and, if appropriate, proposing changes to guidance or regulations governing relevant aspects of the NEPA process for FHWA projects;
- reviewing and, if appropriate, proposing changes to guidance or regulations governing relevant aspects of Title VI as it applies to FHWA projects; and
- improving and promoting the use of travel demand modeling to provide for more accurate forecasting of how proposed projects (including, but not limited, to projects proposing the addition of general-purpose capacity) affect travel demand and air emissions including emissions of greenhouse gases.

Conclusions

Although States and other Federal-aid recipients ultimately select projects consistent with 23 U.S.C. 145, and FLMAs consistent with 23 U.S.C. 201, this Policy will inform that decision-making. Once implemented, this Policy will help improve safety and accessibility for all road users, reduce the environmental impact of highway and bridge projects, including curtailing transportation greenhouse gas emissions that contribute to climate change, better accommodate new and emerging transportation technologies, reduce relocations and otherwise ensure that transportation agencies do not expand roadways in inequitable ways that disproportionately impact disadvantaged communities, and support the efficient and effective use of Federal funds.

Working together, we can make investments and deliver projects that upgrade the condition of streets, highways, and bridges and make them safe for all users, while at the same time modernizing them so that the transportation network is accessible for all users, provides people with better choices across all modes, is more sustainable and resilient to a changing climate, and is more equitable. FHWA is committed to increasing our level of coordination with metropolitan planning organizations, State departments of transportation and other stakeholders and decisionmakers including local and tribal governments that have not traditionally had access to needed Federal funds to ensure these goals are fully realized.

FHWA's Proven Safety Countermeasures Program

MAKING OUR ROADS SAFER

One
Countermeasure
at a Time

*28 Proven Safety Countermeasures that offer significant
and measurable impacts to improving safety*



U.S. Department of Transportation
Federal Highway Administration

ZERO IS OUR
GOAL

A SAFE SYSTEM IS HOW WE GET THERE

<https://safety.fhwa.dot.gov/>

- Program began in 2008
- FHWA promoted widespread use of certain infrastructure-oriented safety treatments.

MAKING OUR ROADS SAFER

One
Countermeasure
at a Time



- Updated countermeasures in
 - 2012
 - 2017
 - 2021
- 28 current countermeasures

Proven Safety Countermeasures

These strategies are designed to enhance safety on all kinds of roads—from rural to urban, from high-volume freeways to less traveled two-lane State and county roads, from signalized crossings to horizontal curves, and everything in between.



The cumulative list is diverse and broad to successfully address:

- ✓ speed management
- ✓ intersections
- ✓ roadway departures
- ✓ pedestrians/ bicyclists
- ✓ crosscutting strategies

Speed Management

SPEED MANAGEMENT



Speed Safety
Cameras



Variable Speed Limits



Appropriate Speed
Limits for All Road
Users

Intersections

INTERSECTIONS



Backplates with
Reflective Borders



Corridor Access
Management



Left- and Right-Turn
Lanes at Two-Way
Stop-Controlled
Intersections



Reduced Left-Turn
Conflict Intersections



Roundabouts



Systemic Application
of Multiple Low Cost
Countermeasures at
Stop-Controlled
Intersections



Yellow Change
Intervals

Pedestrians/ Bicyclists

PEDESTRIAN/BICYCLIST



Crosswalk Visibility Enhancements



Bicycle Lanes



Rectangular Rapid Flashing Beacons



Leading Pedestrian Interval



Medians and Pedestrian Refuge Islands in Urban and Suburban Areas



Pedestrian Hybrid Beacons



Road Diets (Roadway Reconfiguration)



Walkways

Roadway Departures

ROADWAY DEPARTURE



Wider Edge Lines



Enhanced Delineation
for Horizontal Curves



Longitudinal Rumble
Strips and Stripes



SafetyEdgeSM



Roadside Design
Improvements at
Curves



Median Barriers

Crosscutting Strategies

CROSSCUTTING



Pavement Friction
Management



Lighting



Local Road Safety
Plans



Road Safety Audits

Proven Safety Countermeasures Tool

PROVEN SAFETY
COUNTERMEASURES
(PSC) TOOLS NEW



[FILTER TOOL »](#)

Filter countermeasures by focus area, crash type, problem identified, and area type.



SEARCH PSCs

Search

What is the functional classification of the roadway?

- ☐ Freeway
- ☐ Highway
- ☐ Arterial
- ☐ Collector
- ☐ Local

Which focus area is being addressed?

- ☐ Roadway Departure
- ☐ Intersection
- ☐ Pedestrian
- ☐ Bicyclist
- ☐ Speed Management

What is vehicular volume in Average Annual Daily Traffic (AADT) along the major roadway?

- ☐ Low (<2,000)
- ☐ Medium (2,000-15,000)
- ☐ High (>15,000)

What problem is being addressed?

- ☐ Inadequate Visibility, Conspicuity, or Sight Distance
- ☐ Excessive Vehicular Conflicts
- ☐ Congestion
- ☐ Excessive Speeds
- ☐ Non-Compliance (yielding right-of-way)
- ☐ No Separation of Users
- ☐ Vulnerable Users not Considered
- ☐ Driver Inattention (distracted/drowsy)
- ☐ Driver Impairment (alcohol/drugs)

What specific crash types are being targeted at the location?

- ☐ Angle
- ☐ Left-Turn
- ☐ Right-Turn
- ☐ Rear End
- ☐ Pedestrian/Bicyclist
- ☐ Head On
- ☐ Run-Off-Road/Single Vehicle
- ☐ Sideswipe, same direction
- ☐ Sideswipe, opposite direction
- ☐ Wet
- ☐ Nighttime
- ☐ Speed-related
- ☐ Rollover
- ☐ Fixed-Object

Apply Filters

Clear Form

For More Information See FHWA's Proven Safety Countermeasures Homepage:

<https://safety.fhwa.dot.gov/provencountermeasures/index.cfm>

Kevin Burgess, FHWA FL Division Safety Engineer

Kevin.burgess@dot.gov

850-553-2229



U.S. Department of Transportation
Federal Highway Administration

ZERO IS OUR GOAL

A SAFE SYSTEM IS HOW WE GET THERE

<https://safety.fhwa.dot.gov/>



U.S. Department
of Transportation
**Federal Highway
Administration**

Office of the Administrator

1200 New Jersey Ave., SE
Washington, D.C. 20590

Federal Transit
Administration

December 30, 2021

Attention: FHWA Division Administrators
FTA Regional Administrators

Subject: 2021 Planning Emphasis Areas for use in the development of Metropolitan and
Statewide Planning and Research Work programs.

With continued focus on transportation planning the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) Offices of Planning are jointly issuing updated Planning Emphasis Areas (PEAs). The PEAs are areas that FHWA and FTA field offices should emphasize when meeting with the metropolitan planning organizations, State departments of transportation, Public Transportation Agencies, and Federal Land Management Agency counterparts to identify and develop tasks associated with the Unified Planning Work Program and the Statewide Planning and Research Program. We recognize the variability of work program development and update cycles, so we encourage field offices to incorporate these PEAs as programs are updated.

Please note that this letter is intended only to provide clarity regarding existing requirements. It is not binding and does not have the force and effect of law. All relevant statutes and regulations still apply.

Sincerely,

Nuria Fernandez
Administrator
Federal Transit Administration

Stephanie Pollack
Acting Administrator
Federal Highway Administration

Enclosure

2021 Planning Emphasis Areas:

Tackling the Climate Crisis – Transition to a Clean Energy, Resilient Future

Federal Highway Administration (FHWA) divisions and Federal Transit Administration (FTA) regional offices should work with State departments of transportation (State DOT), metropolitan planning organizations (MPO), and providers of public transportation to ensure that our transportation plans and infrastructure investments help achieve the national greenhouse gas reduction goals of 50-52 percent below 2005 levels by 2030, and net-zero emissions by 2050, and increase resilience to extreme weather events and other disasters resulting from the increasing effects of climate change. Field offices should encourage State DOTs and MPOs to use the transportation planning process to accelerate the transition toward electric and other alternative fueled vehicles, plan for a sustainable infrastructure system that works for all users, and undertake actions to prepare for and adapt to the impacts of climate change. Appropriate Unified Planning Work Program work tasks could include identifying the barriers to and opportunities for deployment of fueling and charging infrastructure; evaluating opportunities to reduce greenhouse gas emissions by reducing single-occupancy vehicle trips and increasing access to public transportation, shift to lower emission modes of transportation ; and identifying transportation system vulnerabilities to climate change impacts and evaluating potential solutions. We encourage you to visit FHWA's [Sustainable Transportation](#) or FTA's [Transit and Sustainability](#) Webpages for more information.

(See [EO 14008](#) on “Tackling the Climate Crisis at Home and Abroad,” [EO 13990](#) on “Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis.” [EO 14030](#) on “Climate-Related Financial Risk,” See also [FHWA Order 5520](#) “Transportation System Preparedness and Resilience to Extreme Weather Events,” FTA’s “[Hazard Mitigation Cost Effectiveness Tool](#),” FTA’s “[Emergency Relief Manual](#),” and “[TCRP Document 70: Improving the Resilience of Transit Systems Threatened by Natural Disasters](#)”)

Equity and Justice⁴⁰ in Transportation Planning

FHWA Division and FTA regional offices should work with State DOTs, MPOs, and providers of public transportation to advance racial equity and support for underserved and disadvantaged communities. This will help ensure public involvement in the planning process and that plans and strategies reflect various perspectives, concerns, and priorities from impacted areas. We encourage the use of strategies that: (1) improve infrastructure for non-motorized travel, public transportation access, and increased public transportation service in underserved communities; (2) plan for the safety of all road users, particularly those on arterials, through infrastructure improvements and advanced speed management; (3) reduce single-occupancy vehicle travel and associated air pollution in communities near high-volume corridors; (4) offer reduced public transportation fares as appropriate; (5) target demand-response service towards communities with higher concentrations of older adults and those with poor access to essential services; and (6) consider equitable and sustainable practices while developing transit-oriented development including affordable housing strategies and consideration of environmental justice populations.

[Executive Order 13985](#) (*Advancing Racial Equity and Support for Underserved Communities*) defines the term “equity” as the consistent and systematic fair, just, and impartial treatment of all individuals, including individuals who belong to underserved communities that have been denied such treatment, such as Black, Latino, and Indigenous and Native American persons, Asian

Americans and Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality. The term “underserved communities” refers to populations sharing a particular characteristic, as well as geographic communities, that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life, as exemplified by the list in the preceding definition of “equity.” In addition, [Executive Order 14008](#) and [M-21-28](#) provides a whole-of-government approach to advancing environmental justice by stating that 40 percent of Federal investments flow to disadvantaged communities. FHWA Division and FTA regional offices should work with State DOTs, MPOs, and providers of public transportation to review current and new metropolitan transportation plans to advance Federal investments to disadvantaged communities.

To accomplish both initiatives, our joint planning processes should support State and MPO goals for economic opportunity in disadvantaged communities that have been historically marginalized and overburdened by pollution and underinvestment in housing, transportation, water and wastewater infrastructure, recreation, and health care.

Complete Streets

FHWA Division and FTA regional offices should work with State DOTs, MPOs and providers of public transportation to review current policies, rules, and procedures to determine their impact on safety for all road users. This effort should work to include provisions for safety in future transportation infrastructure, particularly those outside automobiles.

A complete street is safe, and feels safe, for everyone using the street. FHWA and FTA seek to help Federal aid recipients plan, develop, and operate streets and networks that prioritize safety, comfort, and access to destinations for people who use the street network, including pedestrians, bicyclists, transit riders, micro-mobility users, freight delivery services, and motorists. The goal is to provide an equitable and safe transportation network for travelers of all ages and abilities, including those from marginalized communities facing historic disinvestment. This vision is not achieved through a one-size-fits-all solution – each complete street is unique and developed to best serve its community context and its primary role in the network.

Per the National Highway Traffic Safety Administration’s 2019 data, 62 percent of the motor vehicle crashes that resulted in pedestrian fatalities took place on arterials. Arterials tend to be designed for vehicle movement rather than mobility for non-motorized users and often lack convenient and safe crossing opportunities. They can function as barriers to a safe travel network for road users outside of vehicles.

To be considered complete, these roads should include safe pedestrian facilities, safe transit stops (if present), and safe crossing opportunities on an interval necessary for accessing destinations. A safe and complete network for bicycles can also be achieved through a safe and comfortable bicycle facility located on the roadway, adjacent to the road, or on a nearby parallel corridor. Jurisdictions will be encouraged to prioritize safety improvements and speed management on arterials that are essential to creating complete travel networks for those without access to single-occupancy vehicles.

Public Involvement

Early, effective, and continuous public involvement brings diverse viewpoints into the decisionmaking process. FHWA Division and FTA regional offices should encourage MPOs, State DOTs, and providers of public transportation to increase meaningful public involvement in transportation planning by integrating Virtual Public Involvement (VPI) tools into the overall public involvement approach while ensuring continued public participation by individuals without access to computers and mobile devices. The use of VPI broadens the reach of information to the public and makes participation more convenient and affordable to greater numbers of people. Virtual tools provide increased transparency and access to transportation planning activities and decisionmaking processes. Many virtual tools also provide information in visual and interactive formats that enhance public and stakeholder understanding of proposed plans, programs, and projects. Increasing participation earlier in the process can reduce project delays and lower staff time and costs. More information on VPI is available [here](#).

Strategic Highway Network (STRAHNET)/U.S. Department of Defense (DOD) Coordination

FHWA Division and FTA regional offices should encourage MPOs and State DOTs to coordinate with representatives from DOD in the transportation planning and project programming process on infrastructure and connectivity needs for STRAHNET routes and other public roads that connect to DOD facilities. According to the Declaration of Policy in 23 U.S.C. 101(b)(1), it is in the national interest to accelerate construction of the Federal-aid highway system, including the Dwight D. Eisenhower National System of Interstate and Defense Highways, because many of the highways (or portions of the highways) are inadequate to meet the needs of national and civil defense. The DOD's facilities include military bases, ports, and depots. The road networks that provide access and connections to these facilities are essential to national security. The [64,200-mile STRAHNET system](#) consists of public highways that provide access, continuity, and emergency transportation of personnel and equipment in times of peace and war. It includes the entire 48,482 miles of the Dwight D. Eisenhower National System of Interstate and Defense Highways and 14,000 miles of other non-Interstate public highways on the National Highway System. The STRAHNET also contains approximately 1,800 miles of connector routes linking more than 200 military installations and ports to the primary highway system. The DOD's facilities are also often major employers in a region, generating substantial volumes of commuter and freight traffic on the transportation network and around entry points to the military facilities. Stakeholders are encouraged to review the STRAHNET maps and recent Power Project Platform (PPP) [studies](#). These can be a useful resource in the State and MPO areas covered by these route analyses.

Federal Land Management Agency (FLMA) Coordination

FHWA Division and FTA regional offices should encourage MPOs and State DOTs to coordinate with FLMA's in the transportation planning and project programming process on infrastructure and connectivity needs related to access routes and other public roads and transportation services that connect to Federal lands. Through joint coordination, the State DOTs, MPOs, Tribal Governments, FLMA's, and local agencies should focus on integration of their transportation planning activities and develop cross-cutting State and MPO long range transportation plans, programs, and corridor studies, as well as the Office of Federal Lands

Highway's developed transportation plans and programs. Agencies should explore opportunities to leverage transportation funding to support access and transportation needs of FLMAs before transportation projects are programmed in the Transportation Improvement Program (TIP) and Statewide Transportation Improvement Program (STIP). Each State must consider the concerns of FLMAs that have jurisdiction over land within the boundaries of the State (23 CFR 450.208(a)(3)). MPOs must appropriately involve FLMAs in the development of the metropolitan transportation plan and the TIP (23 CFR 450.316(d)). Additionally, the Tribal Transportation Program, Federal Lands Transportation Program, and the Federal Lands Access Program TIPs must be included in the STIP, directly or by reference, after FHWA approval in accordance with 23 U.S.C. 201(c) (23 CFR 450.218(e)).

Planning and Environment Linkages (PEL)

FHWA Division and FTA regional offices should encourage State DOTs, MPOs and Public Transportation Agencies to implement PEL as part of the transportation planning and environmental review processes. The use of PEL is a collaborative and integrated approach to transportation decisionmaking that considers environmental, community, and economic goals early in the transportation planning process, and uses the information, analysis, and products developed during planning to inform the environmental review process. PEL leads to interagency relationship building among planning, resource, and regulatory agencies in the early stages of planning to inform and improve project delivery timeframes, including minimizing duplication and creating one cohesive flow of information. This results in transportation programs and projects that serve the community's transportation needs more effectively while avoiding and minimizing the impacts on human and natural resources. More information on PEL is available [here](#).

Data in Transportation Planning

To address the emerging topic areas of data sharing, needs, and analytics, FHWA Division and FTA regional offices should encourage State DOTs, MPOs, and providers of public transportation to incorporate data sharing and consideration into the transportation planning process, because data assets have value across multiple programs. Data sharing principles and data management can be used for a variety of issues, such as freight, bike and pedestrian planning, equity analyses, managing curb space, performance management, travel time reliability, connected and autonomous vehicles, mobility services, and safety. Developing and advancing data sharing principles allows for efficient use of resources and improved policy and decisionmaking at the State, MPO, regional, and local levels for all parties.

Planning Emphasis Areas Comparison

FHWA 2015	FDOT 2015	FDOT 2021	FHWA 2022
MAP 21 Implementation	Freight Planning	Safety	Tackling the Climate Crisis – Transition to a Clean Energy, Resilient Future
Regional Models of Cooperation	Transit Planning	Equity	Equity and Justice40 in Transportation Planning
Ladders of Opportunity	Complete Streets	Resilience	Complete Streets
	Bicycle/Pedestrian	Emerging Mobility	Public Involvement
			Strategic Highway Network (STRAHNET)/U.S. Dept. of Defense (DOD) Coordination
			Federal Land Management Agency (FLMA) Coordination
			Planning and Environmental Linkages (PEL)
			Data in Transportation Planning

Transportation Performance Management (TPM)

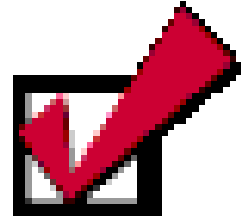
Recent Updates

January 2022



U.S. Department of Transportation
Federal Highway Administration

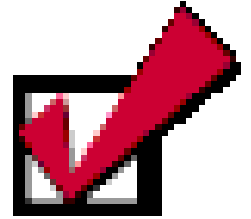
Recent TPM Activities



- November
 - FDOT Satisfied the 2021 Planning Finding Corrective Action on Transit TPM in the STIP
 - Unmanned Aircraft System (UAS) Interactive Workshop
 - MPO Target Setting Study Peer Exchange



Recent TPM Activities



- December
 - MPO TAMP Training with Representation from FDOT, MPO, and FHWA (and January)
 - Pavement Management Peer Exchange



What's New in Guidance?

- Revised TPM Timeline Posted:
<https://www.fhwa.dot.gov/tpm/rule/timeline.pdf>
 - Covers all TPM activities from 2021 through 2026
 - » Last year of the 1st performance period;
 - » The 4 years of the 2nd performance period; and
 - » The first year of 3rd performance period
 - Location name is the same – bookmarks should still work



Upcoming TPM Activities



- Feb 27: MPOs set 2021 Safety Targets
- When Updating TIPs, remember to address the HSIP Safety Target Implementation Plan
- Timber Bridge Inspection Training Under Development
 - High number – mostly D2, D3
 - Maintained by Local Agencies



Upcoming TPM Activities



- CMAQ performance measures
 - 2nd performance period measures now in effect
 - Still does not apply to FL
- Oct 1, 2022 – Full performance cycle for PM2, PM3 Complete - Baseline report due
 - Targets due to be set by FDOT for next 4 years.
 - Coordination needed with the MPOs to set targets.
 - Suggest not waiting too long for that coordination to begin.



*Whether you are a driver, passenger, or
pedestrian...*

highway safety depends on YOU.

Be observant and be adaptable to be safe.



From: [Stettner, Alison](#)
To: [marybeth.washnock@ecrc.org](#); [stuartg.browardmpo.org](#); [Slay, Greg](#); [harris@ccmpo.com](#); [McLaughlin, Anne](#); [austin.mount@ecrc.org](#); [Blanton, Whit](#); [Koons, Scott](#); [Steed, Patricia](#); [Riecse, Carlene](#); [aldenb.plancom.org](#); [Brian Freeman](#); [Woods, Michael](#); [Scott, Donald](#); [Beth Beltran](#); [ghuttman@metroplanorlando.com](#); [aileen.boucle@mdtpo.org](#); [jsheffield.northfloridatpo.com](#); [rob.balmes@marionfl.org](#); [dawn.schartz@ecrc.org](#); [vneilson@palmbeachtpa.org](#); [vneilson@palmbeachtpa.org](#); [Mikyska, Carl](#); [Frederick, Chandra](#); [Debbie Stewart](#); [Dave Hutchinson](#); [georganna.gillette@brevardfl.net](#); [buchwaldp.stucieco.org](#); [Paul R. Gougelman](#); [ParagAgrawal@polk-county.net](#); [FDOT-Metropolitan Planning](#)
Cc: [Brunelle, Karen \(FHWA\)](#); [Kendall, Cathy \(FHWA\)](#); [Blizzard, Stacie \(FHWA\)](#); [Parker, Teresa \(FHWA\)](#); [Martin, Jim \(FHWA\)](#); [Gonzalez, Carlos A \(FHWA\)](#); [mark.reichert.dot.state.fl.us](#)
Subject: Tech Memo 21-02: Fiscal Constraint of the LRTP
Date: Wednesday, January 5, 2022 1:53:57 PM
Attachments: [FINAL_12202021_FDOT_LRTP_Fiscal_Constraint_Guidance.pdf](#)
Importance: High

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Happy New Year

I am pleased to announce that together with our federal partners the attached **LRTP Fiscal Constraint Technical Memorandum**. The approved technical memorandum is attached and a link to the document can be found on our partner SharePoint site located [MPO - Partner Site - 21-02 FDOT LRTP Fiscal Constraint Guidance.pdf - All Documents \(sharepoint.com\)](#). Please refer to this document as LRTP Amendments are processed and the new LRTPs are developed.

Should any questions arise, please reach out to Erika Thompson at Erika.Thompson@dot.state.fl.us or 850-414-4807.

We look forward to another successful year!

Alison Stettner, AICP

Director of the Office of Policy Planning
Florida Department of Transportation
Tallahassee, FL 32399-0450
Phone: (850) 414-4814
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Technical Memorandum 21-02

Office of Policy Planning



FROM: Office of Policy Planning

DATE: December 2021

SUBJECT: Fiscal Constraint of the Long Range Transportation Plan (LRTP)

The Federal Highway Administration (FHWA), Federal Transit Administration (FTA), and Florida Department of Transportation (FDOT) coordinated to develop guidance related to demonstrating fiscal constraint in the LRTP. This guidance is developed in response to fiscal year 2021 Program Accountability Results (PAR) Review and quadrennial Transportation Management Area (TMA) certification observations, and is supported by the 2008, 2012, and 2018 LRTP Expectations Letters and Florida FY21 FHWA/FTA Fiscal Constraint White Paper. These resources can be found on the [MPO Partner Site](#).

Showing Federal Funds in the first 10 years of the LRTP

The Cost Feasible Plan (CFP) is a required aspect of the Long Range Transportation Plan (LRTP) that a Metropolitan Planning Organization (MPO) must produce every five years. The use of federal funds on projects needs to be noted in the CFP. If state and federal funds are used as a combined source, projects within the first ten years of the plan must be notated or flagged to identify which projects are planned to be implemented with federal funds. This can be demonstrated with an asterisk and footnote. Acceptable examples are provided later in this guidance.

Including the first 5 years in the LRTP

The LRTP is a planning document that describes how the implementation of projects will help achieve the vision. The plan must include at least twenty years of projects and funding beginning with the adoption date. This provides a complete picture of revenues and costs for the planning horizon. The first five years of projects must be included in the CFP and financial plan that compares costs to revenues to demonstrate how the plan can be implemented. The level of detail provided for the first five years can be consistent with a planning level document. The first five years of projects must not be included by referencing or linking the Transportation Improvement Program (TIP), which is updated annually. A reference or link to the TIP would not accurately represent the first five years of projects since TIPs change annually to add a new fifth year.

Assessment of Fiscal Constraint in the Financial Plan Summary

The financial plan demonstrates LRTP implementation by comparing project costs with reasonably anticipated revenues to show the plan can be implemented with projected revenues. This helps federal partners determine fiscal constraint, which means all needed project phases can be implemented with the funding identified in the LRTP. A simple way to demonstrate the results of the financial plan is to provide a table that shows revenues exceed project costs, including a separate line item or table for the anticipated revenue available for operations and maintenance. Showing operations and maintenance revenues as a separate line item or table helps ensure that these costs are being used in balancing the fiscal constraint of the revenues with both the capital and maintenance investments.

Examples

The following examples are organized by the three topics discussed above. Each example demonstrates how to address a single topic; the examples do not show how to address all topics in the same table or portion of the LRTP narrative.

Showing Federal Funds in the first 10 years of the LRTP

The below examples show how footnotes can be used to identify which projects are planned to be implemented with federal funds.

Example 1

Table 4-7 & Appendix B (Years 1-5)

“All projects will use a combination of federal and state funding unless noted with an asterisk (*). Projects noted with an asterisk (*) will use local funds only. Additional information on project funding and phases is available in the current Transportation Improvement Program.”

Table 4-8 & Appendices C-D (Years 6+)

“All projects will use a combination of federal and state funding unless noted with an asterisk (*). Projects noted with an asterisk (*) will use local funds only.”

Example 2

The first table summarizes funding sources and must be accompanied by the second table that shows a more detailed breakdown of projects, including identifying which projects are planned to be implemented with federal funds. Both tables are accompanied by the footnotes stating: “All funding sources involve a combination of federal and state funding unless noted with an asterisk. Funding sources noted with an asterisk will use local funds only.” OR “All projects will use a combination of federal and state funding unless noted with an asterisk.” If unique federal funding sources are listed in the footnote, it must include all pertinent sources.

Table 5-1: Projected Revenues, Capital Roadway Projects

	Funding Source ¹	Tier 1	Tier 2	Tier 3	Tier 4
		2021-2025	2026-2030	2031-2035	2036-2045
	Other Arterials (OA)	\$ 43,006,687	\$ 130,940,000	\$ 142,800,000	\$ 298,710,000
	SIS	\$ 54,379,314	\$ 11,220,236	\$ 7,850,750	\$119,080,400
	Local*	\$ 112,196,583	\$ 43,385,887	\$ 43,433,361	-

¹All funding sources involve a combination of federal and state funding unless noted with an asterisk (*). Funding sources noted with an asterisk (*) will use local funds only.

