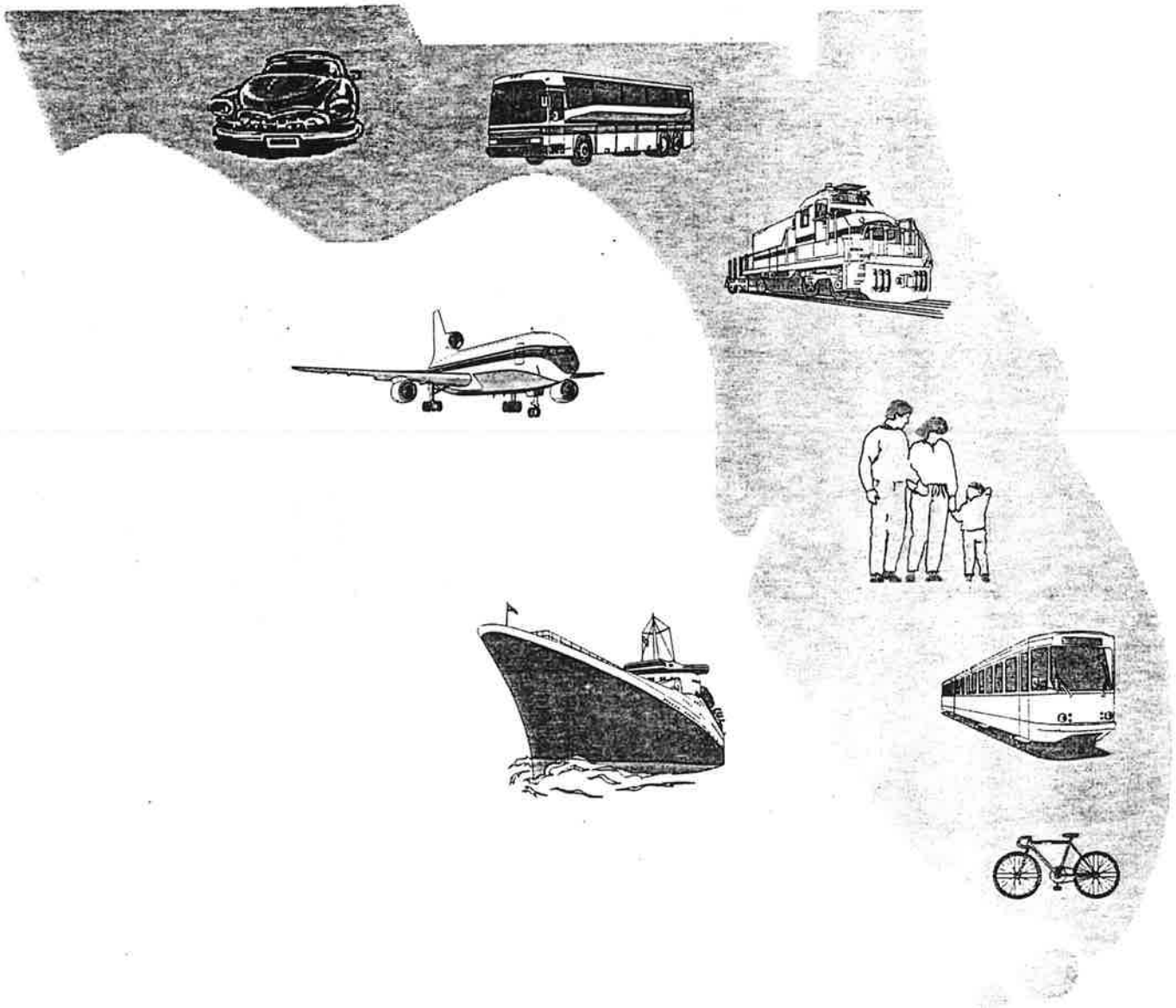
The Transportation and Land Use Study Committee



FINAL REPORT
January 15, 1999

Transportation And Land Use Study Committee

January 15, 1999

The Honorable Jeb Bush
Governor of Florida
The Capitol
Tallahassee, Florida 32399-0001

The Honorable Toni Jennings
President of the Senate
The Capitol
Tallahassee, Florida 32399-1100

The Honorable John Thrasher
Speaker of the House of Representatives
The Capitol
Tallahassee, Florida 32399-1300

Dear Governor Bush, President Jennings, and Speaker Thrasher:

As directed by Section 30 of CS/SB 2474 as enacted by the 1998 Legislature, the Transportation and Land Use Study Committee herewith submits its unanimous recommendations for improving transportation and land use planning in Florida.

This report contains 40 recommendations for actions to be taken to create better communities, improve transportation concurrency, coordinate land use and transportation planning, and invest in Florida's future. Implementation of these recommendations will make a significant contribution toward creating a more livable and prosperous Florida in the coming century. These recommendations were developed during an intensive effort lasting less than five months; the Committee clearly could not assess every issue nor work out every detail in the time available. Please do not interpret these recommendations to be so fixed that they cannot be refined as necessary during their implementation to accomplish their intent.

Finally, I would like to commend the members of the Committee for their hard work. I have rarely had the pleasure of serving with such a fine group of people. The efforts of staff, which allowed us to cover an enormous amount of ground during a very short time, are also greatly appreciated.

On behalf of the Committee, thank you for the opportunity to serve the citizens of Florida. If we can assist further, please do not hesitate to call on us.

Yours very truly,

L. Benjamin Starrett
Chairman

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Executive Summary

This report presents the unanimous recommendations of the Transportation and Land Use Study Committee. Created by the 1998 Legislature in Section 30 of CS/SB 2474, the Committee was charged with evaluating transportation and land use planning and coordination issues in Florida. Recommendations were required to include needed changes to the transportation planning requirements in Chapter 163, *Florida Statutes*, and in other statutes as appropriate.

The Committee's 25 members reflected the geographic, gender and ethnic diversity of Florida and represented the specific interest areas named in the statute -- the private sector, local governments, regional planning councils, metropolitan planning organizations, regional transportation authorities, and citizen and environmental organizations.

The Committee concluded that despite much well intended work and effort, Florida's land use and transportation system is failing many of the nearly 15 million Floridians and the 47 million plus annual visitors to our state. With the implementation of the 40 recommendations in this report, however, Florida will more fully commit itself to the principles of smart growth and smart communities; transportation concurrency will be less about process and more about the right outcomes; and procedural requirements will not hold up plans and projects that spur reinvestment in existing communities, provide more opportunities for those who cannot drive or choose not to, and revitalize our main streets.

The report **introduction** outlines the recurring key themes that evolved during the Committee's deliberations and that guided its decision making.

- **Florida must have true multi-modal planning and transportation systems.** Especially in urban areas, no amount of funding will allow enough highways to be built to eliminate congestion. Florida needs meaningful multi-modal and intermodal transportation options. Toward this end, local government land use and transportation planning should be an iterative process that builds on a community vision, not just from a minimum criteria rule.

- **Regional mobility should not adversely affect community livability.** "People first" planning techniques favoring the pedestrian frequently come into conflict with efforts to maximize vehicular mobility through multi-lane, high-speed roadways. At the same time, Florida needs a system of high speed transportation networks connecting its urban areas. Coordinated planning can allow local governments to improve the livability of their communities while supporting the ability of the state to achieve and maintain an effective interregional transportation system.

- **Transportation is essential to economic vitality.** Transportation is essential for the movement of people and freight. Florida's transportation planning must put more emphasis on providing multi-modal movement options for freight. Providing alternative transportation options is also key to helping people improve their economic standing. For example, if a household is able to manage with one car or less, the transportation cost savings can translate directly into higher savings rates, which can result in earlier home ownership.

- **Better land use planning will lead to better transportation systems.** The relationship between land use and transportation is reciprocal; land uses create a demand for transportation facilities and transportation services are catalysts for land development. Coordinated and integrated transportation and land use decisions can foster attainment of state, regional and community goals. The form development takes has a direct impact on the transportation options that will be available to serve that development. Increasing densities and concentrating development in strategically designated areas and corridors can help make public transit feasible.

- **Reward development in the right place at the right time with the right form**. The State of Florida's goal should be to build more livable communities, not just to assure concurrency in planning. For this reason, the Committee proposes a partnership be established that focuses the public, private and political energies of Florida into defining and achieving desired outcomes, i.e., making planning more about results than processes. This will require providing support for innovative approaches and changing the rules to reward people proposing to build in the right places.

- **One size does not fit all**. Florida needs a mix of good community design and vehicular mobility tailored to particular needs of each community and the State's economic needs. Land use and transportation planning and review criteria should be guided by local circumstances while meeting state goals. Local governments, especially those with a proven track record, should have enhanced flexibility in how they meet desired outcomes set by the state.