ID Num	Project Name	From	To	Strategy	Total Project Costs (LRTP YOE Cost + Prior Year Costs)	Prior Year Costs	Source			Funded Project Phases	YOE Cost by Phase				
							O A	S I L	S		PD&E	PE	ROW	CST	YOE Cost Total
100	ITS Near Term				\$12,963,060						\$-	\$-	\$-	\$-	\$-
101	ITS Mid Term				\$16,600,500						\$-	\$-	\$-	\$-	\$-
102	ITS Long Term				\$45,926,663						\$-	\$-	\$-	\$-	\$-
200	Intersection Improvements Near Term				\$4,321,020						\$-	\$-	\$-	\$-	\$-
201	Intersection Improvements Mid Term				\$5,533,500						\$-	\$-	\$-	\$-	\$-
202	Intersection Improvements Long Term				\$15,308,888						\$-	\$-	\$-	\$-	\$-

ID Num	Project Name	From	To	Strategy	Total Project Costs (LRTP YOE Cost + Prior Year Costs)	Prior Year Costs	Source O A S L	Funded Project Phases	YOE Cost by Phase				
									PD&E	PE	ROW	CST	YOE Cost Total
-	SR 8 (I-10) Interchange at SR 61 & SR 261 (US 319)			Interchange Improvement	\$11,977,000	\$6,648,000			\$-	\$-	\$-	\$-	\$-
-	SR 263 Capital Circle	Spring Road	Orange Avenue	Add lanes and reconstruct	\$113,419,000	\$59,040,000	x	D/ROW/CST	\$-	\$60,221	\$142,000	54,177,093	\$54,379,314
-	SR 263 Capital Circle	Crawford Road	Spring Road	Add lanes and reconstruct	\$59,051,000	\$21,576,000	x	CST	\$-	\$-	\$-	\$37,474,555	\$37,474,555
-	SR 369 (US 319/Crawfordville Road)	N of SR 267	Leon CL	Landscaping	\$34,100,000	\$33,229,000	x	CST	\$-	\$-	\$-	\$871,074	\$871,074
-	Northeast Gateway - Welaunee Boulevard Phase I	Fleisch Road	Roberts Road	New Road Construction	\$72,400,000	\$-	x	PDE/D/ROW/CST	\$1,600,000	\$6,700,000	2,800,000	\$61,300,000	\$72,400,000
-	Northeast Connector - Bannerman Road	Quail Drive	Meridian Road	Widening and Multimodal Improvements	\$39,797,000	\$-	x	PDE/D/ROW/CST	2,507,185	\$3,143,930	7,163,385	\$26,982,083	\$39,797,000
7	Crawfordville Road	LL Road	Wakulla Road	2 to 4 Lanes	\$22,692,000	\$1,165,000			\$-	\$-	\$-	\$-	\$-
11.1*	Thomasville Road	Seventh Ave	Monroe Street	Multimodal Operational	\$4,515,000	\$-			\$-	\$-	\$-	\$-	\$-
11.2*	Thomasville Road	Bradford Rd	Seventh Ave	Multimodal Operational	\$6,546,000	\$-			\$-	\$-	\$-	\$-	\$-
12	Woodville Highway	Capital Circle SE	SR 263	2 to 4 Lanes	\$44,938,000	\$8,110,000			\$-	\$-	\$-	\$-	\$-
45**	Tennessee Street/Mahan Dr/US 90	Capital Circle NE		Major Intersection Reconfiguration	\$2,640,000	\$-			\$-	\$-	\$-	\$-	\$-
4.1	Crawfordville Road	East Ivan	Arran Road	2 to 4 Lanes	\$65,404,000	\$5,648,000			\$-	\$-	\$-	\$-	\$-
21.1	Orange Avenue	Capital Circle SW	Bradford Road	Access Management and Multimodal Improvements	\$3,184,000	\$659,000			\$-	\$-	\$-	\$-	\$-
21.2	Orange Avenue	Bradford Road	Bradford Road	2 to 4 Lanes	\$27,347,000	\$412,000			\$-	\$-	\$-	\$-	\$-
21.4	Orange Avenue	Bradford Road	Monroe Street	2 to 4 Lanes	\$30,618,000	\$700,000	x	D	\$2,090,000	\$-	\$-	\$-	\$2,090,000

ID Num	Project Name	From	To	Strategy	Total Project Costs (LRTP YOE Cost + Prior Year Costs)	Prior Year Costs	Source O A S I L S	Funded Project Phases	YOE Cost by Phase				
									PD&E	PE	ROW	CST	YOE Cost Total
22.1	Pensacola Street	Capital Circle NW	Appleyard Drive		\$19,670,000	\$-			\$-	\$-	\$-	\$-	\$-
23***	Tharpe Street	Capital Circle	Ocala Road	2 to 4 Lanes	\$ 76,639,000	\$-			\$-	\$-	\$-	\$-	\$-
4.2	Crawfordville Road	Arran Road	Lost Creek Bridge	2 to 4 Lanes	\$100,941,000	\$5,648,000			\$-	\$-	\$-	\$-	\$-
5	Crawfordville Road	Lost Creek Bridge	Alaska Way	2 to 4 Lanes	\$144,370,000	\$7,844,000	x	ROW	\$-	\$-	2,571,058	\$-	\$2,571,058
6	Crawfordville Road	Wakulla CL	Wallace Road	2 to 4 Lanes	\$45,119,000	\$1,445,000			\$-	\$-	\$-	\$-	\$-
8	Interstate 10	US 90	Leon CL	4 to 6 Lanes	\$53,188,660	\$-			\$-	\$-	\$-	\$-	\$-
9	Interstate 10	Leon CL	Capital Circle NW	4 to 6 Lanes	\$79,633,650	\$-			\$-	\$-	\$-	\$-	\$-

¹All projects will use a combination of federal and state funding unless noted with three asterisks (***).

Including the first 5 years in the LRTP

The below example shows how to include the first five years of projects. Information may be sourced from the TIP, but it is not incorporated by reference or link. The hypothetical example below should be read as a continuous table; the identification number is repeated in the first column for ease of reference. If projects are not fully funded within the first five years, additional funding will need to be reflected in subsequent cost bands or in the needs plan if all phases are not fully funded within the LRTP.

Example 3 (Hypothetical Example)

ID #	Project Name	From	To	Strategy	County	Total Project Costs (LRTP YOE Cost + Prior Year Costs)	Prior Year Costs	Source O A S L	Funded Project Phases	Tier 1 2021-2025 YOE Cost by Phase					
										PD&E	PE	ROW	CST	YOE Cost Total	
1	NE Connect	Quail Drive	Meri Road	Widening and Multi-modal	A	\$39,797,000	\$ -		x	PDE/D/ROW/CST	\$2,507,185	\$3,143,930	\$7,163,385	\$26,982,083	\$39,797,000
2	Crawford Road	East Ivan Drive	Arran Road	2 to 4 Lanes	B	\$65,404,000	\$5,648,000				\$ -	\$ -	\$ -	\$ -	\$ -
3	Orange Avenue	N Lake Road	Monroe Street	2 to 4 Lanes	A	\$30,618,000	\$ 700,000	x		D	\$2,090,000	\$ -	\$ -	\$ -	\$2,090,000
4*	Tharpe Street	Capital Circle	Ocala Road	2 to 4 Lanes	A	\$76,639,000	\$ -				\$ -	\$ -	\$ -	\$ -	\$ -
5	Crawford Road	Lost Creek Bridge	North Way	2 to 4 Lanes	B	\$144,370,000	\$7,844,000	x		ROW	\$ -	\$ -	\$2,571,058	\$ -	\$2,571,058

ID Num	Source			Funded Project Phases	Tier 2 2026-2030 YOY Cost by Phase				
	O A	S I	L		PD&E	PE	ROW	CST	YOY Cost Total
1					\$ -	\$ -	\$ -	\$ -	\$ -
2	x			ROW	\$ -	\$ -	\$20,280,996	\$ -	\$20,280,996
3	x			ROW	\$ -	\$ -	\$15,708,000	\$ -	\$15,708,000
4*			x	D/ROW	\$ -	\$5,548,262	\$27,657,654	\$ -	\$33,205,915
5					\$ -	\$ -	\$ -	\$ -	\$ -

ID Num	Source			Funded Project Phases	Tier 3 2031-2035 YOE Cost by Phase				
	OA	SIS	L		PD&E	PE	ROW	CST	YOE Cost Total
1					\$ -	\$ -	\$ -	\$ -	\$ -
2	x			CST	\$ -	\$ -	\$ -	\$39,474,928	\$39,474,928
3	x			CST	\$ -	\$ -	\$ -	\$12,120,403	\$ 12,120,403
4*			x	CST	\$ -	\$ -	\$ -	\$43,433,361	\$43,433,361
5	x			ROW	\$ -	\$ -	\$11,160,000	\$ -	\$ 11,160,000

ID Num	Source			Funded Project Phases	Tier 4 2036-2045 YOE Cost by Phase				
	OA	SIS	L		PD&E	PE	ROW	CST	YOE Cost Total
1					\$ -	\$ -	\$ -	\$ -	\$ -
2					\$ -	\$ -	\$ -	\$ -	\$ -
3					\$ -	\$ -	\$ -	\$ -	\$ -
4*					\$ -	\$ -	\$ -	\$ -	\$ -
5	x			ROW/CST	\$ -	\$ -	\$22,140,000	\$100,655,000	\$122,795,000

¹All projects will use a combination of federal and state funding unless noted with an asterisk (*). Projects noted with an asterisk (*) will use local funds only.

Assessment of Fiscal Constraint the Financial Plan

The below example demonstrates how to show fiscal constraint in the Financial Plan, as well as how to show revenue and cost estimates for operations and maintenance separately. This hypothetical example is a demonstration of fiscal constraint for roadways. When separating out the costs, a separate line item or two tables must be used to demonstrate fiscal constraint. The first table shows fiscal constraint for capital projects, while the second table shows operation and maintenance for roadways separate from capital investments.

Example 4 (Hypothetical Example)

Table 1 Total Revenue and Costs for Roadway Capital Projects (2021-2045) (Years of Expenditure)

Financial Summary		Costs/Revenues in Year of Expenditures
Tier 1 2021-2025		
OA	Revenues	\$43,006,687
	Costs	\$43,006,687
	Balance	-
SIS	Revenues	\$54,379,314
	Costs	\$54,379,314
	Balance	-
Local*	Revenues	\$112,196,583
	Costs	\$112,196,583
	Balance	-
Other State	Revenues	\$12,060,000
	Costs	\$12,060,000
	Balance	-
Tier 2 2026-2030		
OA	Revenues	\$130,940,000
	Costs	\$130,940,000
	Balance	-
SIS	Revenues	\$11,220,236
	Costs	\$11,220,236
	Balance	-
Local*	Revenues	\$43,385,887
	Costs	\$43,385,887
	Balance	-
Other State	Revenues	\$10,500,000
	Costs	\$10,500,000
	Balance	-
Tier 3 2031-2035		
OA	Revenues	\$143,191,954
	Costs	\$143,191,954
	Balance	-
SIS	Revenues	\$7,850,750
	Costs	\$7,850,750
	Balance	-
Local*	Revenues	\$43,433,361
	Costs	\$43,433,361
	Balance	-

Financial Summary		Costs/Revenues in Year of Expenditures	
Other State	Revenues		\$15,600,000
	Costs		\$15,600,000
	Balance		-
Tier 4 2036-2045			
OA	Revenues		\$299,094,054
	Costs		\$299,094,054
	Balance		-
SIS	Revenues		\$119,080,400
	Costs		\$119,080,400
	Balance		-
Local*	Revenues		-
	Costs		-
	Balance		-
Other State	Revenues		\$30,600,000
	Costs		\$30,600,000
	Balance		-

All funding sources involve a combination of federal and state funding unless noted with an asterisk (*). Funding sources noted with an asterisk (*) will use local funds only.

The table below provides a summary of estimated revenues and costs for the system level operations and maintenance. The example anticipates that all operations and maintenance revenue will be fully expended.

Table 2 Total Revenue and Costs for Roadway Operations and Maintenance (2021-2045) (Years of Expenditure)

Funding Source	Category	Total Projected Revenues	Total Operations and Maintenance Costs
State	Districtwide SHS	\$9,131,600,000	\$9,131,600,000
Local	County Fuel Tax	\$20,938,000	
	Constitutional Fuel Tax	\$46,967,000	
	First Local Option Fuel Tax	\$63,623,000	
	9 th Cent Fuel Tax	\$2,554,000	
	General Fund for Transportation	\$44,985,000	
	Local Subtotal	\$179,067,000	\$179,067,000

Resources

- [2008 LRTP Expectations Letter](#)
- [2012 LRTP Expectations Letter](#)
- [2018 LRTP Expectations Letter](#)
- [Florida FY21 FHWA/FTA Fiscal Constraint White Paper](#)
- [FHWA LRTP Expectations Checklist](#)

Florida FY21 FHWA/FTA Fiscal Constraint White Paper

Rev 06/28/21

FHWA and FTA have been working together with FDOT and the MPOs to make fiscal constraint of Long Range Transportation Plans (LRTP) more transparent by providing federal interpretation, expectation and suggested strategies for implementing federal fiscal constraint documentation requirements. This white paper compiles previous communication, summarizes these techniques, and provides additional clarification.

Showing Federal Funds in the 1st 10 years of the LRTP Summary Clarification:

If MPOs identify the state and federal funds used for each project as a combined funding source, projects in the first ten years must be flagged or otherwise identified if federal funds are to be used on the project. This can be done with an asterisk for each federal project and footnote at the bottom, or a definition that all of the projects in the listing for “State/federal funds” will use a combination of state and federal funds.

Including the 1st 5 years in the LRTP Summary Clarification:

The LRTP planning time period begins on the date of plan adoption, and the LRTP must include at least twenty years of projects and funding from the year beginning with the adoption date. TIPs are developed from the LRTP and expire when the new STIP is approved. A TIP referenced from the time of the LRTP adoption or including it in the LRTP appendix will therefore have no meaning after it expires, nor do these techniques allow for a cohesive financial plan that demonstrates fiscal constraint. The first 5 years of projects in the LRTP should be included with the projects for the remainder of the LRTP planning time period so as to provide a complete picture of the revenues and costs for the entire planning time period in a similar format with the rest of the projects. Consistent documentation is important to determining fiscal constraint. The first five years of projects must be included in the Cost Feasible LRTP and be included in the financial plan that compares costs to revenues by planning period to show how the plan can be implemented.

Assessment of Fiscal Constraint in the Financial Plan Summary Clarification:

Not covered in the previous LRTP Expectations Letters is the topic of how the Financial Plan demonstrates LRTP implementation. FHWA/FTA use this, in part, to determine fiscal constraint. This topic is being initiated based on observed issues in recent certification reviews that have generated corrective actions. To demonstrate fiscal constraint, the financial plan must compare project costs with reasonably anticipated revenues for each planning time period (typically 5-year timeframes) to show that the plan can be implemented with the projected revenues. Fiscal constraint for a project means that all needed project phases can be implemented with the funding identified in the LRTP. A summary table that shows that revenues exceed project costs (including system level costs for operations and maintenance) for each planning timeframe increment is a simple way of demonstrating the results of the financial plan. As noted in the 2012 Expectations Letter, including system level operations and maintenance costs as a separate line item in the project costs table is an expected practice to ensure that these costs are considered as part of the financial plan for fiscal constraint.

Showing Federal Funds in the 1st 10 years of the LRTP References

2008 Expectations Letter

Fiscal Constraint: Projects in Long Range Transportation Plans (LRTPs) are required to be described in enough detail to develop cost estimates in the LRTP financial plan that show how the projects will be implemented. These estimates could reflect known costs of mitigation. The LRTP documentation of project costs will enable FHWA/FTA and FDOT to determine fiscal constraint of the document.

For a project to be included in the cost feasible plan, the cost of and source of funding for each phase being funded (including the PD&E phase) must be documented. The source of funds for the PD&E phase can be shown as “boxed funds” reserved for “PD&E” in a state or local revenue forecast (e.g., a percentage of state/federal “Product Support” funds estimated to be available during a 5-year planning period) or be individually assigned to each project. Boxed funds should also be reserved for the Final Design phase as well or be individually assigned to each project. A third option is to use boxed funds entitled “PD&E and Final Design”. Regardless of how the boxed funds are titled, the individual projects utilizing the box need to be listed, or at a minimum, described in bulk in the LRTP (i.e. PD&E for projects in Years 2016-2020).

Please note that the FHWA guidance refers to Preliminary Engineering (PE). In most states this would include two of Florida phases: PD&E and Final Design. PD&E could also be referred to as “PE for NEPA”.

2012 Expectations Letter

Federal Revenue Sources: Federal and state participation on projects in the Cost Feasible LRTP can be shown as a combined source for the cost feasible projects. Projects within the first ten years of the Plan must be notated or flagged to identify which projects are planned to be implemented with federal funds. Beyond the first ten year period, the specific federal funding notation is not expected. The project funding, however, must be clearly labeled as a combined Federal/State source in the Cost Feasible LRTP. (23 CFR 450.322(10)f(iii)) {Note: This is the citation reference as it was in 2012.}

2012 Expectations Letter Q&A

- FDOT Comment on Dec 2011 Draft Document: Page 3, Revenue Sources, last two sentences: Historically, FHWA, FDOT and Florida’s MPOs have agreed that estimates of state and federal funds “flowing through” FDOTs work programs should be combined to simplify MPO plan development and documentation. Documenting the separate amounts of project funding with state and federal funds yields no added value, but will yield added detail, planning costs, and documentation. The mix of state and federal funds on any given project can change repeatedly from adoption of the LRTP, inclusion in the TIP, and throughout the implementation of the project to best maximize available funds. It will not be productive to reconcile planning and programming documents repeatedly to reflect these changes. In response to an FDOT request for examples of LRTPs with breakdowns of state and federal funding for projects, FHWA provided four LRTPs, only one of which identified state and federal funds on a project basis and two of the example LRTPs showed no source of funding on a project basis. We believe such breakdowns add no value to the process or documentation.

Federal Response: In order for FHWA to approve environmental documents, projects must either require some sort of federal action or be funded in some capacity with federal funds. If projects are not identified in the LRTP as using federal funds, there may be no basis to provide federal approval.

The need to break out state and federal funds for projects in the first 10 years of the LRTP helps to identify federally funded projects. Typically, the first 5 years are found in the TIP and this information should be readily available. Thus, the improvement to the transparency of the project funding would only apply to the additional 5 years (years 6 through 10) of the LRTP. This display is also part of demonstrating fiscal constraint, to show that the funds being used are appropriate and are an eligible use of the type of federal funds being applied to the project. If the state and MPOs recommend an alternative approach that satisfactorily addresses this issue, FHWA is open to considering other methods.

- FDOT Comment on June 2012 Draft Document: Page 4, Revenue Sources: second paragraph: Specifies funding sources must be broken out to show federal, state, and local in the first ten years of the plan. Guessing the amount of project funding from state and federal sources will present misleading information to the public. The mix of funds changes repeatedly throughout the development and implementation of a project; this practice allows the state to maximize the use of federal funds.

Federal Response: We recognize that revenues and costs in the LRTP are planning level estimates. Decimal accuracy is not the expectation at this stage of a project's development. However, we have revised this section to indicate that projects planned for the use of federal funds need to be clearly identified. If a project is initially flagged as having federal funds and federal funds are removed, this notation change can be made in the LRTP at the next regular LRTP update cycle. If a project is not initially flagged as having federal funds and federal funds are then added, this notation change can be made prior to the request for federal action or the next regular LRTP update cycle, whichever occurs first. In either situation, the notation change can be made by modification in accordance with the relevant MPO's written LRTP modification procedures.

- FDOT Email Comment on November 2012 Draft Document: Page 4, last paragraph: "Beyond the first ten year period, federal and state participation on projects can be shown as a combined source, but must be clearly labeled as combined in the Cost Feasible LRTP." This seems to imply the first ten years of cost must be shown as separate Federal and State. FDOT agreed to an indication of Federal Funds, not a breakdown of sources for the first ten years.

Federal Response: We agreed as well. We've revised the language to remove the confusion. "Federal and state participation on projects in the Cost Feasible LRTP can be shown as a combined source for the cost feasible projects. Projects within the first ten years of the Plan must be notated or flagged to identify which projects are planned to be implemented with federal funds. Beyond the first ten year period, the specific federal funding notation is not expected. The project funding, however, must be clearly labeled as a combined Federal/State source in the Cost Feasible LRTP." We have found that the documentation of the combined sources is not always clearly labeled in current Cost Feasible Plans.

2018 Expectations Letter

N/A

2018 Expectations Letter Q&A

N/A

Current Laws

23 USC 134(i)(2)(C) FINANCIAL PLAN.—A financial plan that demonstrates how the adopted transportation plan can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to carry out the plan, and recommends any additional financing strategies for needed projects and programs. The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted transportation plan if reasonable additional resources beyond those identified in the financial plan were available. For the purpose of developing the transportation plan, the metropolitan planning organization, transit operator, and State shall cooperatively develop estimates of funds that will be available to support plan implementation.

Current Regulations (Highlight added)

23 CFR 450.324(f)(11) A financial plan that demonstrates how the adopted transportation plan can be implemented.

(i) For purposes of transportation system operations and maintenance, the financial plan shall contain system-level estimates of costs and revenue sources that are reasonably expected to be available to adequately operate and maintain the Federal-aid highways (as defined by 23 U.S.C. 101(a)(5)) and public transportation (as defined by title 49 U.S.C. Chapter 53).

(ii) For the purpose of developing the metropolitan transportation plan, the MPO(s), public transportation operator(s), and State shall cooperatively develop estimates of funds that will be available to support metropolitan transportation plan implementation, as required under §450.314(a). All necessary financial resources from public and private sources that are reasonably expected to be made available to carry out the transportation plan shall be identified.

(iii) The financial plan shall include recommendations on any additional financing strategies to fund projects and programs included in the metropolitan transportation plan. In the case of new funding sources, strategies for ensuring their availability shall be identified. The financial plan may include an assessment of the appropriateness of innovative finance techniques (for example, tolling, pricing, bonding, public private partnerships, or other strategies) as revenue sources for projects in the plan.

(iv) In developing the financial plan, the MPO shall take into account all projects and strategies proposed for funding under title 23 U.S.C., title 49 U.S.C. Chapter 53 or with other Federal funds; State assistance; local sources; and private participation. Revenue and cost estimates that support the metropolitan transportation plan must use an inflation rate(s) to reflect “year of expenditure dollars,” based on reasonable financial principles and information, developed cooperatively by the MPO, State(s), and public transportation operator(s).

(v) For the outer years of the metropolitan transportation plan (i.e., beyond the first 10 years), the financial plan may reflect aggregate cost ranges/cost bands, as long as the future funding source(s) is reasonably expected to be available to support the projected cost ranges/cost bands.

Current Guidance

Transportation Plan and Program Fiscal Constraint Review Questions, March 8, 2005

<https://www.fhwa.dot.gov/planning/fsclsrtrntques.cfm>

Financial Planning and Fiscal Constraint For Transportation Plans and Programs Questions & Answers, April 15, 2009

<https://www.fhwa.dot.gov/planning/fsclcntrntques.cfm>

Q13. When might cost bands be utilized in the financial plan for the metropolitan transportation plan?

For the outer years of the metropolitan transportation plan (i.e., beyond the first 10 years), the financial plan may reflect aggregate cost bands, as long as the future funding sources necessary to pay for these costs are reasonably expected to be available to support the upper limit of the projected cost bands (23 CFR 450.322(f)(10)(v)).

Cost bands are useful where there is significant potential for uncertainty and risk. Some projects in the second 10-years of a metropolitan transportation plan might fall into this category, particularly larger projects. Risks and uncertainties may result from cost escalation (materials and labor), construction unknowns (unknown site conditions), uncertain environmental mitigation, unknown right-of-way needs, contractor risk and other causes. A cost band is a potential range of project costs that considers these and other risks and other potential uncertainties. A cost band can help convey the uncertainty of an estimate for a project and help educate other parties (such as the public and elected officials) who may not be intimately familiar with the project about cost variability. The use of cost bands in the second ten years of the metropolitan transportation plan can help avoid misleading the public or others with a false sense of precision.

The use of cost bands does not avoid the requirement to show fiscal constraint. Revenues necessary to meet the outer (upper) band of the cost band in the financial plan must be "reasonably expected to be available." All necessary financial resources from public and private sources that are reasonably expected to be available to carry out the upper band(s) of the cost band(s) shall be identified. In the case of new funding sources, strategies for ensuring their availability shall be identified [see 23 CFR 450.322(10)(v)].

Guidance on Financial Planning and Fiscal Constraint for Transportation Plans and Programs, April 17, 2009

<https://www.fhwa.dot.gov/planning/guidfinconstr.cfm>

Q 13. When might cost bands be utilized in the financial plan for the metropolitan transportation plan?

For the outer years of the metropolitan transportation plan (i.e., beyond the first 10 years), the financial plan may reflect aggregate cost bands, as long as the future funding sources necessary to pay for these costs are reasonably expected to be available to support the upper limit of the projected cost bands (23 CFR 450.322(f)(10)(v)).

Cost bands are useful where there is significant potential for uncertainty and risk. Some projects in the second 10-years of a metropolitan transportation plan might fall into this category, particularly larger projects. Risks and uncertainties may result from cost escalation (materials and labor), construction

unknowns (unknown site conditions), uncertain environmental mitigation, unknown right-of-way needs, contractor risk and other causes. A cost band is a potential range of project costs that considers these and other risks and other potential uncertainties. A cost band can help convey the uncertainty of an estimate for a project and help educate other parties (such as the public and elected officials) who may not be intimately familiar with the project about cost variability. The use of cost bands in the second ten years of the metropolitan transportation plan can help avoid misleading the public or others with a false sense of precision.

The use of cost bands does not avoid the requirement to show fiscal constraint. Revenues necessary to meet the outer (upper) band of the cost band in the financial plan must be "reasonably expected to be available." All necessary financial resources from public and private sources that are reasonably expected to be available to carry out the upper band(s) of the cost band(s) shall be identified. In the case of new funding sources, strategies for ensuring their availability shall be identified [see 23 CFR 450.322(10)(v)].

Including the 1st 5 years in the LRTP References

2008 Expectations Letter

Plan Horizon: Plans are required to have at least a 20 year horizon. FHWA and FTA support Florida's efforts to standardize the horizon year and establish a uniform format to report the transportation needs of each MPO in their next LRTP updates that can also be used to compile and identify the regional and statewide transportation needs of Florida's metropolitan areas. FDOT and Florida's MPOs (via the MPOAC) have agreed to use 2035 as the horizon year. The base year for the next LRTP updates will be 2009. These efforts to standardize the MPOs' plans will provide consistency among plans and allow for better analysis and apples to apples comparisons, so unmet needs can be more accurately quantified and demonstrated. More information on this issue is provided in the "Financial Guidelines for MPO Long Range Plans" paper adopted by the MPOAC (attached).

2012 Expectations Letter

Full Timespan of the LRTP: The LRTP is a document that has a planning horizon of at least 20 years. The LRTP is based upon the region's visioning of the future within the bounds of the financial resources that are available to the region during that timeframe. The LRTP is not a programming document, but rather a planning document that describes how the implementation of projects will help achieve the vision. Therefore, the MPOs will need to show all the projects and project funding for the entire time period covered by the LRTP, from the base year to the horizon year. (23 CFR 450.322(a)) {Note: This is the citation reference as it was in 2012.}

2012 Expectations Letter Q&A

- FDOT Comment on Dec 2011 Draft Document: Page 4, 3. Full Timespan of the LRTP: This paragraph is confusing. The LRTP should contain projects for the period covering the base year through the horizon year, including the years covered in the TIP. The Existing plus Committed may not be the same as the TIP in all cases; we suggest dropping any references to the E + C. It may be beneficial to discuss the best way to do this, such as a link to the TIP document, in subsequent discussions with the MPOs.

Federal Response: References to E + C were removed. The LRTP will need to show all projects starting with the base year and going through the horizon year. A link to a current TIP document would not accurately present the projects, as TIPs change annually to add a new fifth year.

- West Florida RPC Comment on June 2012 Draft Document: Page 5 Full Time Span: They want to see all projects and related funding for base-year through horizon year. Again, big change but this one should not be that difficult.

Federal Response: The intent is to demonstrate fiscal constraint and how projects are prioritized and planned for through their completion.

2018 Expectations Letter

Full Time Span of LRTP (1st 5 Years): Plans are required to have at least a 20-year horizon. The effective date of the LRTP is the date of the MPO adoption of the plan. As such, the MPO is required to have an LRTP that includes projects from the date of adoption projected out at least 20 years from that date. The LRTP is a planning document that describes how the proposed projects will help achieve the regional vision. The Transportation Improvement Program (TIP), however, is a reflection of the investment priorities which are established in the LRTP. When adopting an updated LRTP, the projects in the previous LRTP are assessed and revised to acknowledge projects that have: 1) moved forward (these are typically removed from the updated LRTP), 2) shifted in time (these could be moved forward or back in implementation in the updated LRTP), and 3) been added or deleted based on the MPO's current priorities. The TIP is only a resource for determining which projects have moved forward. **The TIP, which is based on the previous LRTP, is not a substitute for the first 5 years of the updated LRTP.** Additionally, the TIP is a 4-year programming document that, in Florida, is adopted every year and thus expires annually. When LRTPs "include the TIP", it is a reference to a static and outdated document once the next TIP is incorporated into the Statewide Transportation Improvement Program (STIP), which occurs annually in Florida. Therefore, the MPOs will need to show all of the projects, phases, and estimates from the adoption date through the horizon year of the LRTP, which is considered the entire time period of the LRTP. In addition, funding sources need to be shown for all projects from the adoption date through the first 10 years. {23 CFR 450.324(a); 23 CFR 450.326(a)}

2018 Expectations Letter Q&A

- **Full Time Span of LRTP (1st 5 years) - [MPO Question on Oct 2017 Draft Document]** Would this require an LRTP amendment annually to adopt the TIP into it? The TIP is a stand-alone document adopted each year; the Long Range Plan is to identify the "what's next" and be the visioning document. Including the TIP in year of expenditure is redundant information and could create additional work for MPOs. Is the intent to re-state all projects, phases and estimates from the TIP in the first five years in the LRTP? The TIP contains many more projects than the LRTP, because it includes maintenance, operations, and small scale projects, whereas our LRTP focuses on major capacity projects and generally groups smaller scale and O&M projects into categories. This could be extremely cumbersome and make it necessary to amend the LRTP very frequently.