Political leadership is essential for resolving Florida's land use and transportation challenges. Citizen support for enhanced funding for transportation systems depends on a recognition that those systems are being designed in concert with desirable land use plans. Land use and transportation plans, therefore, must offer choices to people while providing for the transport of cargo and freight. Part of the leadership must come from the Legislature, which should provide additional funds for state-financed multi-modal transportation projects, consistent with state law, and additional funding sources for local governments to provide their share of needed facilities.

Chapter One: Better Community Design focuses on improving planning processes at the state and local levels. The Governor is asked to develop and implement a smart growth plan and policies, including a statewide capital investment strategy, and to create a Smart Growth Advisory Board. Local planning processes are recommended to be refined to authorize local governments to create Multi-Modal Transportation Districts and to use alternative level of service measurements. The establishment of a new alternative local government planning process, entitled *Smart Communities*, is recommended to refocus planning on implementing community visions instead of complying with minimum criteria.

Chapter Two: Get Concurrency Right outlines needed changes to transportation concurrency processes and addresses issues pertaining to statewide transportation facilities. Improvements are recommended to assure concurrency requirements do not inappropriately restrict the development of transit systems, transit oriented development, and urban redevelopment. Measures are offered to improve the coordination between local government capital budgeting, concurrency systems, understanding of transportation needs. An immediate and systematic reevaluation of the

Florida Intrastate Highway System (FIHS) is recommended to improve coordination with local government planning efforts, revisit how levels of service are set on all segments, and assure the state is focusing its resources on transportation investments that will best serve interregional functions. The establishment of a Florida Intrastate Transportation System, which would include the FIHS and other major facilities such as rail corridors, major seaports, and international airports, is recommended to move Florida toward the establishment of an intermodal, interconnected statewide transportation network. The Florida Department of Transportation's Maximum State Highway System Lane Standards Policy is strongly endorsed.

Chapter Three: Land Use Impacts and Coordination stresses the need to improve coordination of land use and transportation planning and processes for impact assessments and mitigation. Steps for improving coordination between local government plans and metropolitan planning organization (MPO) plans are outlined, as well as processes for improving compatibility among MPO plans within each regional planning council (RPC) district. Increased technical assistance and coordination on data and modeling at all levels is recommended. A series of recommendations call for enhanced attention to and cooperation on right-of-way protection, access management, traffic calming, secondary impact assessment, and vested rights issues. The use of variable impact fees is encouraged along with the restoration of transportation pipelining for certain multi-use developments of regional impact.

Chapter Four: Invest in Florida's Future covers a series of important transportation financing issues. Recommendations call for full funding of the FIHS over the next 20 years, as well as substantial improvements to freight and passenger rail systems. Better information on transportation needs is requested. New policies are recommended to give priority in the allocation of new discretionary funds beyond what is currently expected to reward communities that are doing better planning and have used their full available funding capabilities at the local level. The establishment of a new Florida Transportation and Community Innovations Grant Program is recommended to provide incentives for communities to undertake innovative projects. The final recommendation calls for continued attention to options for reducing Florida's transportation funding shortfall.

Remaining portions of the report include a **Summary of Meetings**, which briefly reviews the Committee's seven meetings, a **Glossary**, **Acknowledgements**, and a **Bibliography**.

Appendix A contains the Committee's legislative charge.

Appendix B presents the text of each of Committee's 40 recommendations, without the introductory text or explanatory comments.

Appendix C contains a detailed description of the Committee's *Smart Communities* proposal.

Appendix D contains background information pertaining to transportation financing issues.

Introduction

The Transportation and Land Use Study Committee was created by the 1998 Legislature in Section 30 of CS/SB 2474. The Committee, jointly appointed by the secretaries of Community Affairs and Transportation per the legislation, was comprised of 25 members. The Committee's membership reflected the geographic, gender and ethnic diversity of Florida, and its members represented the specific interest areas named in the statute -- local governments, regional planning councils, the private sector, metropolitan planning organizations, regional transportation authorities, and citizen and environmental organizations. Staff assistance was provided by the Florida Department of Transportation (FDOT), the Florida Department of Community Affairs (FDCA), the Metropolitan Planning Organization Advisory Council (MPOAC), and the Center for Urban Transportation Research (CUTR) at the University of South Florida. Meeting facilitation was provided by the Florida Conflict Resolution Consortium.

The Legislature directed the Committee to evaluate specific topic areas and report to the Governor, the President of the Senate, and the Speaker of the House by January 15, 1999. This document is the Committee's report. The topic areas identified for evaluation included:

(1) statutory provisions relating to land use and transportation coordination and planning issues, including community design; (2) the roles of local government, regional planning councils, state agencies, regional transportation authorities, and metropolitan planning organizations in addressing these subject areas; (3) concurrency on the highway system; (4) levels of service methodologies; and (5) land use impact assessments used to project transportation needs. For the full text of the legislation, see appendix A.

The report is organized as follows. Chapter One addresses community design issues, Chapter Two addresses concurrency and levels of service, and Chapter Three addresses land use impacts. The Committee has included a Chapter Four on financial issues because of their importance to the strategies needed to improve transportation and land use coordination in Florida. Role of government issues are addressed within each substantive chapter. Each chapter of the report contains recommendations that will have direct benefits for Florida and improve transportation and land use coordination and quality of life in our communities.

Most recommendations are accompanied by a series of comments that are guides for implementing or explaining the Committee's intentions. Appendix B contains the text of each of the Committee's recommendations without the explanatory text or comments.

Defining the Opportunity

With the passage of the new federal Transportation Efficiency Act for the 21st Century (TEA21), the advent of a new gubernatorial administration, and the maturation of Florida's local government comprehensive planning system, the time is ripe to take a fresh look at transportation and land use issues in Florida.

Despite much well intended work and effort, Florida's land use and transportation system is failing many of the nearly 15 million Floridians and the 47 million plus annual visitors to our state. Heavy peak hour traffic congestion is the norm in most urban areas. Few communities offer viable alternative transportation modes to the automobile. Florida leads the nation in automobile-related deaths each year among both pedestrians and bicyclists. Our fastest growing population group, elders over 75 years of age, are becoming increasingly homebound and isolated as they lose their driver's licenses. Lower income persons unable to afford a car are increasingly isolated from entry level jobs and economic opportunity as a whole. The cost of automobile dependency is increasing in terms of fuel consumption, system maintenance, wear on vehicles, increased distances between daily destinations, and time spent coping with congestion and accidents.

But all is far from lost. Florida is a big state with many opportunities to make better choices. The passage of TEA21 will help Florida and its metropolitan planning organizations (MPOs) to take a more holistic approach to transportation planning than in the past and provide additional funding for a variety of transportation projects. Communities like Orlando, Gainesville, and West Palm Beach are succeeding at linking transportation and land use planning and showing others how it can be done. Miami-Dade County is planning one of the most progressive intermodal connection facilities in the nation and has joined Broward and Palm Beach counties in a new regional transit organization. The recommendations of this Committee will boost these efforts and, we hope, assist the State and communities across Florida to envision a better future, gain the trust of their citizens, and take decisive actions to make this state a more economically prosperous, socially equitable, environmentally healthy and pleasant place to live and work.

Key Themes in This Report

Florida must have true multi-modal planning and transportation systems. A sizable number of communities and people are ready for change. Especially in urban areas, no amount of funding will allow enough highways to be built to end congestion and provide for the easy movement of freight and people. The state should, therefore, help local governments that choose to pursue planning goals that assign a lower priority to automobile mobility, and a higher priority to pedestrian and alternative transit modes with effective intermodal connections. Local governments should be given better tools to pursue these goals.

To this end, we should ensure statutory requirements for transportation concurrency do not block community choices. Florida must develop multi-modal and intermodal transportation options. Florida should encourage local governments to plan for multiple transportation options, including alternate routes and increased interconnection of roads, both in redevelopment of urban areas, and in planning new urban development. Such a policy means designing communities to make pedestrian movement and public transit attractive to residents in areas, even at the expense of vehicular mobility. In other words, vehicular congestion may increase for a time in some areas when other community goals are given priority until a workable balance of intermodal use is achieved. State transportation planners should respect community choices to give greater priority to pedestrian and transit facilities. In short, land use and transportation planning should be an iterative design process that builds from a community vision to promote sustainable urban

development while ensuring land use patterns, densities and intensities are supported by an efficient, multi-modal, financially feasible transportation system.

Regional mobility should not adversely affect community livability. Assuring mobility can frequently involve making decisions about transportation projects, especially road widenings, that run counter to the preferences of the local community. Achieving more livable communities requires use of design techniques that give greater priority to pedestrian accessibility.