We are proposing the 2045 Long Range Transportation Plan include an Existing plus Committed section that identifies all transportation enhancements between the 2015 base model year and current year, as well as all the projects programmed for construction in the TIP by 2025. The first year of the LRTP should be the next 5th year of the most recent TIP, prior to LRTP adoption. For example, our TIP will be adopted in July 2020 and will cover FY 2021 - FY 2025, the first band of the LRTP could then be 2026-2030, identifying projects with phases not funded through construction first, then the new priority projects.

Federal Response: Let's take a step back. If you are a new MPO, the first thing the MPO does is develop their long range vision and projects for the next 20 years – the LRTP, that includes broad information such as project costs, if federal, state and local funds will be used and what phases are going to occur over the next 20 years. The next step would be for this new MPO to take the 1st 4 years of the LRTP and develop a TIP that contains additional programming details such as specific fund categories, refining the cost estimates, and how phases are implemented by year. For the 2nd

TIP the new MPO develops, they would take projects from years 2-5 of the LRTP to provide the additional details and so on as each new TIP is developed.

The TIP is *consistent* with the LRTP, not a substitute for the LRTP. As such, only projects not currently in the LRTP or projects being significantly advanced from when originally planned would need to be amended into the LRTP. (See LRTP Amendment Thresholds document for specific details - <http://www.fdot.gov/planning/policy/metrosupport/lrtplrtpthreshold.pdf>)

Current Laws

23 USC 134(i)(2)(C) FINANCIAL PLAN.—A financial plan that demonstrates how the adopted transportation plan can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to carry out the plan, and recommends any additional financing strategies for needed projects and programs. The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted transportation plan if reasonable additional resources beyond those identified in the financial plan were available. For the purpose of developing the transportation plan, the metropolitan planning organization, transit operator, and State shall cooperatively develop estimates of funds that will be available to support plan implementation.

Current Regulations (Highlight added)

23 CFR 450.324(a) The metropolitan transportation planning process shall include the development of a transportation plan addressing no less than a 20-year planning horizon as of the effective date. In formulating the transportation plan, the MPO shall consider factors described in §450.306 as the factors relate to a minimum 20-year forecast period. In nonattainment and maintenance areas, the effective date of the transportation plan shall be the date of a conformity determination issued by the FHWA and the FTA. In attainment areas, the effective date of the transportation plan shall be its date of adoption by the MPO.

23 CFR 450.326 (a) The MPO, in cooperation with the State(s) and any affected public transportation operator(s), shall develop a TIP for the metropolitan planning area. The TIP shall reflect the investment priorities established in the current metropolitan transportation plan and shall cover a period of no less than 4 years, be updated at least every 4 years, and be approved by the MPO and the Governor. However, if the TIP covers more than 4 years, the FHWA and the FTA will consider the projects in the additional years as informational. The MPO may update the TIP more frequently, but the cycle for updating the TIP must be compatible with the STIP development and approval process. The TIP expires when the FHWA/FTA approval of the STIP expires. Copies of any updated or revised TIPs must be provided to the FHWA and the FTA. In nonattainment and maintenance areas subject to transportation conformity requirements, the FHWA and the FTA, as well as the MPO, must make a conformity determination on any updated or amended TIP, in accordance with the Clean Air Act requirements and the EPA's transportation conformity regulations (40 CFR part 93, subpart A).

Current Guidance

Transportation Plan and Program Fiscal Constraint Review Questions, March 8, 2005
<https://www.fhwa.dot.gov/planning/fsclrstrntques.cfm>

Assessment of Fiscal Constraint in the Financial Plan References

2008 Expectations Letter

N/A

2012 Expectations Letter

Operations & Maintenance: LRTP cost estimates need to be provided for the Operations and Maintenance (O&M) activities for the entire timeframe of the LRTP. System level estimates for O&M costs may be shown for each of the five-year cost bands or may be provided as a total estimate for the full LRTP timeframe. System level is interpreted to mean the system within the MPO planning boundaries. Local agencies, working with the MPO, need to provide cost estimates for locally-maintained facilities covered in the Plan. FDOT, working with the MPO, needs to provide cost estimates for the state-maintained facilities covered in the Plan. System level estimates at the FDOT District level are acceptable for the state-maintained facilities. The LRTP will also need to identify the general source of funding for the O&M activities. Since O&M costs and related revenues are not available to balance the fiscal constraint of capital investment projects, a clear separation of costs for operations and maintenance activities from other grouped and/or regionally significant projects will need to be shown in order to demonstrate fiscal constraint. (23 CFR 450.322(f)(10)(i)). {Note: This is the citation reference as it was in 2012.}

2012 Expectations Letter Q&A

- FDOT Comment on Dec 2011 Draft Document: Page 3, Fiscal Constraint, a. Operations & Maintenance: FDOT believes providing statewide revenue and cost estimates for operations and maintenance on the State Highway System demonstrates fiscal constraint. Per Florida Statute, FDOT has performance and funding criteria for maintaining the statewide transportation system. FDOT believes that estimating sufficient revenues to meet program objectives on the entire State Highway System, with the stipulation that projected funds can only be used for the dedicated categories, should suffice for fiscal constraint. FHWA, FDOT and Florida MPOs have agreed with this approach for more than 15 years; we see no added value – but we do see added detail, planning costs, and documentation – by changing the approach. FDOT concurs revenues and program costs for operations and maintenance of locally owned facilities should be documented in the LRTP.

Federal Response: Per 23 CFR 450.322(f)(10)(i), the requirement is specific to each MPO Long Range Transportation Plan. Providing statewide costs does not address the O & M costs by MPO planning area. Breaking out the costs to the MPO Planning area is needed to meet the requirements as shown in the Codified Federal Regulations. These are expected to be planning level system estimates. Further clarification is given in the document.

- FDOT Comment on June 2012 Draft Document: Page 3, State Highway System Operations & Maintenance (O&M): Specifies O&M costs and revenue sources must be identified for each year (1st ten), or band of years, for each MPO. Currently FDOT provides MPOs with system-level estimates of O&M and other preservation costs and revenue sources for the State Highway System (SHS) as required by 23 CFR 450.322(f)(10)(i). These estimates are consistent with the performance-based budgeting approach (i.e., funding O&M, preservation based on documented needs) required by state law. Most O&M funds are programmed in the Work Program at the district-wide level. Guessing the amount of O&M by MPO area will provide the public with misleading, inaccurate information.

Response: We have provided clarification that O&M costs do not need to be identified by year. Per 23 CFR 450.322(f)(10)(i), the requirement is specific to each MPO Long Range Transportation Plan. Providing statewide costs does not address the O&M costs by MPO planning area. Breaking out the costs is needed to meet the requirements as shown in the CFR. Providing system level estimates by District is acceptable in meeting the criteria. It is expected that these costs will be planning level system estimates. Further clarification is given in the document.

- MetroPlan Comment on June 2012 Draft Document: Page 3, Operations and Maintenance: The annual cost estimate for operations and maintenance of local projects will be very general. I imagine that using the annual figures shown in local Capital Improvement Programs for the first five years and showing that same level of funding for each of the second five years is acceptable?

Response: If that method is reasonable to the MPO and the local agency(ies), then yes.

- West Florida RPC Comment on June 2012 Draft Document: Page 3 O&M: It appears to me FHWA is wanting us to include the FDOT estimates for O&M PLUS the locals estimates for O&M. It also seems to me that they want a line item for O&M in the CFP. They say they want to see an estimate, by funding type, for EACH of the first 10 years in the Plan. That is a big change from what we do now.

Response: This section was revised. FHWA is looking for estimates of O&M for the region during the LRTP timeframe. Funds spent on O&M are not available for capacity improvements and therefore the total revenues available to the MPO will need to split into O&M as well as capacity improvement projects.

- West Florida RPC Comment on June 2012 Draft Document: On page 3 regarding Operations and Maintenance (O&M). Each of our TPOs includes an appendix in the LRTP that is provided by FDOT to satisfy the O&M LRTP requirement. **Will this still be acceptable to the Federal Highway**

Administration?

Response: The LRTP will need to include specific O&M numbers for the regional level instead of the general statewide assessment of O&M that has been used in the past. This section of the letter has been revised. More discussions will be forthcoming between FDOT, MPOs and FHWA/FTA on this issue as needed.

2018 Expectations Letter

N/A

2018 Expectations Letter Q&A

N/A

Current Laws

23 USC 134(i)(2)(C) FINANCIAL PLAN.—A financial plan that demonstrates how the adopted transportation plan can be implemented, indicates resources from public and private sources that are reasonably expected to be made available to carry out the plan, and recommends any additional financing strategies for needed projects and programs. The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted transportation plan if reasonable additional resources beyond those identified in the financial plan were available. For the purpose of developing the transportation plan, the metropolitan planning organization, transit operator, and State shall cooperatively develop estimates of funds that will be available to support plan implementation.

Current Regulations

23 CFR 450.324(f)(11) A financial plan that demonstrates how the adopted transportation plan can be implemented.

Current Guidance

Transportation Plan and Program Fiscal Constraint Review Questions, March 8, 2005

<https://www.fhwa.dot.gov/planning/fsclsrtrntques.cfm>

Lessons Learned in Fiscal Constraint, August 14, 2006

<https://www.fhwa.dot.gov/planning/lsnlrndfsclcnstnt.cfm>

Financial Planning and Fiscal Constraint For Transportation Plans and Programs Questions & Answers, April 15, 2009

<https://www.fhwa.dot.gov/planning/fsclcntrntques.cfm>

Guidance on Financial Planning and Fiscal Constraint for Transportation Plans and Programs, April 17, 2009

<https://www.fhwa.dot.gov/planning/guidfinconstr.cfm>

Clarifying Fiscal Constraint Guidance, May 15, 2017

https://www.fhwa.dot.gov/planning/clarify_fiscal_constraint.cfm

Q1. What is fiscal constraint?

Since 1991, fiscal constraint has been a key component of the statewide and metropolitan transportation planning processes. Fiscal constraint means that a Metropolitan Transportation Plan (MTP), Transportation Improvement Program (TIP) and Statewide Transportation Improvement Program (STIP) include sufficient financial information to demonstrate that the projects in the MTP, TIP, and STIP can be implemented using committed, available, or reasonably available Federal, State, local, and private revenues, with the assurance that the federally supported transportation system is being adequately operated and maintained. Some examples of reasonable funding assumptions are discussed in the table below: {See guidance link for table}

Transportation Planning Requirements and Their Relationship to NEPA Approvals, Supplement to January 28, 2008 'Transportation Planning Requirements and Their Relationship to NEPA Process Completion', February 9, 2011

https://www.fhwa.dot.gov/planning/tpr_and_nepa/tprandnepasupplement.cfm

Q3. What is Fiscal Constraint?

Fiscal constraint means that the MTP, TIP, and STIP include sufficient financial information to demonstrate that Projects in the MTP, TIP, and STIP can be implemented using committed, available, or reasonably available revenue sources, with assurance that the Federally supported transportation system is being adequately operated and maintained. Additionally, Projects in non-attainment and

maintenance areas can be included in the first two years of the TIP and STIP only if funds for those Projects are "available" or "committed". [23 CFR § 450.216(m) and § 450.324(i)]

Q8. Is the term "fiscally constrained" different as it applies to the Transportation Plan, STIP, and TIP?

No, the methodology and standards for developing and assessing fiscal constraint for the Transportation Plan, STIP and TIP are the same.

However, the fiscal constraint information in the STIP and TIP should be more refined than that found in the transportation plan (MTP or SLRP). The STIP and TIP require a 4-year fiscal constraint demonstration that indicates the resources available or committed and/or reasonably expected to be available to carry out the programs. This means that the STIP and TIP must demonstrate and balance their revenue forecast with their expected expenditure forecast (total estimated project costs) for the near term (4-year) period while adequately operating and maintaining the federally supported transportation system. [23 CFR § 450.216(m) and § 450.324(h)]

It is more challenging for the transportation plan to forecast future revenues/costs for a 20-year time frame and to predict the exact nature of funding sources. Although near term MTP financial information is expected to be fairly accurate, the estimates for the outer years (10+ years) of the plan may be less precise. If cost ranges or bands are used (which are allowable in the outer years of the plan), associated revenues should be reasonably expected to be available to cover Project expenditures, including the upper limit of those bands or ranges. Over time, more current financial data and forecasts can be developed as the MTP is updated every four to five years (or more frequently).

For outer years beyond the timeframe of the TIP and STIP, project sponsors must identify reasonably available source of funding for their Project, which should include a defined funding strategy for the completion of their Projects.

Table 4 provides information on the funding requirements and type of revenue resources that are associated with the planning documents and timeframe.

Q31. Why is fiscal constraint requirement critical now?

Fiscal constraint has been a critical part of the planning and project development processes since the passage of ISTEA in 1991. In today's limited fiscal environment, it is critical that we provide due diligence as to how public funds are expended. When making NEPA decisions, including the decisions whether to initiate the NEPA process, it is incumbent on the Division Office to consider the broader context of fiscal stewardship. Fiscal stewardship is a critical role and responsibility for the FHWA and is engrained throughout the transportation decision making process: from fiscal constraint requirements in the transportation planning process, to reasonable cost estimates of alternatives in project development and the NEPA process, to financial plans and Major Project requirements during design and construction.

The FHWA must actively encourage transparency, consistency, and reasonableness with regard to planned expenditures of public resources, and attempt to ensure that consistent messages are being provided throughout the planning, project development, NEPA, design, construction, operation, and environmental mitigation follow-up processes.

Financial Guidelines for MPO Long Range Plans

Background

The MPOAC adopted the "MPOAC 2025 Florida Transportation Plan Implementation Action Plan" at its April 2007 meeting. This document is intended to serve as a starting point for discussions regarding implementation of General Action 4 of the Implementation Action Plan, which states:

4.I improve Conditions for Estimating Statewide Financial Shortfall: One of the key transportation issues identified in the FTP is an imbalance between estimated transportation needs and future financial resources. The statewide 20-year funding shortfall for MPO areas was estimated to be \$37.7 billion in 2002 (expressed in Year 2000 dollars). However, the accuracy of this and previous shortfall estimates are called into question due to a lack of uniformity in the reporting of financial and planning data. Therefore, a set of statewide guidelines for defining and estimating transportation needs and reporting financial data in MPO LRTPs should be developed by the MPOAC in coordination with FDOT. Additionally, MPOs in Florida will agree to include an estimate of transportation needs in their adopted LRTP to facilitate a statewide estimate of transportation needs.

Long Range Transportation Plan Needs and Cost Feasible Plan

Guidelines for Defining and Reporting Needs

- All MPOs will include an estimate of needs within the body of their adopted LRTP. While MPOs need not include a full-scale needs plan including such information as maps and a project lists, MPOs should include sufficient information to understand the composition of the identified need. The needs estimate should include all costs (operations, maintenance, capacity expansion, etc.) associated with all modes included in the adopted LRTP.
- Certain types of projects should not be considered a "needed" project if they represent projects that are extremely unlikely to be implemented and unnecessarily inflate the estimated transportation needs in the metropolitan area. The cost of such a project should not be included in an MPO Needs Plan. Such projects may include:
 - Projects that cannot be implemented due to policy constraints
 - Projects that cannot be implemented due to physical constraints
 - Projects that are unlikely to be implemented due to potential significant environmental constraints
 - Projects that are unlikely to be implemented due to potential significant environmental justice or civil rights impacts
- Transportation projects included in the MPO Needs Plan should be appropriate to meet the identified transportation need while advancing the goals and policies of the MPO. Cost should be given significant consideration when choosing among various alternatives (mode or alignment) to meet an identified need. Compelling policy or practical reasons for selecting alternatives that exceed the identified transportation need may include increasing the availability of premium transit options, overwhelming environmental benefit or the need to use compatible technology to expand an existing transportation asset.

Adopted by the MPOAC Governing Board

1

October 25, 2007
Amended October 23, 2008

- Reported needs should be broken down by system and by mode. For example, SIS facility needs should be identified separately from needs on non-SIS state highway facilities and highway needs not on the state highway system.

Guidelines for Financial Reporting for Cost Feasible Long Range Transportation Plans

- Reasonably available revenue should be broken down by funding category. Additionally, the LRTP should identify the system component(s) that available revenue will be expended upon.
- An estimate of the cost of all projects and all phases, regardless of mode, should be included in the cost feasible LRTP.
- The costs of operating and maintaining the existing and future transportation system should be clearly stated in the cost feasible plan, in a manner agreed upon by the MPOAC, FDOT and FHWA/FTA.
- MPOs should include full financial information for all years covered by the LRTP, including information from their TIP.
- For their next adopted cost feasible LRTP, MPOs will use:
 - FY 2008/2009 as the base year
 - FY 2034/2035 as the horizon year

Long Range Revenue Forecast for Long Range Transportation Plan Updates

FDOT, in cooperation with the MPOAC and Florida's MPOs, has prepared long range revenue forecasts for state and federal funds that "flow through" the FDOT Work Program and other financial planning guidance since 1995. These forecasts and guidance have been used for the Florida Transportation Plan and metropolitan long range transportation plans. FDOT will, in cooperation with the MPOAC and Florida's MPOs, develop an updated revenue forecast through 2035 and guidance for the next updates of those plans. The following are issues that will affect the next forecast:

- New federal regulations clarify that the horizon year for an LRTP must be at least 20 years from the date of adoption; i.e., any LRTP adopted before the end of December 2010 may have a horizon year of 2030 or beyond.
- As of December 11, 2007, MPO long range transportation plans must be expressed in "Year of Expenditure" (YOE) dollars.
- The horizon years of current adopted Florida LRTPs vary: 11 plans have a 2025 horizon year, 15 plans have a 2030 horizon year.
- FDOT is currently updating the SIS Highway Component Cost Feasible Plan and extending the horizon year to 2035.

Based on these and other issues related to developing long range transportation plans, the following is guidance for developing and reporting financial estimates in the plans.

Guidelines for Revenue Estimates

- The recommended Base Year is FY 2008/2009 (State Fiscal Year) and recommended Horizon Year is FY 2034/2035 for all 26 metropolitan long range transportation plans.
- The recommended Time Period for estimates is 5 years (for example, 2009-2010, 2011-2015, 2016-2020, 2021-2025, 2026-2030, and 2031-2035). This is consistent with previous forecasts and simplifies reporting. The use of 5-year periods increases flexibility and reduces the need to “fine tune” project priorities.
- For estimates of State and Federal Revenues:
 - FDOT will provide YOE estimates for state capacity programs for individual MPOs, similar to prior forecasts.
 - FDOT will provide YOE statewide estimates for non-capacity state programs and provide documentation of program levels and system preservation objectives expected to be met by those funding levels, similar to prior forecasts; MPOs should include the material in long range transportation plan documentation.
 - FDOT will work with the MPOAC to develop the detailed assumptions required for these estimates.
- For estimates of local revenues:
 - FDOT will provide guidance for development of estimates of traditional sources.
 - FDOT and the MPOAC will develop guidance for estimating revenues from other “reasonably available sources,” particularly Proportionate Fair Share Contributions under Chapter 163, F.S.

Guidelines for Developing Project Costs

- Project Cost Estimates are typically expressed in Present Day Cost (PDC) dollars, so they will have to be adjusted with inflation factors for the time period in which they are planned to be implemented.
- To adjust costs from PDC to Year of Expenditure:
 - DOT has adopted estimates of inflation factors through 2035 that MPOs are encouraged to use. FDOT will provide documentation of the assumptions used to develop those factors.
 - MPO should document alternative inflation factors, with explanation of assumptions.
- The recommended Time Period for costs is 5 years (e.g., 2009-2010, 2011-2015, 2016-2020, etc). This is consistent with previous forecasts and simplifies reporting. In addition:
 - This increases flexibility and reduces the need to “fine tune” project priorities.
 - Annual inflation factor estimates will be used to estimate “mid-point” factors for project costs during respective 5-year period.
- Using YOE dollars, regardless of the length of time periods, requires establishing project priorities which may require some MPOs to modify their priority setting process and schedule.
- FDOT will provide YOE cost estimates, phasing and project descriptions for projects included in the 2035 SIS Highway Component Cost Feasible Plan to each MPO.

Guidelines for Distribution of Next Long Range Revenue Forecast

- The long range forecast of state and federal revenues will be needed by all MPOs for modeling and financial planning for their next updates. FDOT will provide the new revenue forecast by May 30, 2008, incorporating the outcome of a 2007 Special Session of the Florida Legislature.

Item Number 6C

Agency Reports –Federal Transit Administration

DISCUSSION:

Ms. Holly Liles, Community Planner, with FTA, will update the members on the activities of the Region 4 Office of FTA and bring forward information of importance to the membership including:

- Transit Safety Performance Targets

REQUESTED ACTION:

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

ATTACHMENTS:

None.

Item Number 7A

Business Items & Presentations

Joint Presentation of the Federal Infrastructure Bill (FDOT/FHWA)

DISCUSSION:

Mr. Brad Thornton, Assistant Secretary for Systems Development, FDOT and Ms. Karen Brunelle, Director, Office of Project Development, FHWA, will give a joint presentation on the new Federal Infrastructure Investment and Jobs Act/Bipartisan Infrastructure Law.

REQUESTED ACTIONS:

None. For informational purposes only.

ATTACHMENTS:

BIL Summary Presentation.



2021 Bipartisan Infrastructure Law Summary

[BIL Overview](#)[Formula
Funding](#)[Competitive
Funding](#)[Policy
Overview](#)[Modal
Overview](#)[Implementation](#)[More
Information](#)

What is the Bipartisan Infrastructure Law?

BIL OVERVIEW

BIL Investments

- Reauthorization of the federal surface transportation act

- Extends and increases formula funding for transportation

- More federal funds available through competitive applications



BIL
OVERVIEW

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Competitive
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Implementation

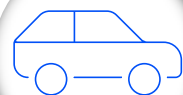
More
Information

BIL Investments

BIL Overview

BIL INVESTMENTS

**\$500
BILLION**
FOR NEW
INVESTMENTS



Transportation



Water



Environment



Public Lands



Power and
Energy



Broadband



Resiliency



BIL
OVERVIEW

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Funding

Competitive
Funding

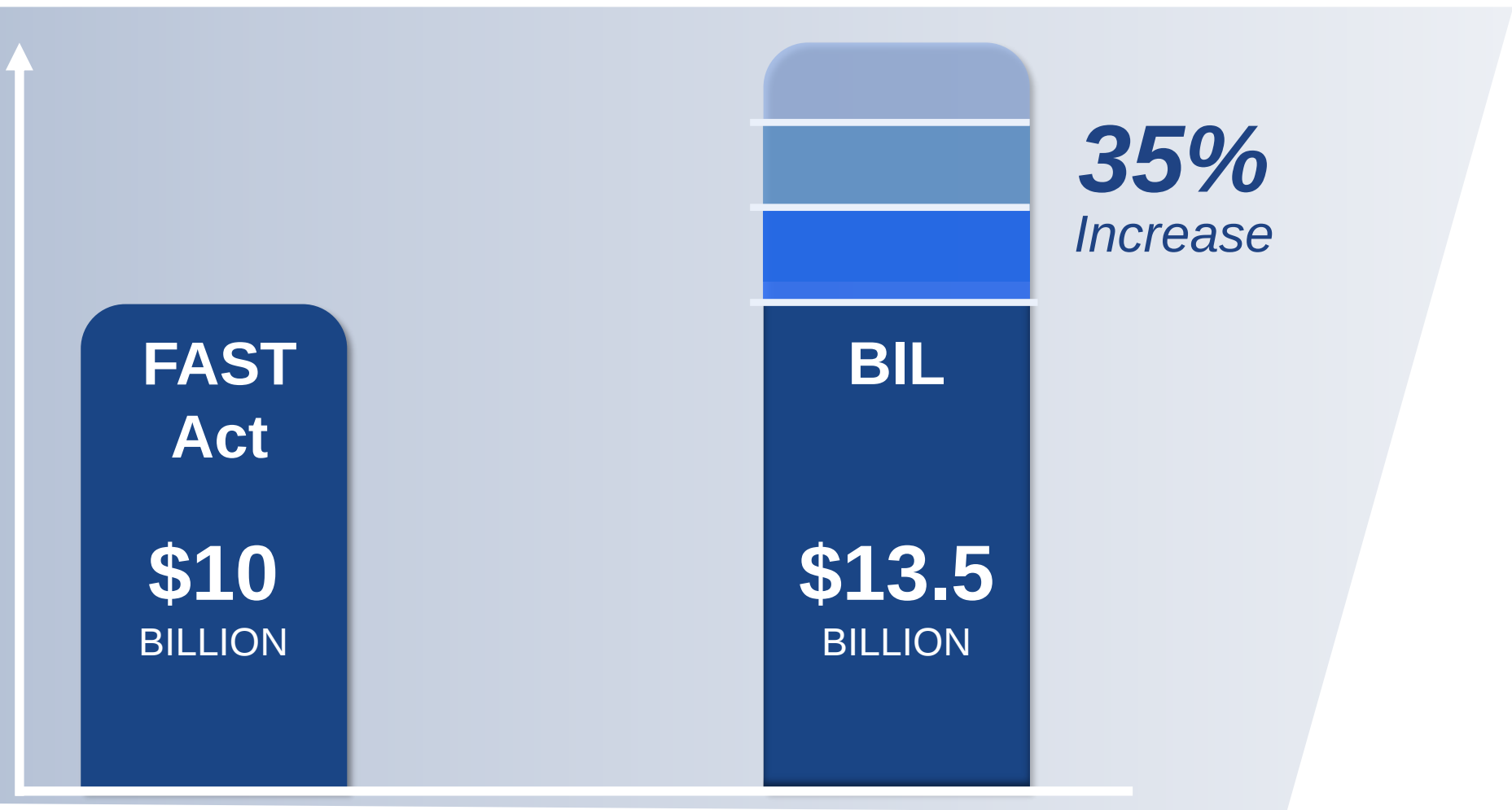
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FDOT Total Share of Formula Funding



FDOT FORMULA SHARE

Federal-Aid Highway Program Funds

New Formula Programs

Formula Funding



BIL Overview

FORMULA FUNDING

Competitive Funding

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Implementation

More Information

Federal-Aid Highway Program Formula Funds

PROGRAM	FL FAST ACT SHARE	FL BIL SHARE	INCREASE IN FUNDING
National Highway Performance Program	\$5.9B	\$7.4B	\$1.4B
Surface Transportation Block Grant	\$3.0B	\$3.6B	\$631.3M
Highway Safety Improvement Program	\$606.3M	\$788.9M	\$182.7M
Railroad Crossing Program	\$45.2M	\$48.6M	\$3.4M
Congestion Mitigation and Air Quality Improvement Program	\$70.5M	\$77.1M	\$6.6M
Metropolitan Planning	\$107.5M	\$142.1M	\$34.6M
National Highway Freight Program	\$301.4M	\$341.9M	\$40.5M
Carbon Reduction Program (NEW)	N/A	\$320.4M	\$320.4M
PROTECT Formula Program (NEW)	N/A	\$364.3M	\$364.3M

FDOT Formula Share

FEDERAL-AID HIGHWAY PROGRAM FUNDS

New Formula Programs

Formula Funding



BIL Overview

FORMULA FUNDING

Competitive Funding

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Additional New Formula Funds

BRIDGE FORMULA PROGRAM



\$244.9 Million

NATIONAL ELECTRIC VEHICLE FORMULA PROGRAM



\$198.1 Million

FDOT Formula Share

Federal-Aid Highway Program Funds

NEW FORMULA PROGRAMS

Formula Funding



BIL Overview

FORMULA FUNDING

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More Information

What is Formula Funding?