For example, pedestrian traffic can be encouraged by sidewalks bordering storefronts, attractive street lighting, shaded sidewalks and plazas, slower traffic, and on-street parallel parking to buffer pedestrians from fast-moving cars. Traffic calming on an existing overbuilt roadway can promote more livable surroundings. Measures such as roundabouts, road alignments that discourage high speeds, and appropriate landscaping should be incorporated on new roadways to allow vehicular mobility but at slower speeds. The creation of pedestrian-friendly urban centers also promotes transit use. "People first" planning techniques frequently come into conflict with efforts to maximize vehicular mobility through multi-lane, high-speed roadways. Therefore, in many settings community design that encourages pedestrians and transit use is at odds with the imperatives of transportation concurrency dictated by Florida's current growth management laws.

At the same time, Florida needs a system of high speed transportation networks connecting its urban areas. Planning and constructing facilities on the Florida Intrastate Highway System (FIHS) is a primary state responsibility. This report contains several recommendations for the coordinated planning that allow local governments to improve the livability of their communities while supporting the ability of the state to achieve and maintain an effective interregional transportation system.

Transportation is essential to economic vitality. Transportation is essential for the movement of people and freight. Commerce suffers when congestion is high; the situation becomes a crisis in certain corridors in Florida because of the importance of freight movement to international trade – Florida's number one economic sector. Florida's transportation planning should assign a higher priority to multi-modal movement options for freight and other freight modes.

Providing alternative transportation is also key to the effort to help people pull themselves out of poverty. Estimates show that it costs about $6,000 annually to own and maintain a car. For a household able to get by on one car or less, those transportation cost savings can translate directly into higher savings rates which can result in earlier home ownership. But this can only occur in areas well served by transit, where people have mobility and accessibility as well as access to jobs.

In addition, Florida's transportation debt could be reduced by better support for transportation modes other than the auto. Walking and bicycling, which make up around 50 percent of all transportation trips in most European countries, account for less than 10 percent of all trips in America, and fewer than 1percent of work trips. Over the coming decades, continued focus on improving community design and the attention given to pedestrian and bicycle planning could shift a portion of trips into those modes, which could result in considerable cost savings in highway construction. The evolution of the transportation system over the same time frame should also

focus on a more functionally balanced and interconnected network which will better distribute trips, and thus increase the efficiency of both highway and transit networks.

Better land use planning will lead to better transportation systems. The land uses within a community cannot function in isolation. Mobility must be provided between uses within an urban area and connections provided between communities and regions throughout the state. The relationship between land use and transportation is reciprocal; land uses create a demand for transportation facilities and transportation services are catalysts for land development. In short, the closer the uses (destination), the less transportation required.

Unfortunately, transportation and land use decisions are often made with little regard for their impacts on one another. Roads constructed to connect urban areas become the impetus for local development activity along the new roadway corridors. Similarly, roads constructed to link the suburbs with central cities can reinforce a sprawling urban development pattern. Without land use controls and access limitations, such transportation improvements can stimulate undesirable development and often result in environmentally destructive, auto-dependent urban sprawl.

In contrast, coordinated and integrated transportation and land use decisions can foster attainment of state, regional and community goals. The form development takes has a direct impact on the transportation options that will be available to serve that development. Increasing densities and concentrating development in strategically designated areas and corridors can help make public transit feasible. Encouraging mixed-use developments and pedestrian connections through comprehensive planning and land development regulations can reduce dependency on the automobile as a primary mode of transportation. Sustainable community programs, with their emphasis on compact development, urban infill and redevelopment, provide opportunities to affect dramatically our transportation and land use planning process.

Reward development in the right place at the right time with the right form. The State of Florida's goal should be to build more livable communities, not just to assure concurrency in planning. More livable communities are built using best practices. We describe this type of planning as "smart growth" in this report. To put more emphasis on results instead of process, the Committee proposes that a partnership be established that focuses the public, private and political energies of Florida into defining and achieving the desired outcomes. This requires providing support for innovative approaches and changing the rules to reward people proposing to build in the right places. The concurrency process has done some good, but it focuses more on what should not happen than what should be done to build communities that do work. With the adoption of the recommendations in this report, Florida will commit itself to the principles of smart growth and smart communities; transportation concurrency will be less about process and more about getting to the right outcomes; and procedural requirements will not hold up plans and projects that spur reinvestment in existing communities, provide better access for those who cannot drive or choose not to, and revitalize main streets. Equally important, more state resources will be available to support innovative approaches that benefit our communities.