FDOT Formula
Share

Federal-Aid
Highway Program
Funds

New Formula
Programs

**FORMULA
FUNDING**

- Noncompetitive funding programs

- Congress determines the recipients

- Congress sets the formulas



BIL Overview

**FORMULA
FUNDING**

Competitive
Funding

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Competitive Program Overview

13
Existing

21
New

\$187
BILLION
in Total Potential
Funding

PROGRAM
OVERVIEW

Competitive
Funding

Example
Competitive
Programs



BIL Overview

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COMPETITIVE
FUNDING

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What is Competitive Funding?

Program Overview

**COMPETITIVE
FUNDING**

Example
Competitive
Programs

- Discretionary funds to address specific program purposes

- New focus areas

 - Safety

 - Equity

 - Multimodal

 - Resiliency



BIL Overview

Formula
Funding

**COMPETITIVE
FUNDING**

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Example Competitive Programs

PROGRAMS	AMOUNTS
Bridge Investment Program (NEW)	\$12.5 Billion
Infrastructure for Rebuilding America (INFRA)	\$8 Billion
Rebuilding American Infrastructure With Sustainability and Equity (RAISE)	\$7.5 Billion
National Infrastructure Project Assistance Program (NEW)	\$5 Billion
Consolidated Rail Infrastructure and Safety Improvements (CRISI)	\$5 Billion

Program Overview

Competitive
Funding

EXAMPLE
COMPETITIVE
PROGRAMS



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Funding

COMPETITIVE
FUNDING

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Example Competitive Programs

PROGRAMS	AMOUNTS
Capital Investment Grants	\$8 Billion
Low and No Emission Bus Program	\$5.6 Billion
Safe Streets and Roads for All Program (NEW)	\$5 Billion
Culvert Removal, Replacement, and Restoration Program (NEW)	\$4 Billion
EV and Alternative Fuel Infrastructure (NEW)	\$2.5 Billion
Rural Surface Transportation Grant Program (NEW)	\$2 Billion

Program Overview

Competitive
Funding

EXAMPLE
COMPETITIVE
PROGRAMS



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- Safety
- Equity
- Resilience
- Modernization & Emerging Mobility
- Other Policy

POLICY
OVERVIEW

Safety

Equity

Resilience

Modernization &
Emerging
Mobility

Other Policy



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Elevates safety, reinforcing Florida’s safety initiatives

- *Strengthens HSIP*
- *Embraces Vision Zero and Safe Systems*
- *Provides new funding for local road safety improvements*
- *Requires planning funds be used to increase safe and accessible travel options*
- *Creates Safe Streets and Roads for All Grant Program*



Creates competitive programs for rail safety, healthy streets, pedestrian safety

Policy Overview

SAFETY

Equity

Resilience

Modernization &
Emerging
Mobility

Other Policy



Increases emphasis on equity throughout BIL

- *Integral to new and continued programs*
- *Key criteria for discretionary awards*
- *Justice40 Initiative created via EO 14008 will be implemented through BIL*



New competitive Reconnecting Communities Pilot Program

- *Mitigation of transportation facilities that create barriers to community connectivity*
- *Priority consideration to economically disadvantaged communities*

[Policy Overview](#)[Safety](#)[EQUITY](#)[Resilience](#)[Modernization &
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Resilience



New PROTECT Program

- *\$7.3 B formula/\$1.4 B in competitive grants for resilience planning and improvements*



Resilience projects eligible under Surface Transportation Block Grant Program



Allows portion of NHS funds to be used for resilience features on Federal-aid facilities off the NHS



Requires asset management and project plans to consider resilience

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Modernization and Emerging Mobility



Increases commitment to modernization

- *Adds eligibility for modernization/emerging technologies to existing programs*
- *Increases Transportation Alternatives Program funding to \$7.2B*
- *Creates several programs focused on building an interconnected EV network*
- *New Congestion Relief Program for large urban areas*



Creates Strengthening Mobility and Revolutionizing Transportation (SMART) Grant Program

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**MODERNIZATION
& EMERGING
MOBILITY**

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Other Policy Issues



Additional FHWA/FTA Planning Emphasis Areas

- Public Involvement
- Strategic Highway Network (STRAHNET)/ U.S. Department of Defense (DOD) Coordination
- Federal Land Management Agency (FLMA) Coordination
- Planning and Environment Linkages (PEL)
- Data in Transportation Planning



FHWA Policy Framework to prioritize BIL resources

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NEW programs and significant amount funds

More emphasis on multimodal projects

Some funds will go directly to agencies

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Highway Summary (\$432.4 Billion)



Significantly increases funding and expands eligibility

- *Safety and Healthy Streets*
- *Bridges*
- *Enhancing resiliency*
- *Restoring community connectivity*
- *Carbon reduction, EV charging and alternative fueling*
- *Wildlife crossings*



More opportunity for local governments to access new funding



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Highway Summary (\$432.4 Billion)

MAJOR NEW PROGRAMS	TYPE	FUNDED AMOUNT
PROTECT Program	Formula and Competitive	\$8.7 Billion
Carbon Reduction Program	Formula	\$6.4 Billion
National Electric Vehicle Program	Formula	\$5 Billion
National Infrastructure Project Assistance Program	Competitive	\$5 Billion
Safe Streets and Roads for All Program	Competitive	\$5 Billion
Rural Surface Transportation Grant Program	Competitive	\$2 Billion
Reconnecting Communities Pilot Program	Competitive	\$1 Billion
Healthy Streets Program	Competitive	\$500 Million
SMART Technology Grants	Competitive	\$500 Million

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Transit Summary (\$91 Billion)

BASED ON FORMULA FUNDING, FLORIDA’S SHARE IS EXPECTED TO INCREASE BY 33% COMPARED TO THE FAST ACT



Makes significant investments in state of good repair projects



New All Stations Accessibility Program (\$1.75 billion)



Raises rural set-aside for buses and bus facilities to 15%



Over \$5 billion for low or no emission buses and facilities

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Transit Summary (\$91 Billion)

PROGRAMS	TYPE	FUNDED AMOUNT
Existing Formula Programs	Formula	> \$68 Billion
Capital Investment Grants	Competitive	\$8 Billion
Low/No Emissions Bus Programs	Competitive	\$5.6 Billion
State of Good Repair Grants (NEW)	Competitive	\$4.75 Billion
All Stations Accessibility Program (ASAP) (NEW)	Competitive	\$1.75 Billion
Rural Ferry Grant Program (NEW)	Competitive	\$1 Billion

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Multimodal and Freight Summary (\$28 Billion)



Increases investment in multimodal freight infrastructure

- *More formula dollars*
- *New and enhanced competitive programs*



Strengthens policy and programming that guide investments

- *Expanded eligibility*
- *Increases critical freight corridors*



Establishes Office of Multimodal Freight Infrastructure and Policy within USDOT

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Multimodal and Freight Summary (\$28 Billion)

PROGRAMS	TYPE	FUNDED AMOUNT
National Highway Freight Program	Formula	\$7.2 Billion
National Infrastructure Project Assistance Program (“Mega-projects”) (NEW)	Competitive	\$5 Billion
INFRA Program	Competitive	\$8 Billion
RAISE (formerly BUILD, TIGER)	Competitive	\$7.5 Billion
Reduction of Truck Emissions at Port Facilities Program (NEW)	Competitive	\$400 Million

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Rail Summary (\$66 Billion)



Significantly increases funding for intercity passenger rail



Creates new eligibility for CRISI grants:

- Trespassing prevention*
- Advancing innovative rail technologies*
- Improving emergency response plans*
- Locomotive improvements to reduce emissions*



Establishes new funding for eliminating railroad crossings

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Rail Summary (\$66 Billion)

PROGRAMS	TYPE	FUNDED AMOUNT
Federal-State Partnership Grants (NEW)	Competitive	\$36 Billion
Amtrak Projects (NEW) (\$12B for non-NE Corridor projects)	Formula	\$22 Billion
Consolidated Rail Infrastructure and Safety Improvements (CRISI)	Competitive	\$5 Billion
Railroad Crossing Elimination Grants (NEW)	Competitive	\$3 Billion
Restoration and Enhancement Grants	Competitive	\$250 Million

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Aviation Summary (\$25 Billion)



Provides \$25B for investments in airport infrastructure



Allows airports to use new Local and Regional Project Assistance Program (\$7.5 B, competitive) for surface transportation components



Allows use of TIFIA loans for airport projects

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Aviation Summary (\$25 Billion)

PROGRAMS	TYPE	FUNDED AMOUNT
Airport Improvement Program	Formula	\$15 Billion
Air Traffic Control Infrastructure	Formula	\$5 Billion
Airport Terminal Program (NEW)	Competitive	\$5 Billion

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Seaport Summary (\$2.5B)



Allows use of RRIF loans for seaport projects



Promotes advancement of port electrification to reduce emissions

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Seaport Summary (\$2.5B)

PROGRAMS	TYPE	FUNDED AMOUNT
Port Infrastructure Development Program	Competitive	\$2.25 Billion
Reduction of Emissions at Port Facilities (NEW)	Competitive	\$250 Million

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- Monitor new developments from USDOT as they create public guidance

- Start identifying and prioritizing projects that may be applicable

- Engage MPOs, local governments and community members



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Census Urban Area Designations and MPO Changes



Federal Transportation Performance Measures



Buy America



Workforce Provisions



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U.S. DOT

transportation.gov/bipartisan-infrastructure-law

FHWA

fhwa.dot.gov/bipartisan-infrastructure-law

FDOT

fdot.gov/planning/policy/legislation



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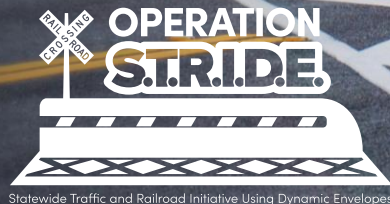
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CLEARING THE PATH FOR A SAFER JOURNEY.

Dynamic Envelopes are pavement markings used to decrease unsafe stopping behavior for motorists, bicyclists, and pedestrians near railroad crossings. These white markings, coated with reflective glass powder, indicate the clearance needed for trains to safely pass.

**Dynamic Envelopes
reduce vehicles stopped
on or too close to the
tracks by at least 15%.***

*According to FDOT Pilot Program



Policy Planning Office

 850-414-4800

 Planning@dot.state.fl.us

*Safety is Everyone's
Responsibility*



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Item Number 7B

Business Items & Presentations MPOAC Document Reviews

DISCUSSION:

Mark Reichert, Executive Director of the MPOAC, will present the new MPOAC General Counsel Contract for review and approval followed by a discussion on the Draft MPOAC FY 23/24 UPWP. The MPOAC Bylaws have been revised and shared with the members for review. He will request comments on the revised Bylaws. Mr. Reichert will also brief the Directors on the plan for a new Financial Policy and Procedures Document and Committee.

REQUESTED ACTIONS:

Ask for approval of the new General Counsel Contract.

ATTACHMENTS:

FY 23 MPOAC General Counsel Contract
Draft MPOAC UPWP for FY 2023 and 2024
Revised MPOAC Bylaws



The Florida Metropolitan Planning Organization Advisory Council

*Commissioner Nick Maddox
Chair*

December 21, 2021

Ms. Ashley Moody
Florida State Attorney General
The Capitol PL-01
Tallahassee, FL 32399-1050

Dear Ms. Moody:

The Florida Metropolitan Planning Organization Advisory Council (MPOAC) requests the approval of the Attorney General's office to renew the contract of the MPOAC General Counsel for fiscal year 2022/2023. Enclosed for your consideration is the completed form titled "Request for Attorney General Approval of Private Attorney Services" and Agreement for Legal Services which further describes the specific legal skills needed of a General Counsel to the Florida MPOAC.

The Florida MPOAC, as created in Section 339.175(11), F.S., represents the interests of Florida's 27 Metropolitan Planning Organizations. The MPOAC requests to renew its contract with Mr. Paul R. Gougelman, III, because of his knowledge in the many transportation related responsibilities of metropolitan planning organizations and direct experience in working with the Council.

Your consideration of this renewal request is appreciated. Should you have any questions, you can contact me at (850) 414-4062.

Sincerely,

Mark E. Reichert
Executive Director

/mer

Enclosures

AG Receipt Date: _____

Request for Attorney General Approval of Private Attorney Services

1. Agency Name: Florida Metropolitan Planning Organization Advisory CouncilContact Person: Mark Reichert, Executive Director Phone #: 414-4062 Fax #: _____2. Proposed Agency SAMAS Contract Number: or Purchase Order # (if under \$5000): E or S
(This information is available from your agency fiscal/purchasing staff.)3. Class/Group Number: 972-500 (This number identifies the area of legal specialization being provided for through contract. Please choose the most appropriate area from the list below.)

010 Administrative Law	240 Commercial Litigation	400 Eminent Domain Law	600 Labor Law
020 Admiralty Law	250 Communication Law	410 Employment Practices Law	605 Land Use Law
030 Agricultural Law	260 Constitutional Law	420 Entertainment Arts and	610 Marital and Family Law
040 Antitrust Law	265 Construction Law	Sports	630 Patent and Trademark Law
060 Aviation Law	270 Consumer Law	Law	700 Real Estate Law
100 Bankruptcy Law	280 Contract Law	430 Environmental Law	710 Securities Law
110 Bond Law	285 Copyright Law	440 Estate Planning and Probate	720 Sunshine/Public Records
200 Civil Appellate Practice	290 Corporate Law	500 General Counsel	Law
210 Civil Rights Law	300 Corrections/Parole Law	510 Health Law	800 Tax Law
220 Civil Trial Practice	320 Criminal Appellate	530 Immigration Law	850 Utilities Law
230 Collections Law	Practice	535 International Law	900 Workers' Compensation Law
	330 Criminal Trial Practice	540 Juvenile/Dependency Law	

4. Type of Request (If this is an original request, please answer only through question #21; if this is a contract amendment, please answer all questions as appropriate):

Original Contract \$22,000.00 Contract Amendment _____

5. If this is an original request, please provide the estimated total contract amount:

Fees \$ 22,000.00 Costs \$ _____ Total \$ 22,000.00

6. If this is an original request, please provide the proposed contract period:

From 7/1/2022 to 06/30/2023

7. Please provide a brief description of the legal services to be provided.

This position is to serve as General Counsel for the Metropolitan Planning Organization Advisory Council (MPOAC). The attorney must have a strong background in working with Elected Officials. The Governing Board of the MPOAC consists of approximately 27 city Councilmembers and County Commissioners.

8. For trial and appellate litigation, please identify:

Style of Case: _____ Case Number: _____

Court: _____

9. Identify the reason outside counsel is needed as opposed to utilizing in-house attorney services:

- ☒ Necessary legal expertise not available on staff
☐ Time commitments exceed in-house staff resources
☐ Conflict of interest
☐ Local representation necessary
☒ Travel, lodging and other costs associated with in-house representation not cost effective
☐ Other, Identify: _____

10. Identify the proposed law firm/counsel:

Law Firm/Counsel Name: Weiss Serota Helfman Cole & Bierman, P.L.
Address: 200 East Broward Blvd., Suite 1900
City, State, ZIP: Fort Lauderdale, FL 33301

11. Identify by name which partners, associates, research associates or other personnel will be used to perform the contracted legal services; and a schedule of their current billing rates.

Name	Position Title	Billing Rate

Paul Gougelman	lead Counsel	\$250.00
Alan Gabriel	alternate	\$250.00
David Tolces	general work	\$250.00
Daniel Abbott	litigation	\$250.00
Matt Mandel	litigation	\$250.00
Milton Collins	labor	\$250.00
Robert Meyers	ethics & procurement	\$250.00

12. Proposed Hourly Rate: Partner \$ 250.00 Estimated Hours: As Needed

Associate \$ 250.00 Estimated Hours: As Needed

13. If the method of payment is to be hourly fee, identify what services will be covered by this fee (e.g., attorney services, paralegal services, research expenditures, overhead including reproductions of materials, administrative support services, telephone charges including faxing of materials, etc.). See Rule 2-37.030, FAC.

NA

14. What items, if any, will be subject to additional charges not considered in the hourly fee. See Rule 2-37.030, FAC.

NA

15. If a cap is to be placed on the amount of non-attorney fee expenditures the agency can reimburse over and above the hourly fee, please identify the amount. \$ NA

17. If an alternate to the hourly billing method is proposed, please describe.
Fixed fee per case

Flat fee per service(s)
Contingency fee
Retainer
Other

18. Services to be Performed in: Statewide
(County)

19. Please identify the criteria used by your agency to select the proposed legal counsel and explain.
Magnitude/complexity of case requires firm's resources

Ratings and certifications (e.g., Martindale and Hubbell)	x
Firm experience	x
Minority counsel	x
Firm's physical proximity to case, agency	x
Firm's prior experience with agency	x
Firm's prior experience with similar case or issue	x
Billing methodology proposed/rate	
Other	

20. Indicate the names of those attorney(s)/firm(s) contacted in addition to the one proposed and their quoted fees.

Firm Name	Quoted Fee
*****	*****
None	

21. Will agency staff be serving as co-counsel or participating with the outside counsel beyond oversight or coordination? NA If yes, identify the participation?

Fact finding, including document review, witness interview _____
Legal research _____ Formal Discovery _____ Drafting documents _____
Pleading/motion practice _____
Negotiations _____ Appeals _____ Trial preparation _____ Trial _____
Co-Counsel _____ Lead counsel _____
Other____, describe _____

22. If this request is a contract amendment, please identify the reason for the amendment, describe the change(s) from the last approval and provide justification for change(s) below.

_____ Increase in total contract amount (including fees & costs): From \$_____ to \$_____
_____ Increase in hourly rate: From \$_____ hourly to \$_____ hourly
_____ Increase in allowance for expenditures over and above hourly rate: From \$_____ to \$_____
_____ Extension of contract period: From _____ through _____, to _____ through _____
_____ Revision/change in services to be provided
_____ Other – Please explain

Justification for amendment:

23. If this request is an amendment to extend the contract period, please provide for the immediate prior fiscal

year only:

\$ expended for fees: \$_____ \$ expended for costs: \$_____

Total \$ expended: \$_____

Signature

Date

Executive Director, MPOAC

Title

Statement of Waiver

Pursuant to Rule 2-37.040, F.A.C., the following rationale exists for waiver of the fee schedule for legal services to be rendered by _____.

- _____ 1. The Agency is unable to obtain adequate legal representation within the confines of the standard fee schedule.
- x 2. The Agency is unable to obtain legal services with the special expertise necessary to perform the particular function of the practice of law which the agency requires.
- _____ 3. The waiver is necessary to provide legal services as a result of an emergency, an immediate danger to the public health, safety and welfare, or an opportunity for the state to preserve or enhance the public fisc and that failure to contract immediately for legal services in excess of the standard fee schedule will work to the detriment of the state.

Please provide below the rationale for the justification selected.



Signature

12/21/21

Date

Mark E. Reichert, Executive Director
Florida MPO Advisory Council

AGREEMENT FOR LEGAL SERVICES

THIS AGREEMENT FOR LEGAL SERVICES is entered into this ____ day of _____, 2022, in the City of Tallahassee, Leon County, Florida, by and between the State of Florida, Florida Metropolitan Planning Organization Advisory Council, a Council of the State of Florida organized and existing pursuant to Section 339.175(11), Florida Statutes (hereinafter alternatively: the "MPOAC" or "AGENCY"), 605 Suwannee Street - MS-28B, Tallahassee, Florida 32399-0450; and Weiss Serota Helfman Cole & Bierman, P.L., a Florida Professional Limited Liability Company (hereinafter: the "CONTRACTOR"), 200 East Broward Blvd. - Suite 1900, Ft. Lauderdale, Florida 33301. This Agreement shall bind the parties upon its execution by their representatives.

RECITALS:

WHEREAS, this Agreement is entered into pursuant to Section 287.059, Florida Statutes, and Chapter 2-37, Florida Administrative Code, and for the purposes of setting forth the duties and responsibilities of the CONTRACTOR and compensation to be paid for performance of said duties;

WHEREAS, appended hereto is ATTACHMENT A FOR PRIVATE ATTORNEY SERVICES, which is hereby incorporated herein by this reference;

WHEREAS, this Agreement is brought about, because the MPOAC needs an attorney who understands procedures under the Florida Administrative Procedure, Chapter 120, Florida Statutes; has a working knowledge in local government/municipal law; has knowledge with regard to provisions of Federal transportation-related law under the U.S. Code and Code of Federal Regulations; has a working knowledge in Florida planning, zoning, and transportation law; and is knowledgeable with regard to Federal-State-Local transportation funding, planning, and general requirements of law; and

WHEREAS, the CONTRACTOR, and CONTRACTOR's lead counsel, has the expertise necessary to perform the duties and responsibilities outlined in this Agreement and the lead counsel under this Agreement will be Paul Gougelman, who has competently represented the MPOAC for almost 30 years.

NOW, THEREFORE, in consideration of the mutual covenants and promises set forth herein, the parties agree as follows:

ARTICLE 1. ENGAGEMENT OF THE CONTRACTOR. The MPOAC hereby agrees to engage the CONTRACTOR, and the CONTRACTOR agrees to perform the services set forth below. The CONTRACTOR understands and agrees that all services contracted for are to be performed solely by the CONTRACTOR and may not be subcontracted for or assigned without the prior written consent

of the MPOAC Governing Board, the MPOAC's Governing Board Executive Committee, or the MPOAC Executive Director.

ARTICLE 2. SCOPE OF SERVICES.

A. The CONTRACTOR agrees under the direction of the MPOAC Chairman or MPOAC Executive Director to perform certain professional legal services as follows:

1. Draft proposed rules and rule amendments, resolutions, contracts, and correspondence;
2. Review and analyze AGENCY legal files, data, documents and other materials concerning the above matter and advise on a recommended legal course of action;
3. Prepare and file pleadings, motions, or briefs which may be required and represent the AGENCY in any related litigation;
4. Initiate and conduct discovery including depositions on behalf of the AGENCY and represent the AGENCY in discovery initiated by opposing parties;
5. Represent the AGENCY at trial or on appeal;
6. Attend and participate in meetings, conference calls, field trips or the like and report on the status of the legal matters;
7. Perform legal research and render legal advice;

8. Review and analyze MPOAC legal files, data, documents and other materials concerning the matters referenced in this paragraph A. and advise on a recommended legal course of action;

9. Act as an intermediary between the MPOAC and counsel for other agencies or legal entities; and

10. Perform other legal services as directed by the MPOAC Governing Board.

B. As CONTRACTOR deems appropriate and in specialized matters, the CONTRACTOR may recommend to the MPOAC use of special legal counsel for defined purposes. Generally, legal services under this Agreement will be performed by CONTRACTOR's lead counsel, Paul Gougelman.

C. The CONTRACTOR shall be bound by the requirements of Section 287.059, Florida Statutes, and Chapter 2-37, Florida Administrative Code. The CONTRACTOR shall represent no private individual or legal entity before the MPOAC in any proceeding or matter.

ARTICLE 3. TIME OF PERFORMANCE. This Agreement shall begin on July 1, 2022 and shall continue until June 30, 2023.

ARTICLE 4. CONSIDERATION.

A. Compensation - Fees and Expenses. Fees and expenses shall be paid in accordance with the provisions of ATTACHMENT A FOR PRIVATE ATTORNEY SERVICES.

B. Travel. Justified and reasonable travel expenses which are directly and exclusively related to the professional services rendered under this contract will be reimbursed in accordance with Section 112.061, Florida Statutes. For the purpose of computing travel expenses, the CONTRACTOR's place of business shall be that listed in the preamble to this Agreement and all travel expenses shall be computed on that basis. Pursuant to Section 112.061, Florida Statutes, attorneys of the CONTRACTOR's firm, or as are named in this Agreement are approved counsel, and are designated as authorized travelers during the life of this Agreement.

C. Sales Tax. The MPOAC is exempted from payment of Florida state sales and use taxes and Federal Excise tax. The CONTRACTOR, however, shall not be exempted from paying Florida state sales and use taxes to the appropriate governmental agencies or for payment by the CONTRACTOR to suppliers for taxes on materials used to fulfill its contractual obligations with the MPOAC. The CONTRACTOR shall not use the MPOAC's exemption number in securing such materials or services. The CONTRACTOR shall be responsible and liable for the payment of all its FICA/Social Security and other taxes resulting from this Agreement.

D. The CONTRACTOR shall not pledge the MPOAC's credit or make the MPOAC a guarantor of payment or surety for any contract, debt, obligation, judgment, lien, or any form of indebtedness.

E. Payment for services shall be issued in accordance with Section 215.422, Florida Statutes. Pursuant to Section 215.422(5), Florida Statutes (2022), the Department of Banking and Finance has established a Vendor Ombudsman to act as an advocate for vendors. The Vendor Ombudsman may be reached at (850) 410-9724 or by calling the State Comptroller Hotline, 1-800-848-3792. In accordance with the provisions of Section 287.0582, Florida Statutes, the State of Florida, MPOAC's performance and obligation to pay under this contract is contingent upon an annual appropriation by the Legislature, if the terms of this Agreement extend beyond the current fiscal year.

ARTICLE 5. DOCUMENTATION.

A. The CONTRACTOR shall submit monthly written invoices, in accordance with the requirements of Attachment A for Private Attorney Services, paragraph D, Format for Invoices, for all fees or other compensation for services or expenses in detail sufficient for a proper pre-audit and post-audit. All

invoices shall be submitted to the Executive Director at the MPOAC office as set forth in the preamble to this Agreement.

B. The CONTRACTOR shall maintain a file(s), available for inspection by the MPOAC, containing documentation of all costs and fees incurred in connection with this Agreement. The file(s) shall be maintained for a period of two years after the cost or fee is incurred by the CONTRACTOR, unless otherwise notified in writing by the MPOAC specifying the document which may be exempted from being maintained.

ARTICLE 6. PUBLIC RECORDS. All documents prepared pursuant to this Agreement are subject to Florida's Public Record Law. Refusal of the Contractor to allow public access to such records as required by such law shall constitute ground for unilateral cancellation of this Agreement by the MPOAC; provided, however that this Agreement shall not be terminated if the CONTRACTOR, pursuant to direction of the MPOAC governing board or the MPOAC Executive Director, withholds access to said public record, because it is confidential or exempt from disclosure pursuant to Federal or Florida law.

ARTICLE 7. TERMINATION OF AGREEMENT. The MPOAC governing board may terminate this Agreement for its convenience or cause by giving five (5) days written notice by certified mail to the CONTRACTOR, specifying the effective date of termination. If

this Agreement is terminated, the CONTRACTOR shall be reimbursed for services satisfactorily performed subject to any damages sustained by the MPOAC. All finished or unfinished documents, data, studies, correspondence, reports and other products prepared by or for the CONTRACTOR under this Agreement shall be made available to and for the exclusive use of the MPOAC. Notwithstanding the above, the CONTRACTOR shall not be relieved of liability to the MPOAC for damages sustained by the Agency by virtue of any termination or breach of this Agreement by the CONTRACTOR. The CONTRACTOR may terminate this Agreement upon thirty (30) days written notice.

ARTICLE 8. AMENDMENTS. Either party may, from time to time request changes to this Agreement, but this shall not bind the other party to agree to said amendment. Any changes must be mutually agreed upon and shall be incorporated in written amendments to this Agreement.

ARTICLE 9. INDEPENDENT CONTRACTOR. Consistent with the Code of Professional Responsibility, the CONTRACTOR, and any of its employees, agents, or assigns, are independent contractors and not employees or agents of the MPOAC. Nothing in this Agreement shall be interpreted to establish any relationship other than that of an independent contractor, between the MPOAC

and the CONTRACTOR, its employees, agents, subcontractors, or assigns, during or after the performance of this Agreement.

ARTICLE 10. LIABILITY. The CONTRACTOR maintains a professional liability insurance policy or policies affording professional liability coverage for the professional services to be rendered under this Agreement.

ARTICLE 11. NONDISCRIMINATION AND COMPLIANCE. The CONTRACTOR shall comply with all Federal, state and local laws and ordinances applicable to the work and shall not discriminate on the grounds of race, color, religion, sex, or national origin in the performance of work.

ARTICLE 12. ADMINISTRATION OF AGREEMENT.

A. The MPOAC contract administration is the MPOAC Executive Director. The CONTRACTOR contract administrator is Paul R. Gougelman. All written and verbal approvals referenced in this Agreement (unless otherwise specified as being required to be obtained from the MPOAC) must be obtained from the parties' contract administrators or their designees. All notices must be given to the parties' contract administrator. From time to time either party may notify the other, making a unilateral change in the person named by said party as the contract administrator for said party. This contract shall be

governed by and construed under the laws of the State of Florida.

B. Any attorney of the firm with whom the CONTRACTOR is affiliated may provide legal representation under this Agreement to the MPOAC, its officers and employees. The CONTRACTOR may refer work under this contract to attorneys in the CONTRACTOR's law firm.

C. The names of the addresses of the parties or their Contract Administrators may be unilaterally changed from time to time by giving notice to the other party to this Agreement.

ARTICLE 13. AGREEMENT AS INCLUDING ENTIRE AGREEMENT. This instrument, including any attachments, embodies the entire Agreement of the parties. There are no other provisions, terms, conditions, or obligations. This Agreement supersedes all previous oral or written communications, representations, or agreements on this subject.

ARTICLE 14. SPECIAL CONDITIONS. The CONTRACTOR agrees to permanently refrain from using or mentioning its association with the MPOAC in advertisements, letterhead, business cards, etc. The MPOAC's services to the MPOAC may be generally described in the CONTRACTOR's professional resume. The CONTRACTOR may not give the impression in any manner, that the MPOAC recommends or endorses the CONTRACTOR. All contracts with

the news media pertaining to the subject of this Agreement shall be referred to the MPOAC contract administrator. Anything, by whatsoever designation it may be known, that is produced by or developed in connection with this Agreement shall remain the exclusive property of the MPOAC and may not be copyrighted, patented, or otherwise restricted as provided by law. Neither the CONTRACTOR nor any other individual employed under this Agreement shall have any proprietary interest in any product(s) developed or delivered under this Agreement.

IN WITNESS WHEREOF, the undersigned parties have executed this Agreement on the date set forth below.

MPOAC:

FLORIDA METROPOLITAN PLANNING
ORGANIZATION ADVISORY
COUNCIL, a Council of the
State of Florida organized
and existing pursuant to
Section 339.175(11), Florida
Statutes

By: _____
Nick Maddox, its
Chair

ATTEST: _____
Mark Reichert,
Agency Clerk

CONTRACTOR:

WEISS SEROTA HELFMAN
COLE & BIERMAN, P.L., a
Florida Professional
Limited Liability Company

By: _____
Joseph H. Serota, Member

OFFICE OF THE ATTORNEY GENERAL
ATTACHMENT A FOR
PRIVATE ATTORNEY SERVICES

A. SCOPE OF SERVICES.

The CONTRACTOR shall:

1. Draft proposed rules and rule amendments, resolutions, contracts, and correspondence;

2. Review and analyze AGENCY legal files, data, documents and other materials concerning the above matter and advise on a recommended legal course of action;

3. Prepare and file pleadings, motions, or briefs which may be required and represent the AGENCY in any related litigation;

4. Initiate and conduct discovery including depositions on behalf of the AGENCY and represent the AGENCY in discovery initiated by opposing parties;

5. Represent the AGENCY at trial or on appeal;

6. Attend and participate in meetings, conference calls, field trips or the like and report on the status of the legal matters;

7. Perform legal research and render legal advice;

8. Review and analyze MPOAC legal files, data, documents and other materials concerning the matters referenced in this paragraph A. and advise on a recommended legal course of action;

9. Act as an intermediary between the MPOAC and counsel for other agencies or legal entities; and

10. Perform other legal services as directed by the MPOAC Governing Board.

B. COMPENSATION-FEES.

1. The AGENCY shall be billed in accordance with the rate set forth in Attachment A. Fees shall not exceed \$250.00 per

hour for work by the Contractor or attorneys named in this Agreement, and fees in excess of such amount shall not be compensable. The CONTRACTOR shall notify the AGENCY, in writing, when fees for billable services reach \$22,000.00, including costs. Said notification shall be made as soon as is practical and prior to the next monthly invoice. Failure to comply with these provisions will result in non-payment.

2. Billable hours shall be measured in one-tenth hour increments. For example, a telephone conversation lasting 6 minutes shall be recorded on billings to the AGENCY as .1 hours. All time shall be rounded up to the next highest one-tenth hour increment. For example, a telephone call lasting 8 minutes would be rounded up to .2 hours, and the billings to the AGENCY would depict the telephone call as being billed for .2 hours. Except as provided above, compensation of attorney hours will be for actual time spent providing attorney services to the AGENCY.

3. Premium rates will not be paid for overtime work.

4. Attorney time while traveling will be compensated at 75 percent of the hourly rates reflected in Attachment A. This compensation does not include the compensation for cost of travel.

5. Telephone conversations will be billed as follows. For a telephone call made by the CONTRACTOR but not reaching the person called or leaving a message to call back, no charge shall be made. For a short telephone conversation, a minimum charge of .2 hours or two-tenths of an hour time will be made. For a long telephone conversation, a minimum charge of .3 hours or three-tenths of an hour time will be made. For telephone conversations lasting in excess of .3 hours or 18 minutes, the call will be charged based on the actual time spent on the telephone conversation, expressed in tenths of an hour as provided in paragraph B.2. above.

C. COMPENSATION-COSTS.

1. Reimbursement of costs for such items as exhibits, transcripts and witness fees requires prior oral authorization by the MPOAC and shall be reimbursed based upon documented third party vendor charges. The MPOAC shall not pay for firm surcharges added to third party vendor charges.

2. Routine expenses such as local (Ft. Lauderdale) phone calls, local (Ft. Lauderdale) facsimile transmissions, local (Ft. Lauderdale) travel expenses, and local (Ft. Lauderdale) courier, word processing, and clerical or secretarial services are overhead and will not be separately compensated.

3. Non-routine office overhead expenses such as long distance phone calls, long distance facsimile transmissions, long distance courier services, bulk mailings, bulk third party copying, postage, copy work, computer assisted legal research, routine postage, copy work, blueprints, x-rays, photographs must be justified to the MPOAC and shall be reimbursed based on documented third party vendor charges. If these charges exceed \$1,000.00 per bill, prior written approval from the MPOAC's contract administrator must be obtained. In-house bulk mailings and bulk copying expenses must be supported by usage logs or similar documentation. Firm surcharges are not reimbursable.

4. The CONTRACTOR shall only bill the MPOAC for a proportionate share of the cost of legal research, attending hearings or engaging in client representation of any type, which is applicable to other clients.

5. The Contractor shall only bill the MPOAC for a proportionate share of the cost of legal research, attending hearings or engaging in client representation of any type, which is applicable to other clients.

6. Reimbursable costs shall not exceed \$3,000.00 under this AGREEMENT. The CONTRACTOR shall notify the AGENCY contract administrator when costs reach \$2,500.00. Said notification shall be made as soon as is practicable and prior to the next monthly invoice.

D. FORMAT FOR INVOICES.

1. Generally, the MPOAC will be billed on a monthly basis, unless a billing for any one month is less than \$100. Each statement for fees and costs shall be submitted in one copy, after the services have been rendered, in a format that includes, at a minimum, the following information:

a. Case name and number, if applicable, or other legal matter reference;

- b. Invoice number for the particular bill;
- c. CONTRACTOR taxpayer identification number;
- d. CONTRACTOR and MPOAC contract administrators' names;
- e. Inclusive dates of the month covered by the invoice;
- f. Itemization of the date; hours billed (if hourly); a concise, meaningful description of the services rendered, with sufficient detail to enable the AGENCY to evaluate the services rendered and costs; the person(s) who performed the services for each day during which the CONTRACTOR performed work; their hourly rate (if hourly) as specified in Attachment A, and any billing rate that is for some reason different from the one furnished in Attachment A, e.g., travel at a reduced hourly rate.
- g. A listing of all invoiced costs to be accompanied by copies of actual receipts.
- h. The total of only the current bill. Prior balances or payment history should be shown separately, if at all.
- i. Any other information as may be requested by the AGENCY's contract administrator.

E. ADMINISTRATION OF AGREEMENT.

1. The AGENCY contract administrator is the AGENCY Executive Director.

2. The CONTRACTOR contract administrator is Paul Gougelman.

3. All oral approvals referenced in this AGREEMENT must be obtained from the parties' contract administrators or their designees. All notices must be given to the parties' contract administrators.

4. This contract shall be governed by and construed under the laws of the State of Florida.

F. OTHER AVAILABLE SERVICES.

Upon receiving approval from the MPOAC, the CONTRACTOR shall use existing MPOAC agreements, when available and cost effective, to acquire services (e.g., computer assisted legal research) and the assistance of professionals (e. g., court reporters, expert witnesses) at reduced rates.

G. PUBLIC RECORDS.

All documents prepared pursuant to the Agreement are subject to Florida's Public Record Law. Refusal of the CONTRACTOR to allow public access to such records as required by such law shall constitute ground for unilateral cancellation of this Agreement by the MPOAC; provided, however that this Agreement shall not be terminated if the Contractor, pursuant to direction of the MPOAC governing board or the MPOAC Executive Director, withholds access to said public record, because it is confidential or exempt from disclosure pursuant to Federal or Florida law.

1. The CONTRACTOR agrees to keep and maintain public records in the CONTRACTOR's possession or control in connection with the CONTRACTOR's performance under this Agreement. The CONTRACTOR additionally agrees to comply specifically with the provisions of Section 119.0701, Florida Statutes. The CONTRACTOR shall ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed, except as authorized by law, for the duration of the Agreement, and following completion of the Agreement until the records are transferred to the MPOAC.

2. Upon request from the MPOAC's custodian of public records, the CONTRACTOR shall provide the MPOAC with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided by Chapter 119, Florida Statutes, or as otherwise provided by law.

3. Unless otherwise provided by law, any and all records, including but not limited to reports, surveys, and other data and documents provided or created in connection with this Agreement are and shall remain the property of the MPOAC.

4. Upon completion of this Agreement or in the event of termination by either party, any and all public records relating to the Agreement in the possession of the CONTRACTOR shall be delivered by the CONTRACTOR to the MPOAC, at no cost to the MPOAC, within seven (7) days (unless the MPOAC already has copies of those public records). Unless the MPOAC already has copies of those public records, all such records stored electronically by the CONTRACTOR shall be delivered to the MPOAC in a format that is compatible with the MPOAC's information technology systems. Once the public records have been delivered upon completion or termination of this Agreement, the CONTRACTOR shall destroy any and all duplicate public records that are exempt or confidential and exempt from public records disclosure requirements.

5. Any compensation due to the CONTRACTOR shall be withheld until all records are received as provided herein.

6. The CONTRACTOR's failure or refusal to comply with the provisions of this section shall result in the immediate termination of this Agreement by the MPOAC.

7. Section 119.0701(2)(a), Florida Statutes

IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF CHAPTER 119, FLORIDA STATUTES, TO THE CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS.

Custodian of Records: Mark Reichert, MPOAC Executive Director

Mailing address: 605 Suwannee Street - MS-28B, Tallahassee, Florida 32399-0450.

H. SPECIAL CONDITIONS.

1. The CONTRACTOR will make affirmative efforts to achieve cost effectiveness by consolidating court hearings, limiting travel, streamlining case processing, using printed forms, using the appropriate level of attorney or staff experience required by task, and taking other actions to improve efficiency.

2. Multiple staffing at meetings, hearings, depositions, trials, etc., by the Contractor will not be compensated unless prior written approval from the MPOAC has been obtained.

3. The Contractor agrees that all documents shall be promptly returned at the termination of the Contractor's involvement in the case or matter at hand.

4. MPOAC in-house staff shall be used in the legal matter to the maximum extent possible.

5. The CONTRACTOR will provide immediate notice by facsimile transmission or telephone regarding significant case developments which will likely result in media inquiries.

6. The CONTRACTOR shall provide the MPOAC immediate notice of any representation undertaken by the CONTRACTOR in matters where the client is suing or being sued by the state or state entities in any civil or adversarial administrative action.

Fee Schedule

I. HOURLY BILLING SCHEDULE:

A. The CONTRACTOR's attorney and paralegal staff to be used under this contract include the following individuals at the hourly rates indicated:

NAME	Hourly Rate
1. Paul Gougelman (lead counsel)	\$250.00
2. Alan Gabriel (alternate)	\$250.00
3. David Tolces (general work)	\$250.00
4. Daniel Abbott (litigation)	\$250.00
5. Matt Mandel (litigation)	\$250.00
6. Milton Collins (labor)	\$250.00
7. Robert Meyers (ethics and procurement)	\$250.00

The above rates may be adjusted if both parties agree, and shall be documented in writing by amendment to this Agreement.

III. ALTERNATE BILLING SCHEDULE: NONE.

Fiscal Years 2022 – 2024

Unified Planning Work Program

Florida Metropolitan Planning Organization Advisory Council

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

Federal Aid Project Number: TBD
FM Numbers: 439339-4



Prepared By:
Florida Metropolitan Planning
Organization Advisory Council

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Debarment and Suspension Certification

Lobby Certification for Grants, Loans, and Cooperative Agreements

Disadvantage Business Enterprise Utilization

Title VI/ Nondiscrimination Assurance

UPWP Statements and Assurances

Introduction

The Unified Planning Work Program (UPWP) has been prepared to define the tasks to be undertaken and the anticipated funding requirements of the Florida Metropolitan Planning Organization Advisory Council (MPOAC) for fiscal years 2022/2023 – 2023/2024 covering the period from July 1, 2022, through June 30, 2024.

The UPWP provides the basis for funding of the transportation planning activities to be undertaken with Federal funds. The FDOT and the MPOAC participate in the Consolidated Grant Program (CPG). The CPG enables FDOT, in cooperation with the MPO, FHWA, and FTA, to annually consolidate Florida's FHWA PL and FTA 5305(d) metropolitan planning fund allocations into a single grant that is administered by the FHWA Florida Division. These funds are annually apportioned to FDOT as the direct recipient and allocated to the MPO by FDOT utilizing formulas approved by the MPO, FDOT, FHWA, and FTA in accordance with 23 CFR 420.109 and 49 U.S.C. Chapter 53. The FDOT is fulfilling the CPG's required 18.07% non-federal share (match) using Transportation Development Credits as permitted by 23 CFR 120(j) and FTA C 8100.1D.

The MPOAC utilizes a soft match for its federal funding sources. These soft matches include toll revenues as a credit toward the non-federal matching share of all programs authorized by Title 23 and for transit programs authorized by Chapter 53 of Title 49, U.S.C. The soft match provision allows the federal share to be increased to 100% to the extent credits are available. The soft match to federal dollars is calculated to an 81.93%/18.07% ratio as required and as allowed using the sliding scale provision. For both Fiscal Years 2022/2023 and 2023/2024, there are \$672,952 of federal PL dollars and these funds are soft matched by \$109,957 of toll credits.

Following this introduction is a discussion of the organization and management of the MPOAC. The specific transportation planning activities to be undertaken these two fiscal years by the MPOAC staff are organized into four major sections, each of which are comprised by several individual tasks:

- 1) Administration: This section includes those functions required to manage the transportation planning process on a continual basis, including program administration, development, review, and reporting, as well as such activities as intergovernmental coordination, public information and notice, and training.
- 2) Forum for Cooperative Decision-Making: This section includes those functions necessary to establish a forum for cooperative decision-making among Florida's MPOs, and with other public and private partners who participate in the cooperative, comprehensive, and continuing (3-C) transportation planning process.
- 3) Dissemination of MPOAC Information: This section includes those functions necessary to develop, reach consensus on, and distribute MPOAC information that can both educate and assist policy makers at the various levels of government. Also included in this section are those tasks of the MPOAC which are used to cross organizational lines to involve the many diverse participants of the transportation planning process.
- 4) Project Planning and Reports: This section includes those functions which are necessary to prepare certain project studies, reports, and correspondence. These activities often result in specific work products that are initiated and endorsed by the MPOAC.

Public Involvement

Development of the UPWP included various public involvement opportunities. The Florida Department of Transportation (FDOT), Federal Highway Administration (FHWA), Federal Transit Administration (FTA) and each MPO were provided a copy of the draft UPWP via electronic format with a request to submit comments over a two-week period. The draft UPWP was also displayed on the MPOAC website for a similar time frame and was included in the January and April 2022 MPOAC meeting agenda packages. The MPOAC website is updated and maintained by the MPOAC staff and is accessed by the public and MPOAC partner organizations on a regular basis.

Organization and Management

The Metropolitan Planning Organization Advisory Council (MPOAC) was created by the 1984 Florida Legislature pursuant to Section 339.175(11), Florida Statutes. The MPOAC was created with the primary purpose and duty to:

“Assist MPOs in carrying out the urbanized area transportation planning process by serving as the principal forum for collective policy discussion pursuant to law” and

“To serve as a clearinghouse for review and comment by MPOs on the Florida Transportation Plan and on other issues required to comply with federal or state law in carrying out the urbanized transportation planning processes.”

The 1993 Florida Legislature expanded the authority of the MPOAC and allowed the Council to “employ an executive director and such other staff as necessary to perform adequately the functions of the council, within budgetary limitations.” The legislation assigned the MPOAC to the Florida Department of Transportation (FDOT), Office of the Secretary for fiscal and accountability purposes, but specified that the MPOAC “shall otherwise function independently of the control and direction of the Department.”

The MPOAC bylaws were updated and adopted at the January 2022 meeting of the MPOAC. The MPOAC bylaws define the roles and responsibilities of the Governing Board, the Staff Directors’ Advisory Committee, and the Executive Committee and outline the operational procedures of the MPOAC. The currently approved bylaws are available on the MPOAC website.

The organization of the MPOAC consists of a 27-member Governing Board and a 27-member Staff Directors’ Advisory Committee.

Governing Board

The MPOAC Governing Board consists of one representative and one or two alternate representatives from each of Florida's metropolitan planning organizations (MPOs), sometimes doing business as Transportation Planning Organizations (TPOs), Metropolitan Transportation Planning Organizations (MTPOs) and Transportation Planning Agencies (TPAs), or a unique name:

Bay County TPO	Martin MPO
Broward MPO	MetroPlan Orlando
Capital Region TPA	Miami-Dade TPO
Charlotte County-Punta Gorda MPO	North Florida TPO
Collier MPO	Ocala/Marion County TPO
Florida-Alabama TPO	Okaloosa-Walton TPO
Forward Pinellas	Palm Beach TPA
Gainesville MTPO	Pasco County MPO
Heartland Regional TPO	Polk TPO
Hernando/Citrus MPO	River to Sea TPO
Hillsborough TPO	Sarasota/Manatee MPO
Indian River County MPO	Space Coast TPO
Lake-Sumter MPO	St. Lucie TPO
Lee County MPO	

The powers and duties of the Governing Board include: entering into contracts with individuals, private corporations, and public agencies; acquiring, owning, operating, maintaining, selling, or leasing personal property essential for the conduct of business; accepting funds, grants, assistance, gifts, or bequests from private, local, state, or federal sources; establishing bylaws and making rules to effectuate its powers, responsibilities, and obligations; assisting metropolitan planning organizations in carrying out the urbanized area transportation planning process by serving as the principal forum for collective policy discussion pursuant to law; and serving as a clearinghouse for review and comment by metropolitan planning organizations on the Florida Transportation Plan (FTP) and on other issues required to comply with federal or state law in carrying out the urbanized area transportation and systematic planning instituted pursuant to statute.

Staff Directors' Advisory Committee

The MPOAC Staff Directors' Advisory Committee consists of one representative and one or two alternate representatives from each organization represented on the MPOAC Governing Board.

The Staff Directors' Advisory Committee is responsible for providing guidance to the MPOAC regarding transportation issues that may come before the MPOAC Governing Board for action. The Staff Directors' Advisory Committee serves as a forum for the discussion and formulation of recommendations to the Governing Board, which will later be forwarded to appropriate governmental bodies or other individuals. Recommendations are related to statewide concerns regarding all transportation-related issues.

Executive Committee

The Executive Committee consists of the MPOAC Governing Board Chair and Vice-Chair, a member of the Governing Board serving at-large, and the Staff Directors' Advisory Committee Chair and Vice-Chair. The Executive Committee provides policy direction for the MPOAC between Governing Board meetings and provides an annual evaluation of the MPOAC Executive Director. Additionally, the MPOAC Executive Committee may act to approve any action that would otherwise be taken by the MPOAC Governing Board if the Governing Board is unable to meet due to an emergency brought on by various causes. Any action taken by the Executive Committee during a time that the MPOAC Governing Board is unable to meet shall be brought to the next meeting of the Governing Board for ratification. The Executive Committee also acts as the Bylaws Committee for the purpose of revising and reviewing the MPOAC bylaws.

Policy and Technical Committee

The Policy and Technical Committee consists of 11 members selected by the MPOAC Governing Board Chair and represent the diversity of Florida's MPOs in terms of geography and population size. However, any individuals or designees who serve on the MPOAC Governing Board or Staff Directors' Advisory Committee and wish to participate are encouraged to do so. Representatives from the Florida Department of Transportation (FDOT), the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) are also invited to participate as advisors to the Committee. The Chair and Vice-Chair of the Staff Directors' Advisory Committee serve in those same positions for this Committee. The Committee meets to identify and discuss issues in depth for future action by the MPOAC Governing Board and Staff Directors' Advisory Committee.

Freight and Rail Committee

The MPOAC created the Freight Advisory Committee in April 2013 to serve as a clearinghouse of actionable ideas that allow Florida's Metropolitan Planning Organizations (MPOs) to foster and support sound freight planning and freight initiatives. The members of the Freight Advisory Committee seek to understand the economic effects of proposed freight-supportive projects; foster relationships between public agencies with responsibilities for freight movement and private freight interests; and reduce policy barriers to goods movement to, from, and within Florida. In April 2021, the MPOAC expanded the scope of the Committee to include rail movement, both freight and passenger, as a recognition of the importance of rail to freight movement and the overlapping issues between passenger and freight rail. The Freight Committee meets as necessary throughout the year in concert with the statewide meetings of the MPOAC.

Strategic Plan Working Groups

The MPOAC adopted the MPOAC Strategic Directions Plan in April 2016. The Strategic Directions Plan provides the agency with a mission and guiding principles and a set of goals. To achieve those goals, the Strategic Directions Plan envisioned the establishment of several working groups. In 2016, the MPOAC established the Best Practices Working Group (now called the Noteworthy Practices Working Group) and the Bicycle and Pedestrian Working Group (now called the Complete Streets Working Group). In 2019, the MPOAC Governing Board endorsed the formation of a Training Working Group to focus on MPO member and staff training and education strategies. The work of the Training Working Group was expected to begin during the 2020 calendar year but was interrupted by the COVID-19 pandemic. It is anticipated that the

Training Working Group will begin anew during the 2022/2023 fiscal year. The Working Groups meet as necessary throughout the year in concert with the statewide meetings of the MPOAC.

Financial Policies and Procedures Committee

The MPOAC Governing Board created the Financial Policies and Procedures Committee in October 2021 to develop a financial policies and procedures handbook for the MPOAC. The membership of the Financial Policies and Procedures Committee includes volunteers from the MPOAC Staff Directors' Advisory Committee and the Governing Board. The Committee is staffed by the MPOAC Executive Director, with support from the Director of the FDOT Office of Policy Planning (OPP).

MPOAC Staff

The staff of the MPOAC consists of an Executive Director and an Executive Assistant. The MPOAC also employs a General Counsel under a legal services contract and contracts for research and staff support with the Center for Urban Transportation Research (CUTR) at the University of South Florida. FDOT assists in the operation of the MPOAC by providing office space and other related services.

1.0 ADMINISTRATION

This section includes those functions required to manage the transportation planning process on a continual basis, including program administration, UPWP development, reporting, legal and planning consulting services, and membership dues.

Administration Tasks include:

- Task 1.1 – MPOAC Administration

Task 1.1 – MPOAC Administration

Purpose

Work and products within this task are recurring and predictable by their nature. Those efforts include financing and managing the daily operation of the Metropolitan Planning Organization Advisory Council (MPOAC) in a manner that is necessary to perform its duties. This includes the purchase or leasing of capital equipment, maintaining legal services for MPOAC operations and meetings, arranging for and holding quarterly meetings of the MPOAC Governing Board, the MPOAC Staff Directors' Advisory Committee, the MPOAC Freight and Rail Committee, meetings of the Policy and Technical Committee and Executive Committee, maintaining the [MPOAC.org](https://www.mpoac.org) website, the payment and processing of invoices and requisitions, the administration of travel funds, conducting personnel actions and evaluations, and all other administrative actions. This Task also includes maintaining memberships with partner organizations nationally and in Florida, namely the Association of Metropolitan Planning Organizations (AMPO), the National Association of Regional Councils (NARC), the Intelligent Transportation Society of Florida (ITSFL), the Florida Public Transportation Association (FPTA) and the Floridians for Better Transportation (FBT) (note: AMPO and NARC dues cover the cost of membership for all MPOs in Florida). This task also provides for legal services and contracts for research and support services for the Metropolitan Planning Organization Advisory Council (MPOAC).

Previous Work Completed

The MPOAC complied with all federal and state standards in the payment and processing of invoices, requisitions, and all personnel actions during the past two years. Travel to meetings and conferences were conducted according to all federal and state travel provisions and the purchase of capital equipment followed appropriate procedures. Annual memberships were maintained in AMPO, NARC, ITSFL, FPTA and FBT and legal counsel was provided as needed and at meetings of both the MPOAC Staff Directors' Advisory Committee and Governing Board. Production of the FY 2022/2023-2023/2024 UPWP and expenditure tracking was accomplished during the past two years. Legal services have been provided by a contractual employee of MPOAC who attends meetings of the MPOAC Governing Board, MPOAC Staff Directors' Advisory Committee, MPOAC Executive Committee, and the MPOAC Policy and Technical Committee. Legal advice is sought on an as-needed basis.

MPOAC Website - This task is for hosting, maintaining, upgrading, and owning the [MPOAC.org](https://www.mpoac.org) website which includes the annual fee to register the domain. CUTR has maintained the [MPOAC.org](https://www.mpoac.org) website by keeping membership information updated, posting updated MPOAC meeting agendas, draft meeting minutes, an annual meeting calendar, MPO employment opportunities, and refreshing other website content as necessary. Periodically, significant rework of the website format, including the addition of new pages, is performed. Internet searches have been continuously conducted to identify relevant national and state news articles for posting to the website.

MPOAC Policy and Technical Committee - This Committee met multiple times in FY 2020/2021 and FY 2021/2022 as needed. The agenda items from the meetings included, but were not limited to, the PL funding and statewide distribution formula, 2021 and 2022 legislative initiatives and policy positions, and to develop the search criteria for the Executive Director position. In addition to the MPO staff directors who serve on the committee, representatives of the Federal Highway Administration (FHWA), and FDOT were also in attendance.

MPOAC Freight Committee (now the Freight and Rail Committee) - The MPOAC Freight Committee meets as needed in association with the MPOAC Governing Board and Staff Directors' Advisory Committee meetings. The MPOAC Freight Committee met multiple times during FY 2020/2021 and FY 2021/2022 to discuss items of relevance to freight movement within and through Florida's metropolitan areas.

The MPOAC staff has developed and distributed agenda packages and arranged meeting locations during four agreed upon meeting dates and times every year. The agenda packages contain minutes of the previous meetings, old and new business

agenda items, back-up material and other handouts for distribution at the meetings. Agenda packages and other MPOAC meeting information are posted to the MPOAC website to provide easy access to information by MPOAC members and the public.

Since 1994, the MPOAC has had no more than two staff positions, an Executive Director and an Administrative Assistant. The MPOAC provides research and other practical support to Florida's 27 MPOs, monitors legislative and regulatory proposals at both the federal and state level, participates in the policy development activities of various federal and state transportation and related initiatives, and provides its membership continuing education opportunities. To supplement work conducted by the existing MPOAC staff, CUTR has provided a variety of needed transportation services and expertise to the MPOAC through a transportation planning services agreement that has been in place since Fiscal Year 2001/2002.

Proposed Methodology

Continue to process all invoices and requisitions and expend travel funds in a manner consistent with state and federal provisions relating to the expenditure of federal planning funds (PL) from the Federal Highway Administration (FHWA) and Section 5305(d) funds from the Federal Transit Administration (FTA), which will be combined under this UPWP as a single grant referred to as a Combined Planning Grant (CPG). CUTR research and support staff assist in the development of MPOAC meeting minutes, agenda item materials, PowerPoint presentations, and other related activities. Annual memberships in AMPO, NARC, ITSFL, FFTA and FBT will continue to be maintained. Legal counsel will be maintained and available as needed, including at meetings of both the MPOAC Staff Directors' Advisory Committee and Governing Board. A new UPWP will be produced for state fiscal years 2023-24 and expenditures will be tracked for state fiscal years 2022/23 and 2023/24. MPOAC meetings will be advertised in the Florida Administrative Register as required by Florida's Sunshine Law and posted to the MPOAC website.