One size does not fit all. Florida needs a mix of good community design and vehicular mobility tailored to particular needs of a community and the economic needs of the state. Of Florida's

cities, 75 percent are under 10,000 in population. Nearly half of all counties are under 50,000. Transportation and land use planning and criteria should be guided by local circumstances while meeting state goals. Florida should provide more flexible tools for citizens to implement their choice of community design through their local comprehensive plan and land development regulations. At the same time Florida must develop a Florida Intrastate Transportation System and non-highway forms of transportation such as rail that truly have the ability to provide for the interregional movement of people and freight.

In light of past and expected federal and state policy and governmental budget realities, the automobile is likely to remain the travel mode of choice for most Floridians for the foreseeable future. Existing distances between land uses and their disconnected pattern leave no other workable choice than the automobile for most Floridians without long-range vision and planning. In addition, many Floridians consider low-density, single-use development as the most desirable land use pattern despite the growing evidence of its substantial hidden costs to public and private interests alike. Many communities may choose to continue on this path.

Focus on performance outcomes, not micro-managing local processes. Local governments, especially those with a proven track record, should be given enhanced flexibility in satisfying desired outcomes established by the state. The FDCA's pursuit of compliance with a minimum criteria rule (Chapter 9J-5, FAC) has hindered local creativity and initiative. Local governments should be made clearly accountable for achieving certain outcomes but should also have more local control over the actions they take to get there. This theory underlies the Sustainable Communities Demonstration Project authorized by the 1996 Legislature. The Committee is recommending the establishment of a *Smart Community* program that would build on this idea.

A Call for Leadership

A basic premise of transportation concurrency as a regulatory tool is that state and local governments have programmed capital improvements to provide adequate transportation that will meet the impacts expected from planned growth, and that there are sufficient financial resources to build the needed transportation projects. Unfortunately, adequate funding often is not available and this crucial foundation for transportation concurrency as a regulatory tool is not always a reality. This deficiency in turn has adverse consequences for Florida's citizens; it results in a failure of concurrency as a regulatory tool because the needed facilities are not put into place to serve planned growth.

Part of the necessary response to this issue is for the Legislature to provide additional funds for state-financed, multi-modal transportation projects, consistent with state law, and additional funding sources for local governments to provide their share of needed facilities. This response will require an exercise of supreme political will that recognizes a far worse future if such will is not expressed – a future of conflict and frustration, in which neither public nor private interests will be well served.

Citizens will support enhanced funding of a transportation system when they perceive the system is being designed in concert with desirable land use plans. Land use and transportation plans,

therefore, should offer choices to people while providing for the transport of cargo and freight. Additionally, for citizens to support the policies necessary to provide meaningful transit, pedestrian, and bicycle options, they must be reassured the design of developments will include sufficient open space and be aesthetically sensitive to the desire for a good quality of life.

The Committee's Process

The Committee first met in Tampa on August 28-29, 1998. It met a total of seven times. The first meeting was introductory and focused on creating a list of issues for further examination. The second meeting (Tallahassee), third meeting (Miami), and fourth meeting (Orlando), focused on concurrency and levels of service, community design and land use impacts, and the role of government, respectively. The fifth meeting (Jacksonville), sixth meeting (Tallahassee), and seventh meeting (Tallahassee) were devoted to the development and adoption of this final report. See the Summary of Meetings for a more complete review of each meeting.

Four drafting groups developed much of the information contained in this report. Each group was chaired by a member of the Committee. Richard Bernhardt chaired the group on community design, Scott Paine chaired the group on land use impacts, David L. Powell chaired the group on concurrency and level of service, and Karen Taylor chaired the group on finance.

The Committee worked using a consensus process. The final report was unanimously adopted by the Committee at its last meeting on January 8, 1999.

The Committee made a strong effort to involve the public. The Committee provided at least one opportunity for public comment at every meeting. In addition, the Committee made extensive use of a web site – www.dot.state.fl.us/planning – which allowed the public nearly instantaneous access to Committee agendas, meeting summaries, draft recommendations, etc. The web site allowed the Committee to receive and consider nearly 300 comments from the public at its final meeting before adopting the final report, even with the public comment period spanning the holidays.

Chapter One: Better Community Design

Background

There is growing concern for both the efficiency of getting around in our communities, often called **mobility**, and another more difficult to define issue of **livability**. Mobility refers to the ability to travel between and through communities. Livability is defined by a set of characteristics that make better communities, including variety, safety, convenience, commerce, recreation and aesthetics. Other key elements include a sense of place and a sense of community.