MPOAC Website - This task is for hosting, maintaining, upgrading, and owning the MPOAC.org website which includes the annual fee to register the domain. CUTR staff will continue to maintain the MPOAC website with information from the Staff Directors' Advisory Committee, Governing Board, Executive Committee, Policy and Technical Committee, MPOAC Freight and Rail Committee, MPOAC Strategic Directions Plan Working Groups, FDOT, FHWA and the FTA. The transportation news sections of the website will continue to be updated with fresh information of national and state significance. Additionally, MPO and Census Urbanized Area boundary maps will continue to be updated for inclusion on the website using an automated GIS based software package. The MPOAC will provide management and oversight responsibilities for website content and functionality and provide CUTR with new and updated information.

MPOAC Staff Directors' Advisory Committee and Governing Board Meetings – Staff will develop agendas and meeting materials for four annual meetings at dates and locations recommended by the Staff Directors Advisory Committee and approved by the MPOAC Governing Board. The agenda packages will contain minutes of the previous meetings, old and new business agenda items, back-up material and other handouts for distribution at the meetings. Agenda packages and other MPOAC meeting information will be posted to the MPOAC website to provide easy access to information by MPOAC members and the public.

MPOAC Executive Committee – Staff will conduct MPOAC Executive Committee meetings as needed. The meetings will address organizational issues for subsequent decisions by the Governing Board and the Staff Directors' Advisory Committee. MPOAC staff will develop, prepare, and distribute MPOAC Executive Committee meeting materials. The funding includes travel costs related to the performance of this task.

MPOAC Policy and Technical Committee - Staff will conduct MPOAC Policy and Technical Committee meetings that will address complex issues for subsequent decisions by the Governing Board and Staff Directors' Advisory Committee. MPOAC staff will develop, prepare, and distribute MPOAC Policy and Technical Committee meeting materials. The funding includes travel costs related to the performance of this task.

MPOAC Freight and Rail Committee - Staff will participate in Committee meetings, which will address complex freight and rail planning, and policy issues for subsequent decisions by the Governing Board and Staff Directors' Advisory Committee. MPOAC staff (with consultant support provided by the Broward MPO) will help develop, prepare and distribute MPOAC Freight and Rail Committee meeting materials. The funding includes travel costs related to the performance of this task.

The MPOAC proposes to contract directly with CUTR to receive the services of CUTR employee(s) who would be assigned to work for and be supervised by the MPOAC Executive Director. The employee(s) will be located at the CUTR building on the USF campus in Tampa, but be available to complete agreed upon tasks, including attending meetings and conferences, wherever needed.

Included in the financial tables is the FDOT provided office space. The rate for state office space has been determined by the State of Florida, Department of Management Services to be \$17.00 per square foot per month. This includes all services such as janitorial, printing (in-house only), security, information technology support, postage, utilities, printer paper, common areas, small meeting rooms, communications, and communications technology, etc. The MPOAC occupies 342 square feet of office space. Because the MPOAC does not pay rent the Department does incur an expense by hosting the MPOAC, this expense is shown as an in-kind match.

Work Products

The MPOAC will meet federal and state requirements in the processing of invoices, requisitions, travel and capital expenditures, personnel actions and evaluations, and other related activities. No capital equipment purchases over \$5,000 are anticipated during this period. The MPOAC annual memberships in AMPO, NARC, ITSFL, FPTA and FBT. The MPOAC will produce a new UPWP for state fiscal years 2024/2025 and 2025/2026 and track the expenditures within the state fiscal years 2022/2023-and 2023/2024 UPWP. The MPOAC will retain legal counsel for projects and research as needed as well as at meetings of the MPOAC Staff Directors' Advisory Committee, MPOAC Executive Committee, and the MPOAC Governing Board. The MPOAC will advertise meetings in the Florida Administrative Register as required by Florida's Sunshine Law and post meeting notices to the MPOAC website.

The MPOAC will maintain and perform updates to the MPOAC website (www.mpoac.org) through Fiscal Years 2022/2023 and 2023/2024. While these tasks are performed by the CUTR Principal Investigator, it is done under the direction of the MPOAC Executive Director.

MPOAC Staff Directors' Advisory Committee and Governing Board Meetings – MPOAC will hold four quarterly meetings annually at dates and locations recommended by the Staff Directors and selected by the Governing Board. Meeting packages will be distributed at least seven days prior to the meetings. The MPOAC Staff Directors' Advisory Committee and Governing Board meetings will be advertised in the Florida Administrative Weekly and posted on the MPOAC website. The funding includes both staff time and travel expenses.

MPOAC Executive Committee – Staff will conduct MPOAC Executive Committee meetings as needed. The meetings will address organizational issues for subsequent decisions by the Governing Board and the Staff Directors' Advisory Committee. MPOAC staff will develop, prepare, and distribute MPOAC Executive Committee meeting materials. MPOAC Executive Committee meetings will be advertised in the Florida Administrative Weekly and posted on the MPOAC website. The funding includes travel costs related to the performance of this task.

MPOAC Policy and Technical Committee – Staff will conduct Committee meetings, as necessary, in a central location between regularly scheduled full MPOAC meetings to identify issues for future action by the MPOAC Staff Directors' Advisory Committee and Governing Board. MPOAC Policy and Technical Committee meetings will be advertised in the Florida Administrative Weekly and posted on the MPOAC website. The funding includes both staff time and travel expenses.

MPOAC Freight and Rail Committee - Committee meetings will be scheduled, as desired by the committee membership, in concert with regularly scheduled MPOAC meetings to identify issues for future action by the MPOAC Staff Directors' Advisory Committee and Governing Board. Freight and Rail Committee meetings will be noticed in the Florida Administrative Weekly and posted on the MPOAC website. The funding includes both staff time and travel expenses.

The MPOAC contract with CUTR, to receive the services of CUTR employee(s) who would be assigned to work for and be supervised by the MPOAC Executive Director, will allow the completion of developing research reports and studies on subjects of relevance to ongoing and future MPO activities. Preparing best practices reports using examples of excellence developed and implemented by Florida's MPOs as well as other MPOs nationally, and national associations such as the AMPO and the NARC. CUTR staff will review, analyze and develop transportation policy statements, letters, and papers. CUTR staff will attend and monitor transportation related meetings, workshops and public hearings conducted by federal, state, and local agencies, the Florida Legislature, as well as statewide and national associations, authorities, and commissions on behalf of the Florida MPOAC. CUTR staff will conduct analysis on existing and proposed legislation and other regulatory activities and initiatives related to transportation planning, urban development and land use, the delivery and expansion of transit services, global climate change and air quality, and other issues relevant to MPOs. Particular attention will be paid to federal transportation authorization implementation proposals, including further integrating non-SOV modes (transit, pedestrian, and bicycle) as viable options in statewide and metropolitan transportation systems and addressing funding sustainability issues in the state's metropolitan areas. CUTR staff will advise and assist the Executive Director in the development of MPOAC meeting content and materials, and the UPWP. CUTR staff will prepare minutes of MPOAC Staff Directors' Advisory Committee and Governing Board quarterly meetings. CUTR staff will participate in the update and implementation processes of various statewide transportation plans and planning efforts and in the development of State and MPO performance measurement targets in compliance with federal requirements. The specific deliverables and/or services to be provided under this task will be agreed upon by the Executive Director and the CUTR Principal Investigator on an as-needed basis depending upon the immediate transportation planning requirements of the MPOAC. While the tasks described above are performed by the CUTR Principal Investigator and other CUTR staff and graduate assistants, it is done in partnership with the MPOAC Executive Director and under the direction and supervision of the Executive Director.

Milestones

Ongoing – Operation of [MPOAC.org](https://www.mpoac.org), operation of MPOAC, processing of invoices, requisitions, travel funds and compliance with various fiscal and operational systems in place at FDOT (the host agency). Ongoing – Hold MPOAC Policy and Technical Committee meetings as needed throughout FY 2022/2023 and FY 2023/2024. Produce a draft and final 2024-25 UPWP. Maintain membership in AMPO, NARC, ITSFL, FPTA and FBT. Four quarterly meetings of both the Staff Directors' Advisory Committee and MPOAC Governing Board, and meetings of the Executive Committee, Policy and Technical Committee and the Freight and Rail Committee, as needed.

End Products

This task will continue the operation of the [MPOAC.org](https://www.mpoac.org) website, the operation of MPOAC, processing of invoices, requisitions, travel funds and compliance with various fiscal and operational systems in place at FDOT (the host agency) and Federal agencies. MPOAC will track expenditures and accomplishments of the organization during each fiscal year and report quarterly to the Staff Directors' Advisory Committee and Governing Board. MPOAC will maintain membership in partner organizations such as NARC, AMPO, ITSFL, FPTA and FBT. Under this task, MPOAC will produce a final state fiscal year 2023/2024 and 2024/2025 UPWP. As needed, MPOAC will obtain written legal opinions and advice from legal counsel. CUTR will provide research and support services by producing reports, comments in response to state or federal announcements, requests for information, or publications as needed. Staff will participate in statewide and national transportation plans and planning efforts, report development, performance measures development and implementation, and involvement in issues impacting transportation. Four quarterly meetings of both the Staff Directors Advisory

Committee and MPOAC Governing Board will be held annually. MPOAC Policy and Technical Committee Meetings, Executive Committee, and Freight and Rail Committee Meetings will be held as needed. MPOAC will also pay to advertise meetings in the Florida Administrative Weekly as required by Florida's Sunshine Law.

Funding Source

FY 2022/23		FHWA (PL)	Federal Soft Match	State In Kind Match	Local Funds	FTA 5303d	FTA State Match
Task 1.1	MPOAC Administration						
Personnel Services							
	MPOAC Staff Salaries and Fringe Benefits	\$155,258	\$34,243				
Consultant Services		\$55,000	\$12,130			\$22,800	\$5,700
Travel							
	Travel Expenses	\$22,000	\$4,852				
Other Direct Expenses							
	Office Supplies	\$516	\$114				
	Memberships	\$172,246	\$37,990				
	Copier Rent	\$1,905	\$420				
	Advertising	\$319	\$70				
	Rent			\$69,768			
	Legal Services	\$22,000	\$4,852				
	Website Hosting Services	\$500	\$110				
Totals		\$429,744	\$94,781	\$69,768		\$22,800	\$5,700

Note: AMPO and NARC dues (\$88,772.16 for AMPO and \$80,000 for NARC) cover the cost of membership for all MPOs in Florida and are included in the Membership line item in the Other Direct Expenses section of the Task budget.

FY 2023/24		FHWA (PL)	Federal Soft Match	State In Kind Match	Local Funds	FTA 5303d	FTA State Match
Task 1.1	MPOAC Administration						
Personnel Services							
	MPOAC Staff Salaries and Fringe Benefits	\$155,258	\$34,243				
Consultant Services		\$55,000	\$12,130			\$22,800	\$5,700
Travel							
	Travel Expenses	\$22,000	\$4,852				
Other Direct Expenses							
	Office Supplies	\$516	\$114				
	Memberships	\$172,246	\$37,990				
	Copier Rent	\$1,905	\$420				
	Advertising	\$319	\$70				
	Rent			\$69,768			
	Legal Services	\$22,000	\$4,852				
	Website Hosting Services	\$500	\$110				
Totals		\$429,744	\$94,781	\$69,768		\$22,800	\$5,700

Note: AMPO and NARC dues (\$88,722.16 for AMPO and \$80,000 for NARC) cover the cost of membership for all MPOs in Florida and are included in the Membership line item in the Other Direct Expenses section of the Task budget.

2.0 REGIONAL COOPERATION AND INFORMATION DISSEMINATION

This section includes those functions necessary to develop, reach consensus, and distribute Metropolitan Planning Organization Advisory Council (MPOAC) information that can both educate and assist policy makers at the various levels of government. Also included in this section are those tasks of the MPOAC that are used to cross organizational lines to involve the many diverse participants of the transportation planning process.

Dissemination of MPOAC Information Tasks include:

- Task 2.1 – MPOAC Policy Positions
- Task 2.2 – MPOAC Institute Training Activities

Task 2.1 – MPOAC Policy Positions

Purpose

The MPOAC will disseminate information to elected officials regarding issues of importance to metropolitan planning organizations (MPOs), including recommendations on how best to coordinate and integrate federal and state transportation planning requirements. Time charged to this task for the purpose of disseminating information or meeting with Legislators will be paid for with local funds only, no federal funds shall be used on this task and these types of activities per Federal Regulations 2 CFR 200.450.

Previous Work Completed

The MPOAC Policy and Technical Committee met multiple times in 2020 and 2021 to discuss legislative policy positions and a variety of other statewide policy issues. Upon adoption, the MPOAC distributed a printed brochure of its adopted policy positions to affected parties accordingly. A digital version of the brochure was posted to the MPOAC website.

On October 16, 2003, the MPOAC Governing Board approved a motion to annually request that each MPO in the state contribute \$500 or more of non-federal local funds to the MPOAC to support and fund legislative advocacy and other related activities. The Governing Board has adopted a budget of \$7,500 in non-federal local funds for this activity in each subsequent fiscal year. The MPOAC has used non-federal local funds for advocacy activities such as legislative initiatives that the MPOAC wished to have advanced during Florida's legislative sessions. The MPOAC also distributed a weekly legislative newsletter during the Session. The newsletter was distributed to the MPOAC membership and to several partner organizations. Additionally, a year-end summary of legislation relevant to transportation planning and MPOs was developed and distributed to the MPOAC membership and stakeholders. A digital version of the year-end legislative summary was posted to the MPOAC website.

Proposed Methodology

The MPOAC will develop and distribute MPOAC resolutions, policy positions, legislative recommendations, legislative summaries, and correspondence that are endorsed by the MPOAC Governing Board and presented to other policy and decision-makers with the state and federal government. The MPOAC Policy and Technical Committee will seek the participation of the Florida Department of Transportation, the Florida League of Cities, the Florida Association of Counties, the Florida Public Transportation Association, and other stakeholders to establish policies that enhance the cooperative, comprehensive, and continuing transportation planning process. The MPOAC will also produce and distribute a weekly legislative newsletter at the end of each week of Session and a legislative summary at the conclusion of Session.

Work Products

The MPOAC will adopt and distribute before the annual Session of the Florida Legislature, the MPOAC's Legislative Priorities and Policy Positions to the Governor, the Florida Legislature, MPOAC members, Florida Department of Transportation, Florida Division of the Federal Highway Administration, Region 4 of the Federal Transit Administration, Florida Association of Counties, Florida League of Cities, Florida Transportation Commission, Florida Public Transportation Association and other stakeholders. The MPOAC will also produce and distribute a weekly newsletter at the conclusion of each week the legislature meets and a year-end summary of legislation relevant to transportation planning and MPOs. The MPOAC Legislative Priorities and Policy Positions and the MPOAC Year-End Legislative Summary will both be posted to the MPOAC website.

The MPOAC will use non-federal local funds for advocacy activities such as legislative initiatives to be advanced during Florida's legislative session. These funds may be used for travel expenses if needed.

Milestones

Development of MPOAC policy positions for use during the 2023 and 2024 Florida Legislative Sessions. Production of a weekly legislative newsletter at the end of each week the Florida Legislature meets and a year-end legislative summary.

End Products

Florida MPOAC Policy Positions, weekly legislative newsletters, and a year-end legislative summary.

Funding Source

FY 2022/23		FHWA (PL)	Federal Soft Match	State In Kind Match	Local Funds	FTA 5303d	FTA State Match
Task 2.1	MPOAC Policy Positions						
Personnel Services							
	MPOAC Staff Salaries and Fringe Benefits				\$6,900		
Printing					\$600		
Totals		\$0	\$0	\$0	\$7,500	\$0	\$0

FY 2023/24		FHWA (PL)	Federal Soft Match	State In Kind Match	Local Funds	FTA 5303d	FTA State Match
Task 2.1	MPOAC Policy Positions						
Personnel Services							
	MPOAC Staff Salaries and Fringe Benefits				\$6,900		
Printing					\$600		
Totals		\$0	\$0	\$0	\$7,500	\$0	\$0

Task 2.2 – MPOAC Institute Training Activities

Purpose

To provide on-going training for metropolitan planning organization (MPO) Governing Board Members in the many activities that encompass the MPO planning process.

Previous Work Completed

During fiscal years 2003 through 2006, the Florida Metropolitan Planning Organization Advisory Council (MPOAC) funded a training feasibility study and the development of MPOAC Institute training materials. In fiscal year 2006/2007, the MPOAC launched the MPOAC Institute, providing training at workshops and at the Weekend Institute for Elected Officials. In fiscal year 2008/2009, the MPOAC added an extra Weekend Institute for Elected Officials (raising the number to two a year) due to high demand and agreed to provide the transportation module as part of the Florida Association of Counties (FAC) County Commissioner Voluntary Certification program. Throughout the years, the MPOAC Institute training materials have been updated on an annual basis to reflect changes in transportation policy, laws and practices and have been made available to MPOs across the state for their use.

As of January 2022, the MPOAC Weekend Institute has been held 28 times (twice by special request; and missing 2 Institutes in 2020 due to the COVID-19 pandemic) since 2007, with a total attendance of 409 MPO Governing Board members coming from all of Florida's 27 MPOs. In 2021, the full MPOAC Institute was offered twice using remote meeting technology. Both offerings of the MPOAC Institute will be held in-person in the spring of 2022. Additionally, MPOAC Institute workshops have been held many times during the past several fiscal years, providing MPO-related training to local elected officials, county, and municipal officials and MPO staff and committee members across Florida.

Proposed Methodology

The MPOAC will actively manage the delivery of MPO-related training opportunities through the MPOAC Institute initiative. The primary training will be two weekend training institutes. The training will be delivered in a retreat environment where MPO elected officials can concentrate on learning the basics of MPO practices and processes away from the normal interruptions and demands placed on local elected officials. Training will also be delivered as part of the FAC County Commissioner Voluntary Certification program. Training dates are anticipated to be in the spring of 2023 and 2024. All training materials will be continuously updated to reflect any changes in federal or state laws, regulations and guidance and be made available to Florida MPOs for their use on the MPOAC website.

Work Products

The MPOAC Institute will provide MPO-related training in a variety of venues including two weekend training institutes and a training workshop held as part of the FAC County Commissioner Voluntary Certification program. All training materials will be made available to Florida MPOs, the FDOT, FHWA, and the FTA for their use. All training materials will be updated to reflect current federal and state laws, regulations, and guidance. The MPOAC Executive Director and Executive Assistant will supervise the activities of the MPOAC Institute and review and approve MPOAC Institute related materials, invoices, and progress reports to ensure that the project continues as anticipated.

A fee is charged to each participant who attends the MPOAC Weekend Institute. This fee is not intended to cover the cost of the weekend institute, but instead is used to cover the cost of food and refreshments provided during the weekend institute and defray other costs. The fee is currently \$300 per participant but may change if needed to cover anticipated costs associated with the delivery of the MPOAC Institute.

While the tasks described above are performed by the CUTR Principal Investigator and staff, it is done in partnership with and under the direction of the MPOAC Executive Director. A portion of the budget is set-aside for the time of the MPOAC Executive Director and Executive Assistant to participate in the work products and overall direction of this task.

Milestones

The MPOAC updates the training materials used in the Weekend Institute each year and in preparation for the training, arranges for printing of training materials and for training facilities, manages a registration process, and conducts two training sessions per year. Additionally, training is provided as part of the FAC County Commissioner Voluntary Certification program.

End Products

Four total training sessions. MPOAC Weekend Institutes will be held twice between March and June in 2023 and in 2024. Training as part of the FAC County Commissioner Voluntary Certification program.

Funding Source

FY 2022/23		FHWA (PL)	Federal Soft Match	State In Kind Match	Local Funds	FTA 5303d	FTA State Match
Task 2.2	MPOAC Institute Training Activities						
Personnel Services							
	MPOAC Staff Salaries and Fringe Benefits	\$10,660	\$2,351				
Consultant Services		\$85,000	\$18,747				
Totals		\$95,660	\$21,098	\$0		\$0	\$0

FY 2023/24		FHWA (PL)	Federal Soft Match	State In Kind Match	Local Funds	FTA 5303d	FTA State Match
Task 2.2	MPOAC Institute Training Activities						
Personnel Services							
	MPOAC Staff Salaries and Fringe Benefits	\$10,660	\$2,351				
Consultant Services		\$85,000	\$18,747				
Totals		\$95,660	\$21,098	\$0		\$0	\$0

3.0 PROJECT PLANNING AND REPORTS

This section includes those functions that are necessary to prepare certain project studies, reports, and correspondence. These actions often result in specific work products that are initiated and endorsed by the Metropolitan Planning Organization Advisory Council (MPOAC).

Project Planning and Reports Tasks include:

- Task 3.1 – Assessment of Documents, Regulations, Policies and Legislation
- Task 3.2 – Performance Measures Implementation
- Task 3.3 – Public Transportation, Environment & Community Planning
- Task 3.4 – Safety, Operations and Management
- Task 3.5 – MPOAC Strategic Plan Implementation

Task 3.1 – Assessment of Documents, Regulations, Policies and Legislation

Purpose

The MPOAC will review proposed documents, regulations, policies, and legislation (federal and state) to provide substantive and technical comments that represent the collective interest of Florida’s Metropolitan Planning Organizations (MPOs). In addition, the MPOAC staff will conduct statewide and national research, as needed, to provide Florida MPOs with information regarding industry practices and standards.

Previous Work Completed

The MPOAC distributed to its members periodic updates as well as an overview of legislation enacted during the prior Legislative sessions that pertains to metropolitan planning organizations.

The MPOAC during the previous two fiscal years reviewed and provided detailed comments as they relate to MPOs on various state and federal documents and reports. For example, detailed summaries of state legislation are prepared annually following the close of Florida legislative sessions. Additionally, the MPOAC submitted comments to appropriate officials on various proposed rules and guidance documents including, but not limited to, Statewide and Nonmetropolitan Transportation Planning and Metropolitan Transportation Planning, and MPO Coordination and Planning Area Reform.

Proposed Methodology

Compile and review proposed and adopted documents, regulations, policies, and legislation in a format that is clearly presented and useful to each MPO. The funds associated with this task are for MPOAC staff time. In addition, MPOAC staff will conduct national and statewide research to collect data pertaining to industry practices and standards. Unique to this UPWP cycle will be rules associated with a new Federal Transportation Bill (the Infrastructure Investment and Jobs Act or IIJA, also known as the Bipartisan Infrastructure Law or BIL) and the release of US Census data. New federal rules associated with the BIL and new urban areas be publicly noticed in the federal register and the public has an opportunity to provide feedback about the methodology. MPOAC expects to look at the notice(s) carefully and provide information to the membership about the potential impacts of the methodology suggested.

Work Products

Following the 2023 and 2024 Florida legislative sessions, the MPOAC will distribute to its membership a summary of approved state legislation of interest to metropolitan planning organizations. The MPOAC will provide review comments on documents, regulations policies and legislation relating to issues of interest to metropolitan planning organizations, including any federal notices of federal rule making associated with the BIL.

Milestones

This is an ongoing activity that is performed on an as-needed basis.

End Products

MPOAC submittal of comments on proposed federal rules, participation in efforts to craft new policies, and to educate MPOs in Florida about proposed legislation, policies, regulations, or documents when they are produced.

Funding Source

FY 2022/23		FHWA (PL)	Federal Soft Match	State In Kind Match	Local Funds	FTA 5303d	FTA State Match
Task 3.1	Assessment of Documents, Regulations, Policies and Legislation						
Personnel Services							
	MPOAC Staff Salaries and Fringe Benefits	\$44,774	\$9,875				
Consultant Services							
Totals		\$44,774	\$9,875	\$0		\$0	\$0

FY 2023/24		FHWA (PL)	Federal Soft Match	State In Kind Match	Local Funds	FTA 5303d	FTA State Match
Task 3.1	Assessment of Documents, Regulations, Policies and Legislation						
Personnel Services							
	MPOAC Staff Salaries and Fringe Benefits	\$44,774	\$9,875				
Consultant Services							
Totals		\$44,774	\$9,875	\$0		\$0	\$0

Task 3.2 – Statewide Plans, Programs, and Performance Measures Implementation

Purpose

The MPOAC will participate and assist in the implementation of statewide plans and programs such as the Florida Transportation Plan (FTP), the Florida Strategic Highway Safety Plan (SHSP), the Florida Highway Safety Implementation Plan (HSIP), the Florida Freight Mobility and Trade Plan, the Strategic Intermodal System (SIS) Plan, etc. The MPOAC will promote coordination between statewide planning and programming with MPO planning activities. The MPOAC will also participate and assist Florida's 27 MPOs, in partnership with the Florida DOT, to implement the Federal Transportation Performance Management Measures while maintaining consistency in the data sets used and information shared with the public.

Previous Work Completed

The MPOAC participated in the policy and technical committees organized by the FDOT to develop the FTP and SIS Plan updates carried out over the past 2 years. Also, the MPOAC worked closely with Florida DOT staff to implement the federal transportation performance measure rules, including publishing an updated summary of MPO performance targets across Florida. The partnership with FDOT has been recognized as one of the best, if not the best, model of cooperation in the nation, resulting in numerous presentations by the MPOAC and FDOT, including to New York AMPO, Minnesota DOT, USDOT, SASHTO, AASHTO, AMPO, NARC, TRB and Florida APA. MPOAC also coordinated with the Florida DOT to assemble a full set of transportation performance measure reporting data sets for use by the individual MPOs in multiple formats for consistency and ease of use across the state.

Proposed Methodology

The MPOAC will participate in the review of the SIS facility eligibility requirements and serve as a member of appropriate working groups or steering committees. The MPOAC will facilitate coordination between the implementation efforts for statewide plans/programs and MPO planning activities by providing a forum for education and discussion between the MPOAC membership, the FDOT, and representatives of MPOAC partner organizations.

The MPOAC will coordinate and collaborate with the FDOT and the Florida MPOs so that the federal transportation performance management measures continue to be presented using an identical data set, format and manner which is expected to reduce confusion and increase credibility among the public, elected officials, and the press. The MPOAC will continue to publish an up-to-date summary of MPO performance targets across Florida.

Work Products

Develop the necessary reports, documents, and guidance to coordinate the implementation of statewide plans/programs and MPO planning activities. Work with the 27 MPOs, through the MPOAC, to incorporate the performance management measures into MPO plans and programs. This task will consist of staff time and may involve travel, as needed.

Milestones

This is an ongoing activity as the FDOT implements statewide plans/programs and performance management measurement. It is expected that during the timeframe of this UPWP, the USDOT may update or issue new guidance related to performance management measurement and further define how information is to be displayed and used by MPOs. Should this occur, the MPOAC will provide written comments if the opportunity is made available.

End Products

Ongoing planning and programming activity.

Funding Source

FY 2022/23		FHWA (PL)	Federal Soft Match	State In Kind Match	Local Funds	FTA 5303d	FTA State Match
Task 3.2	Performance Measures Implementation						
Personnel Services							
	MPOAC Staff Salaries and Fringe Benefits	\$30,459	\$6,718				
Consultant Services							
Totals		\$30,459	\$6,718	\$0		\$0	\$0

FY 2023/24		FHWA (PL)	Federal Soft Match	State In Kind Match	Local Funds	FTA 5303d	FTA State Match
Task 3.2	Performance Measures Implementation						
Personnel Services							
	MPOAC Staff Salaries and Fringe Benefits	\$30,459	\$6,718				
Consultant Services							
Totals		\$30,459	\$6,718	\$0		\$0	\$0

Task 3.3 – Public Transportation, Environment & Community Planning

Purpose

The MPOAC will integrate and promote public transportation, environmental, climate change, sea-level rise, air quality and community planning issues into the metropolitan transportation planning process. This task will expand the role of the MPOAC in working with state, regional and local organizations that provide public transportation options and promote environmental streamlining, livable communities, and sound community planning practices to enhance the overall MPO planning process. In particular, the MPOAC will work with FDOT to ensure that Florida MPOs consider mechanisms for addressing the federal planning emphasis areas issued in 2021.

Previous Work Completed

The MPOAC worked with the FDOT Transit Office to incorporate transit issues into the MPO planning process, the FDOT Systems Implementation Office to implement the SUNTrail program, and the FDOT Office of Environmental Management (OEM) to implement state assumption of federal environmental review responsibilities. The MPOAC also worked with the Florida Department of Economic Opportunity (DEO), the Florida Department of Environmental Protection (DEP), Florida Commission for the Transportation Disadvantaged, and other local, regional, and state organizations that promote environmental, community planning and sustainable development objectives and transportation options.

Proposed Methodology

Continue to work with FDOT, DEO, the Florida Transportation Commission (FTC), Florida Commission for the Transportation Disadvantaged, Florida Public Transportation Association (FPTA), Florida Greenways and Trails Foundation, and the Florida Regional Councils Association to expand the participation of the MPOAC in working with other partners and stakeholders to advance public transportation, efficient transportation decision-making and community planning objectives. Additionally, the MPOAC will work with 1,000 Friends of Florida, the Governor's staff, DEP, and other partner organizations to advance transportation system resiliency, sea-level rise, sustainable development, equity, and air quality considerations in state, metropolitan and local planning activities, and processes, with particular attention to the current federal planning emphasis area. The MPOAC Executive Director will serve as an ex-officio nonvoting member of the FPTA.

Work Products

The MPOAC will provide a forum for public and private organizations to present programs and issues that lead to better integration of public transportation, environmental, climate change, sea-level rise, air quality and community planning issues within the MPO planning process. As a follow-up, the MPOAC will continue to work with such organizations to update planning guidelines, manuals and other related reports and documents that are used to implement these activities.

The tasks described above are performed by the CUTR Principal Investigator and the MPOAC Executive Director, supported by staff of both organizations. These tasks are performed under the direction of the MPOAC Executive Director. The funds shown for the CUTR Principal Investigator (and staff) are to assist and support the MPOAC Executive Director in any aspect of this task as needed under the planning contract the MPOAC has with CUTR.

Milestones

This is an ongoing activity. Presentations at quarterly meetings of the MPOAC and at Technical and Policy Committee meetings will take place as needed or requested by MPOAC membership.

End Products

This is an ongoing activity. Presentations at quarterly meetings of the MPOAC and at Technical and Policy Committee meetings will take place as needed or requested by MPOAC membership.

Funding Source

FY 2022/23		FHWA (PL)	Federal Soft Match	State In Kind Match	Local Funds	FTA 5303d	FTA State Match
Task 3.3	Public Transportation, Environment & Community Planning						
Personnel Services							
	MPOAC Staff Salaries and Fringe Benefits	\$18,293	\$4,035				
Consultant Services						\$7,200	\$1,800
Totals		\$18,293	\$4,035	\$0		\$7,200	\$1,800

FY 2023/24		FHWA (PL)	Federal Soft Match	State In Kind Match	Local Funds	FTA 5303d	FTA State Match
Task 3.3	Public Transportation, Environment & Community Planning						
Personnel Services							
	MPOAC Staff Salaries and Fringe Benefits	\$18,293	\$4,035				
Consultant Services						\$7,200	\$1,800
Totals		\$18,293	\$4,035	\$0		\$7,200	\$1,800

Task 3.4 – Safety, Operations and Management

Purpose

The MPOAC will identify and present information related to transportation operations, management and safety that will assist individual MPOs in their development of long-range transportation plans, transportation improvement programs, and other planning work products.

Previous Work Completed

Previous work under this task includes transmitting Intelligent Transportation System (ITS), autonomous vehicle, and safety information to MPOs and participating on the FDOT Strategic Highway Safety Plan Steering and Executive Committees, the Transportation Asset Management Plan Steering Committee, the Bicycle and Pedestrian Partnership Council, and the FDOT's Safe Mobility for Life Coalition and initiatives. The MPOAC Executive Director is a member of the Intelligent Transportation Society of Florida and was a participant in the Safe Streets Summit, the Annual Florida Automated Vehicles Summit, the Florida Metropolitan Planning Partnership, the MPO Leadership meetings, and the FDOT Freight Leadership Forum.

Proposed Methodology

Given the implementation of the federal safety performance management measures which has brought focus to this topic, MPOAC staff expects to work with MPOs, the Florida DOT Safety Office, and the Office of Policy Planning in this area. MPOAC staff will work with FDOT, FHWA, FTA, and other partners to bring before the MPOAC the latest information regarding transportation safety, automated/connected vehicles, operations, and management that can be used by MPOs in support of the urbanized transportation planning process. The MPOAC will work with the FDOT Safety Office to amend the Strategic Highway Safety Plan, as needed, and integrate the goals of the plan into the MPO planning process. Additionally, the MPOAC will work with the Transportation Research Board (TRB), FHWA, the FTA, and other partner organizations to address the issues facing older road users and other mobility concerns facing a growing senior population.

Work Products

Presentations, workshops, and the dissemination of information regarding transportation operations, management, automated/connected vehicles, and safety. Participation on various committees supporting improved safety, operations, and maintenance on Florida's multi-modal transportation system, including the Strategic Highway Safety Plan Steering Committee, the Safe Mobility for Life Coalition, and other committees and boards as requested. This task consists of staff time and may include travel expenses as necessary.

Milestones

This is an ongoing activity. Presentations at quarterly meetings of the MPOAC and at Technical and Policy Committee meetings will take place as needed or requested by MPOAC membership.

End Products

This is an ongoing activity. Presentations at quarterly meetings of the MPOAC and at Technical and Policy Committee meetings will take place as needed or requested by MPOAC membership.

Funding Source

FY 2022/23		FHWA (PL)	Federal Soft Match	State In Kind Match	Local Funds	FTA 5303d	FTA State Match
Task 3.4	Safety, Operations and Management						
Personnel Services							
	MPOAC Staff Salaries and Fringe Benefits	\$14,022	\$3,093				
Consultant Services							
Totals		\$14,022	\$3,093	\$0		\$0	\$0

FY 2023/24		FHWA (PL)	Federal Soft Match	State In Kind Match	Local Funds	FTA 5303d	FTA State Match
Task 3.4	Safety, Operations and Management						
Personnel Services							
	MPOAC Staff Salaries and Fringe Benefits	\$14,022	\$3,093				
Consultant Services							
Totals		\$14,022	\$3,093	\$0		\$0	\$0

Task 3.5 – MPOAC Strategic Plan Implementation and Working Groups

Purpose

The MPOAC will carry out the action items contained in the MPOAC Strategic Directions Plan and update the adopted vision statement, guiding principles and goals if needed. The MPOAC Strategic Directions Plan identified several working groups which will increase the value of MPOAC to FDOT, the MPOs, and the citizens of Florida. These working groups are topic area specific and are intended to address areas which can benefit from the statewide collective forum provided by the MPOAC.

Previous Work Completed

During FY 2015/16, the MPOAC conducted a strategic planning process to ensure organizational effectiveness in meeting member needs and expectations. The process, guided by the Strategic Directions Advisory Committee (SDAC) and mediated by the Florida CRC Consensus Center, concluded in 2016 and resulted in the completion of the MPOAC Strategic Directions Plan and an associated Implementation Action Plan. The MPOAC identified four working groups to implement over the following four years. The Complete Streets Working Group completed the “Complete Streets Best Practices” report in 2018 and the final report is posted to the MPOAC website. The Noteworthy Practices Working Group has been formed and is meeting regularly to achieve the goals and objectives in the Strategic Directions Plan. The Noteworthy Practices Working Group has also assembled a Share Point site for use by the membership. In addition, the Working Group has begun holding presentations at the quarterly MPOAC meetings where selected MPOs share details of their efforts. The presentations are selected by the membership through an annual balloting process.

Proposed Methodology

Staff anticipates launching the Training and Communications working groups during the timeframe of this UPWP. The Noteworthy Practices working group is expected to continue to meet. The Strategic Directions Plan is due for an update which will be undertaken during this UPWP cycle. Based on the results of the Plan update, along with potential changes in federal or state laws and rules, the purpose and products of the working groups may require adjustment. Additionally, the deliberations of the working groups may result in the development of new work products (reports, brochures, etc.). Much of the staffing work is provided by member organizations.

Work Product

An update of the Strategic Directions Plan will be undertaken during this UPWP cycle. The working groups will be engaged in the update and the results of the update may necessitate revisions to the purpose and products of each working group. Working group will continue to produce a product or products depending on the nature of their work with the intention of making these products available for others to learn from and to improve the state of transportation planning among the Florida MPOs.

Milestones

Quarterly meetings during Fiscal Years 2022/2023 and 2023/2024 or as needed, including meeting agendas sent out in advance of meetings and the hosting of quarterly meetings.

The Working Groups will periodically report out to the Staff Directors' Advisory Committee and produce reports, websites, and products that may be used by MPOs and require financial expenditure by the MPOAC. Amendments and modifications to the existing MPOAC Strategic Directions Plan will be required during Fiscal Years 2022/2023 and/or FY 2023/2024.

End Products

An update of the Strategic Directions Plan will be undertaken during this UPWP cycle and may result in changes to the Working Groups. Quarterly meetings during Fiscal Years 2022/2023 and 2023/2024 or as needed, included meetings of the MPOAC Strategic Plan working groups. The deliberations of the Working Groups may result in work products requiring financial expenditure by the MPOAC. Amendments and modifications to the existing MPOAC Strategic Directions Plan will be required during Fiscal Years 2022/2023 and/or FY 2023/2024.

Funding Source

FY 2022/23		FHWA (PL)	Federal Soft Match	State In Kind Match	Local Funds	FTA 5303d	FTA State Match
Task 3.5	MPOAC Strategic Plan Implementation						
Personnel Services							
	MPOAC Staff Salaries and Fringe Benefits	\$35,922	\$7,923				
Consultant Services							
Totals		\$35,922	\$7,923	\$0		\$0	\$0

FY 2023/24		FHWA (PL)	Federal Soft Match	State In Kind Match	Local Funds	FTA 5303d	FTA State Match
Task 3.5	MPOAC Strategic Plan Implementation						
Personnel Services							
	MPOAC Staff Salaries and Fringe Benefits	\$35,922	\$7,923				
Consultant Services							
Totals		\$35,922	\$7,923	\$0		\$0	\$0

Table 1: SFY 2023 Funding Sources

FY 2022/23 Summary Table		FHWA (PL)	Federal Soft Match	State In Kind Match	Local Funds	FTA 5303D	FTA State Match
Task 1.1	MPOAC Administration	\$429,744	\$94,782	\$69,768	\$0	\$22,800	\$5,700
Task 2.1	MPOAC Policy Positions	\$0	\$0	\$0	\$7,500	\$0	\$0
Task 2.2	MPOAC Institute Training Activities	\$95,660	\$21,098	\$0	\$0	\$0	\$0
Task 3.1	Assessment of Documents, Regulations, Policies and Legislation	\$44,774	\$9,875	\$0	\$0	\$0	\$0
Task 3.2	Performance Measures Implementation	\$30,459	\$6,718	\$0	\$0	\$0	\$0
Task 3.3	Public Transportation, Environment & Community Planning	\$18,293	\$4,035	\$0	\$0	\$7,200	\$1,800
Task 3.4	Safety, Operations and Management	\$14,022	\$3,093	\$0	\$0	\$0	\$0
Task 3.5	MPOAC Strategic Plan Implementation	\$35,922	\$7,923	\$0	\$0	\$0	\$0
	Totals	\$668,874	\$147,524	\$69,768	\$7,500	\$30,000	\$7,500
Grand Total of all Columns		\$931,166					

Note: Task 1.1 FHWA PL and Federal Soft Match includes AMPO and NARC dues for all Florida MPOs (\$88,772.16 for AMPO and \$80,000 for NARC).

Table 2: SFY 2024 Funding Sources

FY 2023/24 Summary Table		FHWA (PL)	Federal Soft Match	State In Kind Match	Local Funds	FTA 5303D	FTA State Match
Task 1.1	MPOAC Administration	\$429,744	\$94,782	\$69,768	\$0	\$22,800	\$5,700
Task 2.1	MPOAC Policy Positions	\$0	\$0	\$0	\$7,500	\$0	\$0
Task 2.2	MPOAC Institute Training Activities	\$95,660	\$21,098	\$0	\$0	\$0	\$0
Task 3.1	Assessment of Documents, Regulations, Policies and Legislation	\$44,774	\$9,875	\$0	\$0	\$0	\$0
Task 3.2	Performance Measures Implementation	\$30,459	\$6,718	\$0	\$0	\$0	\$0
Task 3.3	Public Transportation, Environment & Community Planning	\$18,293	\$4,035	\$0	\$0	\$7,200	\$1,800
Task 3.4	Safety, Operations and Management	\$14,022	\$3,093	\$0	\$0	\$0	\$0
Task 3.5	MPOAC Strategic Plan Implementation	\$35,922	\$7,923	\$0	\$0	\$0	\$0
Totals		\$668,874	\$147,524	\$69,768	\$7,500	\$30,000	\$7,500
Grand Total of all Columns		\$931,166					

Note: Task 1.1 FHWA PL and Federal Soft Match includes AMPO and NARC dues for all Florida MPOs (\$88,772.16 for AMPO and \$80,000 for NARC). Please see the notes in Task 1.1.

Table 3: Relationship of UPWP Tasks to Federal Planning Factors

FEDERAL PLANNING FACTORS	Task 1.1	Task 2.1	Task 2.2	Task 3.1	Task 3.2	Task 3.3	Task 3.4	Task 3.5
Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency.	X	X	X		X			X
Increase the safety of transportation system for motorized and non-motorized users.	X	X	X		X		X	X
Increase the security of transportation system for motorized and non-motorized users.	X	X	X		X		X	X
Increase the accessibility and mobility of people and for freight.	X	X	X		X			X
Protect and enhance the environment, promote energy conservation, improve the quality of life, and promote consistency between transportation improvements and State and local planned growth and economic development patterns.	X	X	X	X	X	X		X
Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight.	X	X	X	X	X	X		X
Promote efficient system management and operation.	X	X	X		X		X	X
Emphasize the preservation of the existing transportation system.	X	X	X		X		X	X
Improve the resiliency and reliability of the transportation system and reduce or mitigate storm water impacts of surface transportation.	X	X	X		X	X		X
Enhance travel and tourism.	X	X			X	X		X

Table 4: Relationship of UPWP Tasks to State Planning Emphasis Areas

State Planning Emphasis Areas	Task 1.1	Task 2.1	Task 2.2	Task 3.1	Task 3.2	Task 3.3	Task 3.4	Task 3.5
SAFETY	X	X	X		X	X	X	X
SYSTEM CONNECTIVITY	X	X	X		X	X		X
RESILIENCE	X	X	X		X	X		X
ACES	X	X	X		X	X	X	X

MPOAC Responses to Comments Received

The Draft UPWP was available for public comment for 30 days, beginning on January 30, 2022. To solicit comments, the Draft UPWP was published on the MPOAC website, was presented at the January 27, 2022 quarterly meetings of the MPOAC Staff Directors' Advisory Committee and the MPOAC Governing Board. An email containing a weblink leading to the MPOAC website where the draft UPWP was located was sent to the MPOAC membership and partners. The following comments were received:

Florida Department of Transportation:

MPOAC response:

Florida Division of Federal Highway Administration:

MPOAC response:

RESOLUTION NO. 2022-01

A RESOLUTION OF THE FLORIDA METROPOLITAN PLANNING ORGANIZATION ADVISORY COUNCIL; REVISING AGENCY BY-LAWS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 339.175(11)(c)4., Florida Statutes, provides that the MPOAC may from time to time adopt by-laws or revision thereto;

WHEREAS, *The MPOAC is not subject to Florida's Administrative Procedure Act. §120.52(1), F.S. Consequently, these rules of by-laws are not subject to a rule adoption proceeding pursuant to Section 120.54, F.S.; and*

WHEREAS, these by-laws were adopted by Resolution No. 15-1, effective January 22, 2015; and

WHEREAS, these by-laws were amended by Resolution No. 17-1, effective January 26, 2017; and

WHEREAS, these by-laws were further amended by Resolution No. 2020-02, effective October 29, 2020; and

WHEREAS, it is the desire of the MPOAC Governing Board to streamline and further amend these by-laws pursuant to this Resolution No. 2022-1, effective January 27, 2022,

NOW, THEREFORE, BE IT ENACTED BY THE GOVERNING BOARD OF THE FLORIDA METROPOLITAN PLANNING ORGANIZATION ADVISORY COUNCIL:

SECTION A. Recitals. Each and all of the foregoing recitals ("WHEREAS" clauses) are hereby declared to be true and correct and are incorporated herein by this reference.

SECTION B. That the By-Laws of the MPOAC are hereby amended to read as follows:

Section 1. Definitions. As used in these bylaws, the following terms shall be defined as follows:

(a) "MPO" means and refers to a metropolitan planning organization as provided for in 23 U.S.C. Section 134, 49 U.S.C. Section 5303, and Section 339.175, Florida Statutes. MPO may also mean a transportation planning organization ("TPO"), transportation planning agency ("TPA") or another name used by an MPO in Florida.

(b) "MPOAC" shall mean the State of Florida, Metropolitan Planning Organization Advisory Council as provided for in Section 339.175, Florida Statutes.

(c) "Record" shall include all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by the MPOAC. A record shall be as specified in Section 119.011, Florida Statutes, or as determined pursuant to judicial interpretation of Chapter 119, Florida Statutes.

Section 2. MPOAC Organizational Structure.

(a) The Governing Board

(i) The MPOAC Governing Board consists of one representative from each of the duly designated MPOs in Florida. Pursuant to Section 2(a)(ii)(5), if a new MPO is created, the number of Governing Board members will increase. As of January 2022, the MPOs are:

- (1) Bay County Transportation Planning Organization;
- (2) Broward Metropolitan Planning Organization;
- (3) Capital Region Transportation Planning Agency;
- (4) Charlotte County-Punta Gorda Metropolitan Planning Organization;
- (5) Collier Metropolitan Planning Organization;
- (6) Florida-Alabama Transportation Planning Organization;
- (7) Forward Pinellas;
- (8) Heartland Regional Transportation Planning Organization;
- (9) Hernando/Citrus Metropolitan Planning Organization;
- (10) Hillsborough County Metropolitan Planning Organization;
- (11) Indian River County Metropolitan Planning Organization;
- (12) Lake-Sumter Metropolitan Planning Organization;
- (13) Lee County Metropolitan Planning Organization;
- (14) Martin Metropolitan Planning Organization;
- (15) MetroPlan Orlando;
- (16) Metropolitan Transportation Planning Organization for the Gainesville Urbanized Area;
- (17) Miami-Dade Transportation Planning Organization;
- (18) North Florida Transportation Planning Organization;
- (19) Ocala-Marion County Transportation Planning Organization;
- (20) Okaloosa-Walton Transportation Planning Organization;

- (21) Pasco County Metropolitan Planning Organization;
- (22) Palm Beach Transportation Planning Agency;
- (23) Polk Transportation Planning Organization;
- (24) River to Sea Transportation Planning Organization;
- (25) Sarasota/Manatee Metropolitan Planning Organization;
- (26) Space Coast Transportation Planning Organization; and
- (27) St. Lucie Transportation Planning Organization.

(ii) Appointment of Governing Board representatives.

(1) Each individual MPO selects one representative, and may select at least one alternate representative, to serve on the Governing Board. An MPO may select a primary alternate representative and, at its option, a secondary alternate representative. Alternate representatives shall vote, participate for the purpose of forming a quorum, make or second motions, and otherwise act as a member of the MPOAC Governing Board, only in the absence of the representative that the alternate has been appointed to serve in place of; provided, however, that alternate representatives may always attend Governing Board meetings and participate in debate. A secondary alternate representative shall vote, participate for the purpose of forming a quorum, make or second motions, and otherwise act as a member of the MPOAC Governing Board, only in the absence of the Governing Board member, and the primary alternate representative, of the MPO that the secondary alternate represents. Regular Governing Board members or alternate members may be reappointed from time to time by their appointing MPO.

(2) The term for a representative and an alternate representative shall be from January 1st to December 31st of each calendar year. By no later than December 31st of each calendar year, each MPO should appoint its representative to the MPOAC to serve for the succeeding calendar year.

(3) No individual shall be eligible to vote on the MPOAC until the appointing MPO certifies in writing or electronically by e-mail to the MPOAC that such individual is authorized to act as the representative or alternate representative of the certifying MPO.

(4) Each representative and each alternate representative of a MPO shall serve at the pleasure of the appointing MPO; provided, that a representative or an alternate representative on the MPOAC Governing Board must at all times be a representative sitting on the Governing Board of the appointing MPO. Vacancies shall be filled only by an appointment by the original appointing MPO.

(5) Upon the creation of a new MPO pursuant to Section 339.175, Florida Statutes, said MPO is entitled to the appointment of one representative

and, at its option, one (1) primary alternate representative, and one (1) secondary alternate representative, to serve as a member of the MPOAC Governing Board in the absence of the regular voting delegate to the Governing Board.

(iii) Governing Board Governance.

(1) The MPOAC Governing Board shall at its first meeting of the calendar year elect a Chair and Vice-Chair as its officers. The Chair and Vice-Chair shall take office upon election and shall serve until the completion of the next regular election which shall be held at the first meeting in the first quarter of the calendar year (or as soon thereafter as possible if a meeting is not held in the first quarter), or until a successor is elected, whichever event shall first occur. The Chair and Vice-Chair must at all times during their term of office be members of the MPOAC Governing Board.

(2) If a vacancy occurs in any MPOAC Governing Board office, the MPOAC Governing Board shall fill the vacancy, and the individual filling the vacancy shall serve until the completion of the next regular election which shall be held at the first meeting in the first quarter of the calendar year (or as soon thereafter as possible if a meeting is not held in the first quarter), or until a successor is elected, whichever event shall first occur.

(3) Chair; Vice-Chair. The Chair of the MPOAC shall call and preside at all meetings of the MPOAC Governing Board. The Chair is authorized to execute on behalf of the MPOAC all documents which have been approved by the MPOAC Governing Board. The Vice-Chair shall act as Chair in the absence of the Chair.

(4) Agenda preparation. After consultation with the Chair of the Governing Board, the Executive Director is responsible for the preparation of agendas for future meetings.

(5) Quorum. At least nine (9) of the voting members of the MPOAC Governing Board must be present for the MPOAC Governing Board to conduct business. All votes must pass by a vote of a majority of those members present and voting or by seven (7) votes, whichever number shall be greater.

(6) Meetings. The MPOAC shall meet no less often than once each calendar quarter during the year based on an annual schedule established by the Governing Board which schedule may be amended from time to time by the Governing Board, unless said meeting is cancelled or rescheduled by the Chair. The Chair shall be empowered to cancel any of the foregoing regular meetings, as necessary. Regular meetings may be held at a location, date, and time, to be determined annually by a majority of the Governing Board members voting.

(7) Special meetings may be called by the Governing Board Chair at a date, location, and time in the Chair's call for the special meeting or through a letter of petition from at least four (4) members of the Governing Board; provided, that all public notice requirements are satisfied. The letter shall state the purpose of the special meeting and may propose a time, location, and date for the special meeting. In the event of any petition which does not set a time, location, and date for a special meeting, the Chair, after coordinating with the Executive Director, shall set the time, location, and date of the meeting.

(8) Emergency meetings may be called as provided in Section 6.

(9) Joint meetings of the Governing Board and the Staff Directors' Advisory Committee. At the call of the Governing Board Chair or after consultation between the Governing Board Chair and the Staff Directors' Advisory Committee Chair at the call of the Staff Directors' Advisory Committee Chair, meetings of the Staff Directors' Advisory Committee may be held simultaneous with a Governing Board meeting.

(b) Staff Directors' Advisory Committee.

(i) The Staff Directors' Advisory Committee is responsible for providing guidance to the MPOAC Governing Board regarding transportation issues and agency operation. It may assist in the preparation of the MPOAC agenda. In addition, the Staff Directors' Advisory Committee may serve as a forum for the discussion and formulation of recommendations to the Governing Board which will later be forwarded to appropriate governmental bodies or other individuals. Recommendations shall relate to statewide concerns regarding all transportation-related issues.

(ii) Appointment of Staff Directors' Advisory Committee representatives.

(1) The MPOAC Staff Directors' Advisory Committee is comprised of one staff person from each MPO. One (1) member representative to serve on the Staff Directors' Advisory Committee shall be designated by each MPO. In addition, each MPO that designates a member representative to the Staff Directors' Advisory Committee may also designate at least one (1) alternate member representative. Each MPO may appoint a primary alternate representative and, at its option, a secondary alternate representative to the Staff Directors' Advisory Committee. Alternate member representatives shall vote, participate for the purpose of forming a quorum, make or second motions, and otherwise act as a member representative of the Staff Directors' Advisory Committee only in the absence of the member representative that the alternate has been appointed to serve in place of; provided, however, that alternate

member representatives may always attend committee meetings and participate in debate. A secondary alternate representative shall vote, participate for the purpose of forming a quorum, make or second motions, and otherwise act as a member of the Staff Directors' Advisory Committee, only in the absence of the Staff Directors' Advisory Committee member, and primary alternate representative, of the MPO that the secondary alternate represents.

(2) Each Staff Directors' Advisory Committee Member representative and each alternate member representative of a MPO shall serve at the pleasure of the appointing MPO. Vacancies shall be filled only by an appointment by the original appointing MPO.

(3) Upon the creation of a new MPO pursuant to Section 339.175, Florida Statutes, said MPO is entitled to the appointment of one member representative and one (1) primary and one (1) secondary alternate member representative to serve on the Staff Directors' Advisory Committee.

(4) The term of service for a member representative on the Staff Directors' Advisory Committee shall be for a period of time beginning on January 1st and ending on December 31st of each year. Members and alternate members are eligible for reappointment. By no later than December 31st of each calendar year, each MPO should designate for the forthcoming year its representative and any alternate representatives to the MPOAC.

(5) No individual shall be eligible to vote on the Staff Directors' Advisory Committee until the appointing MPO certifies in writing or electronically by e-mail to the MPOAC that such individual is authorized to vote as the representative, or alternate, of the certifying entity. Each member and alternate member of the committee shall serve at the pleasure of the appointing MPO. Each individual appointed to serve, as a regular member or an alternate member of the Staff Directors' Advisory Committee, as a representative of a MPO must be an employee of the MPO represented or the agency staffing a MPO.

(iii) Staff Directors' Advisory Committee Governance

(1) The officers of the Staff Directors' Advisory Committee shall be the Chair and the Vice-Chair. The Chair and Vice-Chair shall be selected by a majority vote of the membership of the Staff Directors' Advisory Committee voting. The Chair and Vice-Chair shall take office upon election at the first Staff Directors' Advisory Committee in the first quarter (or as soon thereafter as possible if a meeting is not held in the first quarter) and shall serve until the completion of the next regularly scheduled election, which shall be held at the first meeting in the first quarter of the calendar year, or until a successor is thereafter elected, whichever event shall first occur. The Chair and Vice-Chair must be members of the Staff Directors' Advisory Committee.

(2) Chair; Vice-Chair. The Chair of the Staff Directors' Advisory Committee shall call and preside at all meetings of the Staff Directors' Advisory Committee. The Chair is authorized to implement on behalf of the Staff Directors' Advisory Committee all decisions which have been approved by the Staff Directors' Advisory Committee, and the Chair is authorized to execute on behalf of the Staff Directors' Advisory Committee all documents which have been approved by the Staff Directors' Advisory Committee. The Vice-Chair shall act as Chair in the absence of the Chair.

(3) Agenda preparation. After consultation with the Chair of the Staff Directors' Advisory Committee, the Executive Director is responsible for the preparation of agendas for future meetings.

(4) Quorum. At least nine (9) of the voting members of the Staff Directors' Advisory Committee must be present for the Staff Directors' Advisory Committee to conduct business. All votes must pass by a vote of a majority of those members voting or by seven (7) votes, whichever number shall be greater.