The frequent conflict between mobility and livability is at the heart of the land use and transportation problem. This problem often stems from giving too much priority to mobility. This can result in six lane highways cutting through neighborhoods for the sake of traffic movement, putting pedestrians and bicyclists at risk, reducing accessibility in the neighborhood, and often making it difficult for the neighborhood children to walk to school. Due to its popularity and personal convenience, the automobile is often the focus of this conflict. The statements below follow from planning that places an overemphasis on auto mobility:

- Higher traffic speeds, except on separated arterials and highways, represent a trade off of increased mobility for a decrease in neighborhood safety.
- High traffic volumes and speeds discourage other modes thus reducing variety of travel.
- The physical space required for autos (at rest or in motion) dramatically increases the scale of land development. (Some estimate that seven parking spaces alone are built for every car.)
- The driving distance one can travel within a tolerable time frame (miles/hour) encourages further separation of the land uses that satisfy essential daily needs.
- The basic physics of mobility (space, speed and distance) define the antithesis of livability, urban sprawl.

In current transportation and engineering practice, the mobility/livability conflict usually occurs at the corridor or project level. Area residents, for example, may object to a roadway widening near their home once it reaches the design stage even though the project may have been in the planning stage for years. Improvements to planning and public outreach processes are essential to creating a more predictable planning process, and much of the solution may depend on giving the public a chance to be involved early on in community design solutions. Without good community design, development in growing areas likely will not help build communities. Community is built on the face to face encounters of people walking and sitting in public areas. Good community design also enables the development of a regional transportation and land use structure that supports a choice of viable transportation alternatives. With better community design, the following statements become true:

- More community trips can be made by walking, bicycling, and public transportation.
- Many non-drivers in our communities gain enhanced access to jobs, shopping and community activities.
- Our communities can become unique places to live and destinations for tourists to visit.
- Our communities can become more beautiful.
- Our communities can become more livable.
- Our built and natural environments can become more sustainable.
- Civic pride can be increased along with a sense of community ownership and self help which can reduce government costs.
- Destructive behaviors such as crime, littering, and vandalism may be reduced.

I. THE STATE ROLE

The Governor, as the Chief Planning Officer of the State of Florida, plays a key role by providing guidance to state and regional agencies charged with coordinating transportation infrastructure with land use and community design. Although local decisions ultimately implement community land use and design policy, state guidance provides a statewide coordination framework beneficial to all regions within the state. This guidance assists regional and community plans by providing a higher quality of life for their respective citizens. State policy also provides tools for implementing both regional and community plans through incentives, funding and technical resources.

The state should provide leadership in outlining environmental principles consistent with overarching fundamental goals involving both quality of life and sustainability components of regional and individual community plans. Principles regarding the preservation of ecosystems in relation to regional and community long-term development should be clearly defined. In addition, environmental resources that play an integral part in attaining other statewide objectives, such as economic development initiatives involving the tourism industry, should be identified. Financial resources and technical assistance from the state should also be made available to assist communities in implementing development policies outlined in their local plans.

Issue A: Improved State Coordination and Planning

The State should assist and become a partner in the implementation of sustainable regional and community plans by deploying fiscal resources in a manner that creates incentives for their implementation. Development principles, which promote the most efficient use of fiscal resources, should be outlined in a State development policy. Funding initiatives and programs should be consistent with sustainable plans and designed to reward communities for good planning practice.

For local governments to create sustainable and livable communities, key state objectives must be identified. Once identified, the State's objectives should form the basis for regional and local decisions. For example, the presence of fundamental transportation linkages is essential for economic growth and commerce. Likewise, the protection of sensitive environmental systems provides the balance necessary to accommodate continued community growth.

Recommendation #1:

The Governor, as the Chief Planning Officer of the State, should use the Office of Planning and Budgeting to direct and provide policy guidance to state and regional agencies to develop and implement a smart growth plan and policies. This should include a statewide smart growth investment strategy guiding all state infrastructure expenditures, as authorized by the Legislature.