(5) Meetings. Regular meetings of the Staff Directors' Advisory Committee shall be held at least once each calendar year quarter based on an annual schedule established by the MPOAC Governing Board, unless cancelled or rescheduled by the Staff Directors' Advisory Committee Chair. A regular meeting schedule shall be set by the Staff Directors' Advisory Committee annually by a majority of those members voting at a meeting. The Chair may cancel a meeting as a result of a lack of business to bring to the committee. Regular meetings shall usually be held immediately prior to, or at the option of the Chair, simultaneous with the meetings of the Governing Board. Joint meetings of the Staff Directors' Advisory Committee and Governing Board may be conducted, and those meetings may be called as provided in Section 4.(f)(4). Joint meetings of the Governing Board and the Staff Directors' Advisory Committee shall be held in the same location as the Governing Board meeting. Special meetings, which are not joint meetings, may be held at a date, time, and location to be determined by the Chair or a majority of the committee members voting. A vote of a majority of the members voting shall take precedence over a decision of the Chair. In addition, special meetings may be called through a letter of petition from at least four (4) members; provided, that applicable public notice requirements are satisfied. This letter shall state the purpose of the special meeting and may propose a time, location, and date for the special meeting. In the event of any petition which does set a time, location, or date for a special meeting, the Chair, after coordinating with Executive Director, shall set the time, location, or date of the meeting.

(6) Subcommittees may be established by the Chair or by a majority vote of those voting at a Staff Directors' Advisory Committee meeting as necessary to assist the Staff Directors' Advisory Committee. Sub-committee members, including a Chair and Vice-Chair, shall be appointed by the Staff

Directors' Advisory Committee Chair, or a majority of those voting at a meeting. A vote of the Staff Directors' Advisory Committee shall take precedence over an appointment by the Chair.

(c) The Executive Committee.

(i) The Executive Committee consists of the MPOAC Governing Board Chair and Vice-Chair, a member of the Governing Board serving at-large, the Staff Directors' Advisory Committee Chair and Vice-Chair. Service on the Executive Committee is considered an appointment to a position and not an office and is an *ex officio* part of the duties of the selected Governing Board Member or selected member of the Staff Director's Advisory Committee.

(1) The at-large Governing Board member of the Executive Committee will be selected at the same time that the Governing Board Chair and Vice-Chair are selected. If the at-large member position shall become vacant, the Governing Board shall select an at-large member to complete the term of the individual being replaced. Said replacement member shall serve until such time as election is held for the Governing Board Chair, Vice-Chair, and the Executive Committee at-large member.

(2) The Executive Committee shall provide policy direction for the MPOAC between Governing Board meetings and provide an annual evaluation of the MPOAC Executive Director. In the event that the Governing Board is unable to meet due to civil unrest emergency; weather related emergency (such as hurricane, tropical storm, or flooding); pandemic or other disease, environmental, or health related emergency; or declared state of emergency by the Governor, the Executive Committee may take action with regard to approving any action that would otherwise be taken by the Governing Board, including but not limited to approval of the Unified Planning Work Program; appointment of staff; approval of documents or proposals requiring MPOAC approval to satisfy the Federal Highway Administration, Federal Transit Administration, or other agency of the U.S. Department of Transportation, or Florida Department of Transportation requirements; approval of contracts or amendments thereto; or approval of other fiscal or policy-related decisions. Amendments to these by-laws, other than a recommendation to the Governing Board, shall not be permitted to be approved by the Executive Committee. In the event that the Executive Committee is unable to meet due to civil unrest emergency; weather related emergency (such as hurricane, tropical storm, or flooding); pandemic or other disease, environmental, or health related emergency; or declared state of emergency by the Governor, the MPOAC Governing Board Chair or Vice-Chair may take action with regard to approving any action that would otherwise be taken by the Governing Board, including but not limited to approval of the Unified Planning Work Program, approval of documents or proposals requiring MPOAC approval to satisfy Federal Highway Administration, Federal Transit Administration, or other agency of the U.S.

Department of Transportation, or Florida Department of Transportation requirements; approval of contracts or amendments thereto, or other fiscal or policy-related decisions. Any action taken by the Executive Committee, the Chair or Vice-Chair on behalf of the MPOAC Governing Board during a time that the MPOAC Governing Board is unable to meet shall be brought to the next meeting of the MPOAC Governing Board for ratification. Amendments to these by-laws, other than a recommendation to the Governing Board, shall not be permitted to be approved by the Chair or Vice-Chair.

(3) Meetings of the Executive Committee shall occur at the call of the Chair, setting the date, time, and location of said meeting. Alternatively, a vote of a majority of the Executive Committee may set a meeting time, date, and location for an Executive Committee meeting. A vote of the Executive Committee shall take precedence over a determination to call a meeting by the Chair. In addition, upon petition of three (3) of the members of the Executive Committee, a special meeting may be called. In the event that the petition does not include the date, time or location of the meeting, the Chair, after consultation with the Executive Director, may determine the time, date, or location of the meeting.

(4) The Chair may cancel an Executive Committee meeting if the reasons for the meeting to be held no longer exist, or if there is a lack of business to be considered.

(d) Other MPOAC Committees.

(i) In addition to the Governing Board, the Staff Directors' Advisory Committee, and the Executive Committee, the MPOAC will be composed of at least two (2) other committees, the Freight and Rail Committee, and the Policy and Technical Committee, which are advisory to the Governing Board and the Staff Directors' Advisory Committee.

(1) Committees, as necessary to assist the Governing Board may be established by the Chair, or by a majority vote of those voting at a Governing Board meeting. A vote of the Governing Board shall take precedence over an appointment by the Chair.

(2) Other committees established by the MPOAC Governing Board (other than the Executive Committee), including but not limited to the Freight and Rail Committee and the Policy and Technical Committee, shall consist of the number of members and alternate members appointed to the committee by the MPOAC Chair or the MPOAC Governing Board as provided in Section 2(d)(i)(3) below.

(3) Committee members and alternate members shall be appointed by the Governing Board Chair, or a majority of the Governing Board

voting at a duly called meeting. The vote of a majority of the Governing Board members shall take precedence over an appointment by the Chair. Additionally, in the event that two or more individuals are appointed as alternate members for a specific member, the alternate members must be designated as first alternate, second alternate, or otherwise, to designate the order in which alternates may serve in place of a regular member.

(4) The Governing Board Chair, or a majority of the Governing Board membership voting at a duly called meeting, may select the committee Chair and Vice-Chair. The vote of a majority of the Governing Board members shall take precedence over an appointment by the Chair. If the MPOAC Chair or Governing Board membership does not appoint a committee Chair and a Vice-Chair, the selection of the committee chair shall be left to the committee membership. The term of the Chair and Vice-Chair shall run commensurate with the regular term of the Governing Board Chair.

(5) A committee may be composed of members and alternate members of the Governing Board and of the Staff Directors' Advisory Committee, as Committee members or alternate members, and may have non-member advisers to serve the Committee. Appointment to a committee is considered an appointment to a position and not an office and is an *ex officio* part of the duties of a Governing Board Member or the Staff Director's Advisory Committee, or alternate members.

(6) In the event that two or more individuals are appointed as alternate members for a specific member, the alternate members must be designated as first alternate, second alternate, or otherwise, to designate the order in which alternates may serve in place of a regular member.

(7) The quorum of other committees established by the MPOAC Governing Board (other than the Executive Committee), including but not limited to the Freight Committee and the Policy and Technical Committee, shall consist of one-third of the Committee's membership.

(8) Meetings of the committee established (other than the Executive Committee or the Staff Directors' Advisory Committee) shall occur at the call of the Chair, setting the date, time, and location of said meeting. Alternatively, a vote of a majority of the committee may set a meeting time, date, and location for an Executive Committee meeting. A vote of the committee shall take precedence over a determination to call a meeting by the Chair. In addition, upon petition of the three (3) of the members of the committee, a special meeting may be called. In the event that the petition does not include the date, time or location of the meeting, the Chair, after consultation with the Executive Director, may determine the time, date, or location of the meeting.

(9) The Chair may cancel a committee meeting if the reasons

for the meeting to be held no longer exist, or if there is a lack of business to be considered.

(e) Executive Director, Agency Clerk, General Counsel.

(i) The MPOAC will be staffed by an executive director who hires, supervises, and may terminate or suspend MPOAC staff or consultants. The executive director serves as the agency clerk. The MPOAC may retain a general counsel and other staff as necessary to perform adequately the functions of the MPOAC within budgetary limitations.

(1) Executive Director. The MPOAC Governing Board shall appoint an executive director. The executive director shall be responsible for carrying out policy determinations and directives of the MPOAC Governing Board. The executive director shall have authority to hire, supervise, and terminate other subordinate employees of the MPOAC. The executive director reports for day-to-day supervision to the Chair of the Governing Board.

(2) Agency Clerk. As a part of the duties of the position of Executive Director, the executive director shall serve *ex officio* as the agency clerk. The duties and responsibilities of the agency clerk shall be to: index and file agency resolutions, orders, and bylaws in a manner not inconsistent with applicable provisions of the Florida Rules of Appellate Procedure; send notices of workshops and meetings; transcribe minutes of the Governing Board, committee, and subcommittee meetings and workshops; maintain all agency files and records; make certifications of true copies and actions; attest to the signatures of MPOAC officers; and perform such other duties as determined by the MPOAC Governing Board.

(3) General Counsel. The MPOAC Governing Board may also appoint and retain a general counsel. The general counsel shall be responsible for assisting the MPOAC in legal matters and representation of the MPOAC in legal proceedings. The MPOAC general counsel shall at all times be a member of the Florida Bar and shall have been a practicing attorney for at least five (5) years prior to assuming the position of general counsel. The Governing Board may also retain special legal counsel from time to time as necessary for the handling of specialized legal matters.

Section 3. Open Meetings; Public Records; and Principal Office of the MPOAC.

(a) Open Meetings.

(i) All meetings of the Governing Board and any committees will be open to the public, except as provided by applicable federal or Florida law, if any.

(b) Records.

(i) All MPOAC records shall be open to the general public, unless such records are subject to an exemption from Chapter 119, Florida Statutes, or are confidential as required by law. The general public can review or obtain copies of records (provided said public records are not non-reproducible pursuant to 17 U.S.C. §101 *et seq.*), unless said records are exempt or confidential pursuant to Section 119.071, Florida Statutes, or other provisions of federal or Florida law. Charges for copies may be made pursuant to Chapter 119, Florida Statutes. Public records shall be made available to the public for inspection at the principal office of the MPOAC.

(c) Principal Office of the MPOAC.

(i) The principal office of the MPOAC is located at such location as designated from time to time by the Governing Board. The address, e-mail address, and telephone number of the principal office shall be displayed on the MPOAC Internet website. The MPOAC executive director and staff are located at the principal office. MPOAC official records, other than records of the general counsel, shall be maintained in the principal office of the MPOAC. Interested parties may receive copies of agency records from the agency clerk at the principal office of the MPOAC.

Section 4. Setting the Agenda.

(a) Governing Board meeting.

(i) At least ten (10) calendar days prior to a meeting or workshop, the MPOAC executive director, in consultation with the Governing Board Chair, shall prepare the agenda for the Governing Board meeting or workshop.

(b) Staff Directors' Advisory Committee.

(i) At least ten (10) calendar days prior to a meeting or workshop the MPOAC executive director, in consultation with the Staff Directors' Advisory Committee Chair, shall prepare the agenda for the Staff Directors' Advisory Committee meeting or workshop.

(c) Other Committees.

(i) At least ten (10) days prior to a meeting or workshop of any MPOAC committee, the MPOAC executive director, in consultation with the committee Chair, shall prepare the agenda for the committee meeting.

(d) Agenda Procedures.

(i) Upon completion of the preparation of an agenda for the Governing Board or any committee, the agency clerk shall make available the agenda for the meeting for distribution on request by any interested person who pays the reasonable cost for a copy of said agenda; to any person named in said agenda; and to any class of individuals to whom intended action is directed.

(ii) Any person desiring to have an item placed on the agenda of a meeting of the MPOAC Governing Board, an advisory committee, or a Staff Directors' Advisory Committee or any subcommittee, shall request in writing that the item be considered at the next regularly scheduled meeting of the Governing Board, advisory committee, or subcommittee, as appropriate; provided, however, such request must be received thirty (30) days in advance of said regularly scheduled meeting. Written requests for placing an item on the agenda must describe and summarize the item and shall be mailed, e-mailed, or hand delivered to the MPOAC executive director.

(iii) The agenda shall be specific as to items to be considered. All matters involving the exercise of agency discretion and policy making shall be listed on the agenda. The agenda shall include a disclaimer as required pursuant to Sections 286.0105 and 286.26, Florida Statutes. Any items added to an agenda after its publication should be for information or reporting and not for action, unless the item is added as an emergency business item, an item that must be acted on because of a time deadline and which item was not known or available at the time that the agenda was prepared, or for consideration of solely ministerial or internal-administrative matters, which do not affect the interests of the public generally.

(iv) The agenda shall list the items in the order they are to be considered; provided, however, that for good cause stated in the record by the person who is designated to preside at the event, items may be considered out of their listed order.

Section 5. Notice of Meetings and Workshops.

(a) Governing Board Meetings.

(i) Except in the case of an emergency meeting, the MPOAC agency clerk shall give written notice that will ensure receipt of said notice by all members and the general public at least seven (7) days prior to any non-emergency meeting or workshop of the Governing Board or the Executive Committee. In addition, the agency clerk shall prepare and make available a copy of said notice: for distribution on request to any interested person who pays the reasonable cost for a copy of said notice; to any person named in said notice;

and to any class of individuals to whom action is directed. Meeting notices shall be advertised on the MPOAC website and in the Florida Administrative Register at least seven (7) days prior to any non-emergency meeting. Meeting notices given pursuant to this paragraph shall include a copy of the meeting agenda. All notices to members and alternate members shall be sent to the official address of the member or alternate member's MPO or such other current address on file with the agency clerk.

(ii) Notices of regular meetings and travel and accommodation information shall be sent to Governing Board members at least thirty (30) days prior to the meeting date.

(iii) The notice of meetings or workshops shall, at a minimum, provide:

A. The date, time, and place of the meeting or workshop.

B. Advise the general public that at the meeting or workshop the agency will accept written or oral comment from the public with regard to agenda items; that agenda items may be reviewed by the public; the location, days, and time during which the agenda items may be examined by the public; that anyone who wishes to appeal any action of the MPOAC with regard to a decision made at the meeting may need a record of the hearing and that said person shall be responsible for furnishing said recording, as well as the cost of furnishing the recording; and that at least 48 hours prior to the meeting, a written request by a physically handicapped person to attend the meeting, directed to the Chair of such board or committee or the MPOAC Executive Director, such Chair or the Executive Director shall provide a manner by which such person may attend the meeting at its scheduled site or reschedule the meeting to a site which would be accessible to such person.

(iv) Except as otherwise provided herein, notice may be given by regular U.S. mail, postage paid, by nationally recognized overnight courier (delivery prepaid), or by e-mail. Governing Board agenda packages, including backup information for all agenda items, shall be provided by regular U.S. mail, postage paid or nationally recognized overnight courier (delivery prepaid), or unless otherwise requested by a member or alternate member, by e-mail.

(b) The provisions of sub-section (a) above shall apply to the Staff Directors' Advisory Committee, any other MPOAC committee, and any Staff Directors' Advisory Committee subcommittees.

Section 6. Emergency Meetings.

(a) The MPOAC Governing Board, the Executive Committee, an advisory committee, or the Staff Directors' Advisory Committee or its subcommittees, may

hold an emergency meeting, notwithstanding the provisions of any other section of these bylaws for the purpose of acting upon matters affecting the public health, safety, aesthetics, economic order, or welfare. The form of notice shall be as set forth in Section 5. The form of the agenda shall be as prescribed in Section 4.

(b) Whenever an emergency meeting is scheduled to be held, the agency clerk shall notice said meeting, as soon as possible prior to the meeting, in the Florida Administrative Register and the MPOAC website stating where the meeting will take place and the time, date, place and general purpose of the meeting or workshop.

(c) Following an emergency meeting the agency clerk shall cause to be published on the MPOAC website, notice as set forth in Section 8(a)(3), a statement setting forth the reasons why an emergency meeting was necessary, and a statement setting forth the action taken at the meeting.

Section 7. Rules of Procedure; Action by Consent.

(a) Rules of Procedure.

(i) All meetings of the Governing Board, any advisory committee, or the Staff Directors' Advisory Committee sub-committee, shall be governed by Robert's Rules of Order as most recently revised.

(b) Action by Consent.

(i) By general, unanimous, or silent consent, the Governing Board, Staff Directors' Advisory Committee, or any committee of the MPOAC, can do business with little regard for the rules of procedure, as they are made for the protection of the minority, and when there is no minority to protect, there is little need for the restraint of the rules, except such as to protect the rights of absent members. In the former case the consent of the absentees cannot be given. A single objection defeats a request for general consent. By the legitimate use of the principle that the rules are designed for the protection of the minority, and generally need not be strictly enforced when there is no minority to protect, business may be greatly expedited. When there is evidently no opposition, except in the case of state law requiring a recorded vote or when a written resolution is being adopted in final form, the formality of voting can be avoided by the Chair asking if there is any objection to the proposed action, and if there is none, announcing the result. The action thus taken is said to be done by general consent, or unanimous or silent consent. Thus, after an order has been adopted limiting the speeches to three minutes each, if a speaker is so interesting that when said speaker's time has expired, there is a general demand for the speaker to be permitted to continue making remarks, the Chair as the presiding officer, instead of waiting for a motion and taking a vote, could accept it as the will of the

assembly that the speaker's time be extended, and would direct the speaker to proceed. Or the speaker's time might say that if there is no objection, the member's time will be extended two minutes, or some other time. (Excerpted from Robert's Rules of Order).

Section 8. Public Comment.

(a) Public Comment with regard to Non-Agenda Items.

(i) In the early stages of a Governing Board, Staff Directors' Advisory Committee, the Executive Committee, or other MPOAC advisory committee, meeting, time will be reserved for comment by members of the general public and other non-agency individuals. Individuals speaking during "Public Comment" will limit their comments to items not on the agenda. Members of the public and non-agency personnel comments are limited to not more than three (3) minutes per person, although the speaker is permitted to submit commentary in writing of any length provided that copies are made for all members of the board or committee being addressed by the speaker and the board secretary. No members of the public or non-agency personnel may lend speaking time to another speaker. The "Public Comment" period is limited to not more than 15 minutes duration. The Chair of the Governing Board, Staff Directors' Advisory Committee, the Executive Committee, or other MPOAC advisory committee, as applicable, may extend the time for an individual person speaking, or the overall "Public Comment" period, for limited periods and for good cause shown.

(ii) During a presentation by a member of the public or other non-agency personnel, other members of the public, non-agency personnel, Governing Board Members, Members of the Staff Directors' Advisory Committee, or agency staff members (other than the meeting Chair in said individual's role as the presiding officer) shall avoid interrupting the speaker. After all speakers have completed comments or a presentation, the Chair, Governing Board Members, members of the Staff Directors' Advisory Committee, and agency staff may question the speakers. Time for question and answer of a speaker will not be deducted from the speaker's three (3) minute speaking limitation.

(b) Public Comment with regard to Agenda Items.

(i) With regard to an agenda item, time will be reserved for comment by members of the public and other non-agency personnel. Members of the public and non-agency individuals will limit their comments to the specific agenda item under consideration or the individual's comments will be considered to be out of order. Comments by members of the public and non-agency personnel are limited to not more than three (3) minutes per person, although the speaker is permitted to submit commentary in writing of any length provided that copies are made for all members of the board or committee being addressed by the speaker

and the board secretary. No members of the public or non-agency individuals may lend speaking time to another speaker making comment. The Chair of the Governing Board, the Staff Directors' Advisory Committee, the Executive Committee, or other MPOAC advisory committee, as applicable, may extend the time for an individual making comment for limited periods for good cause shown.

(ii) During a presentation by a member of the public or other non-agency personnel, other members of the public, non-agency personnel, Governing Board Members, members of the Staff Directors' Advisory Committee, or agency staff members (other than the Chair in said individual's role as the presiding officer) shall avoid interrupting the speaker. After all speakers have completed comments or a presentation, the Chair, Governing Board Members, and agency staff may question the speakers. Time for question and answer of a speaker will not be deducted from the speaker's three (3) minute speaking limitation.

(c) Addressing the Governing Board; Decorum.

(i) Members of the public or non-agency personnel seeking to address the Governing Board, the Executive Committee, the Staff Directors' Advisory Committee, or another MPOAC committee, should prepare their remarks before addressing the Governing Board, the Executive Committee, the Staff Directors' Advisory Committee, or another MPOAC committee, in an effort to be concise and to the point. Speakers must come to the lectern to speak, but they may come to the lectern only after they have been recognized by the presiding Chair. Members of the public shall not address individual members of the Governing Board, the Executive Committee, individual members of the Staff Directors' Advisory Committee, or another MPOAC committee, but shall address the board or committee being addressed as a whole through the presiding Chair.

(ii) Any speaker, or member of the audience at a meeting, who becomes unruly, screams, uses profanity, or shows poor conduct, may be asked to leave the lectern and return to the speaker's seat, or to refrain from further outbursts, by the presiding Chair. Should the speaker, or member of the audience, refuse to leave the lectern and return to speaker's seat, or to refrain from further outbursts, the Chair, as the presiding officer, may rule the speaker "out of order." Should the speaker, or member of the audience, still refuse to leave the lectern and return to the speaker's seat, or to refrain from further outbursts, the Chair may ask a law enforcement officer to remove the speaker from the meeting.

(iii) Sign-up Sheets to be used. Sign-up sheets will be provided for each member of the public or non-agency personnel addressing the Governing Board, the Executive Committee, the Staff Directors' Advisory Committee, or another MPOAC committee, as applicable, during public comment on non-agenda items or during public comment on an individual agenda item. For public

comment on non-agenda items, the person seeking to speak must present a sign-up sheet to the board or committee secretary not later than the beginning of the public comment on non-agenda items. For public comment on an agenda item, the person seeking to speak must present a sign-up sheet to the board or committee secretary not later than the beginning of the agenda item. Sign up sheets shall provide that the speaker identifies the speaker's name, address, who the speaker is representing (if anyone), the agenda item that the speaker wishes to address, and the sign-up sheet must include the signature of the person seeking to comment. If a speaker wishes to speak with regard to more than one agenda item, individual sign-up sheets must be submitted for each agenda item. The street address for individuals under the age of eighteen (18) may be omitted from being completed on a sign-up sheet.

Section 9. Amendment of Bylaws.

(a) These policies and procedures may be adopted, amended, or repealed by amending the adopting resolution. These policies and procedures shall supplement and supervene Robert's Rules of Order to the extent of a conflict.

(b) These policies and procedures may be adopted, amended, suspended, or repealed by a two-thirds vote of the Governing Board members voting.

SECTION C. Effective Date. These by-laws amendments are effective immediately upon adoption.

FLORIDA METROPOLITAN PLANNING
ORGANIZATION ADVISORY COUNCIL

By: _____
Commissioner Nick Maddox, Chair

ATTEST:

(AGENCY SEAL)

Mark Reichert, Agency Clerk

Item Number 7C

Business Items & Presentations Mileage Based User Fee Alliance (MBUFA) Discussion

DISCUSSION:

Mr. Mark Reichert, MPOAC Executive Director, will open discussion on the cost/benefits of joining the Mileage-Based User Fee Alliance (MBUFA) based out of Washington, D.C.

REQUESTED ACTIONS:

Ask for Approval to join MBUFA.

ATTACHMENT:

Letter from MBUFA Chairman to Chairman Maddox
MBUFA pamphlet
List of MBUFA members.



1050 K STREET, NW SUITE 400, WASHINGTON, DC 20001

January 20, 2022

Chairman Nick Maddox
Florida Metropolitan Planning Organization Advisory Council
605 Suwannee Street, MS 28B
Tallahassee, FL 32399-0450

Dear Chairman Maddox:

I am writing to urge the Florida MPOAC to consider joining the Mileage-Based User Fee Alliance.

As you know, on November 15th President Biden signed the Infrastructure Investment and Jobs Act (IIJA) which included \$125 million for the Surface Transportation System Funding Alternatives (STSFA) program. Congress created the STSFA program seven years ago in the FAST Act as a grant program to encourage states to pilot and evaluate mileage-based fee programs as a sustainable funding alternative to the fuel tax. In a significant change, the STSFA program was modified by the IIJA to make MPOs directly eligible for pilot grants. Specifically, the legislation made available \$75 million for state, MPOs, and local governments, and \$50 million for a national pilot over a five-year period.

This is a tremendous opportunity for MPOs to advance new financing and congestion management models with federal assistance. The input of MPOs will be very important as the new rules and regulations for the new program are developed by the Federal Highway Administration. Without the critical information your organization can bring, I believe we will be missing important research from the decision makers putting these new programs together.

Formed in 2010, the Mileage-Based User Fee Alliance (MBUFA) is a national non-profit, 501(c)(3) organization that includes corporations, consultants, research organizations, telematic providers, many DOTs and several MPOs. We conduct education and outreach on the potential for mileage-based user fees as an alternative for future funding and improved performance of the U.S. transportation system. We encourage input from all members to reach decisions on policy directives for the organization.

If I can provide any further information, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jack Basso', is written over a light gray rectangular background.

Jack Basso
Chairman



MILEAGE - BASED
USER FEE ALLIANCE

Headquartered in Washington, DC, the Mileage-Based User Fee Alliance was formed as a 501(c)3 nonprofit coalition of national and international leading public and private sector members who seek to advance the state of mileage-based user fees. Five members joined in 2010 as the backbone of the organization, which now lists nearly thirty members.

BECOME A MEMBER AND ENJOY:

- ◇ Up-to-date information on all mileage-based user fee activities around the world through **Member Updates**
- ◇ Invitations for all **MBUFA Workshops** held throughout the United States
- ◇ Reduced costs for **MBUFA Conferences**
- ◇ Invitations to attend briefings at **Quarterly Meetings**
- ◇ Access to leaders of MBUFA Projects on **Members Only Calls**
- ◇ Input into educational efforts for all MBUFA polices

MEMBER QUOTE:

"IBTTA is proud to be one of the founding members of the Mileage-Based User Fee Alliance (MBUFA). We salute MBUFA for the excellent service it provides its members as a timely clearinghouse of information on mileage-based user fees and road usage charging."

Patrick D. Jones, Executive Director & CEO, IBTTA

For more information contact: info@mbufa.org

Mileage-Based User Fee Alliance (MBUFA) Membership

- AAA
- AECOM
- American Public Transportation Association
- Associated General Contractors of America
- A-to-Be by Brisa
- Azuga
- Be-Mobile
- California Transportation Commission
- Caltrans
- Cambridge Systematics
- CDM Smith
- Conduent
- Coretex
- ClearRoad, Inc.
- Chicago Metropolitan Agency for Planning (CMAP)
- Delaware Department of Transportation
- Deloitte Consulting LLP
- emovis
- EROAD
- Hawaii DOT
- HNTB
- Humphrey School of Public Affairs, University of Minnesota
- Illinois Department of Transportation
- IBI Group
- IMS part of TRAK GLOBAL Group
- Indiana, Illinois, Iowa Foundation for Fair Contracting
- IBTTA (International Bridge, Tunnel and Turnpike Association)
- Jacobs
- Kapsch
- Minnesota Department of Transportation
- Nevada Department of Transportation
- New Zealand Government to Government Partnerships Ltd.
- North Carolina Department of Transportation
- Nossaman, LLP
- Ohio Department of Transportation
- Oregon Department of Transportation
- Panasonic Corporation of North America
- Parsons
- Penske
- Reason Foundation
- SkyToll
- Southern California Association of Governments
- Transurban
- Vehcon
- Vinci Highways
- Washington Department of Transportation
- Washington State Transportation Commission
- Wisconsin DOT
- WSP USA
- Wyoming DOT

Item Number 7D

Business Items & Presentations MPOAC Future Direction Discussion

DISCUSSION:

Chairman Nick Maddox will moderate this discussion item.

REQUESTED ACTIONS:

None. For discussion and feedback purposes.

ATTACHMENTS:

None.

Item Number 7E

Business Items & Presentations Election of MPOAC Governing Board Officers

DISCUSSION:

Mr. Paul Gougelman, MPOAC General Counsel, will present this agenda item.

REQUESTED ACTIONS:

Vote on the 2022 Governing Board Officers.

ATTACHMENTS:

None.

Item Number 8
Communications

DISCUSSION:

For information only.

REQUESTED ACTION:

As may be desired.

ATTACHMENT:

Item Number 9
Member Comments

DISCUSSION:

Comments or recommendations by MPOAC members.

REQUESTED ACTION:

As may be desired.

ATTACHMENT:

None.

Item Number 10

Adjournment

The next meeting of the MPOAC Governing Board will be April 28, 2022. A meeting notice will be sent approximately one month prior to the meeting date.