Comments:

a. It is not the intent of the Committee to merge agencies or create a large office in the Office of Planning and Budgeting (OPB), but rather to reinforce the role of OPB as a policy coordination office. Implementation responsibilities should rest in the agencies as directed by the Governor and Legislature.

b. The Governor's smart growth strategy should include a complete system view to enhance cohesion among the various state, regional and local plans affecting land use, transportation, environmental, resource management, and economic development. The Committee finds that at most levels of government, transportation planners, environmental planners and those dealing with land use, housing and other community issues do not work closely together, nor do they have a common set of goals and objectives. With the current lack of an unifying plan, agency personnel have little incentive to find optimal solutions that balance competing needs to produce truly comprehensive smart growth plans, much less great communities.

c. The process for development of the State's capital investment strategy should recognize and give consideration to adopted local and regional plans.

d. The Governor's smart growth strategy should include integrating the various local and regional plans into a comprehensive state planning database. This database should be made readily available to the general public and to local and regional entities charged with responsibility for planning land use, transportation, environmental preservation, resource management, and/or economic development.

e. The Governor's smart growth strategy should include hosting regional and local workshops with appropriate private, nonprofit and public agencies, e.g., the Florida Chamber, the Audubon Society, regional planning councils (RPCs), MPOs, and other local and regional governing boards, to identify and assist in the resolution of conflicting plans, and disseminate information about the compatibility and/or conflict between various local and regional plans, and their consistency with the State's smart growth initiatives.

f. The Governor's smart growth strategy should address the incentives suggested in this report for the creation of *Smart Communities* when developing a state investment strategy in support of smart growth so as to coordinate these approaches at the state and local levels.

g. The primary agencies that should be involved in this effort include Florida Department of Community Affairs (FDCA), Florida Department of Transportation (FDOT), Florida Department of Management Services (FDMS), Florida Department of Environmental Protection (FDEP), RPCs, the Governor's Office of Tourism, Trade, and Economic Development (OTTED), Florida Department of Agriculture and Consumer Services (FDACS), the water management districts, and the Florida Department of State. Other agencies should be involved as appropriate.

Recommendation #2:

> The Governor should establish a Smart Growth Advisory Board comprised of representatives of business, local and regional government, and public interest groups. The Governor should begin work immediately with the Advisory Board, as well as with the best design professionals in the state and nation working in the smart growth area, to review the best practices available, prepare legislation, and an implementation plan. Any legislation should undergo peer review before it is presented to the Legislature.

Comments:

a. The legislation should implement the smart growth plan to guide state capital investments, enhance regional planning and cooperation, stimulate the revitalization of existing neighborhoods, and provide incentives to local governments and the private sector to undertake smart growth. The legislation should include necessary refinements to the Local Government Comprehensive Planning and Land Development Regulation Act and to the Sustainable Communities Demonstration Project to support and further the State's smart growth agenda.

b. During this process, the Governor should explore the feasibility of more fully coordinating the planning efforts of various state agencies, including FDCA, FDOT, FDEP, and OTTED, with each other, with the smart growth initiative, and with existing locally and regionally adopted plans.

c. The Governor's smart growth strategy should include working with the Center for Urban Transportation Research (CUTR) to develop an educational program for elected officials. The issues of transportation and land planning are so complex and important to the quality of life for Floridians and guests that elected officials must have a basic understanding of the issues.

II. IMPROVING EXISTING LOCAL PLANNING PROCESSES

Issue A: Multi-Modal Transportation Planning

In the course of its meetings, the Committee learned that pedestrian-friendly community design and multi-modal level of service criteria are in use in communities elsewhere in the United States and have proven to be practical and effective. For example the Committee was advised that there are examples in areas with urban design features that include mixed uses and housing types, sidewalks, traffic calming measures, and convenient interconnection of pedestrian, transit and

automobile modes that shifted as much as 30 percent or more of household trips from automobiles to other transportation modes. The Committee also learned that the Transportation Research Board is developing new guidelines for multi-modal level of service (LOS) evaluation, and that communities elsewhere in the United States are currently using multi-modal performance measures. The Committee was provided an example of criteria used in the Portland, Oregon, metropolitan area to evaluate transit, pedestrian and bicycle modes.

Recommendation #3:

The 1999 Legislature should amend section 163.3180, F.S., to allow local governments to create Multi-Modal Transportation Districts (MMTD) in areas designated in the local comprehensive plan for more intensive mixed-use development.

Comments:

a.. A MMTD should have two primary characteristics. First, the local comprehensive plan and land development regulations should ensure that both new development and redeveloped properties would meet standards of community design that ensure a safe, comfortable, convenient and attractive environment for pedestrians. Pedestrian mobility should be primary with convenient interconnection to transit. Second, concurrency determinations in a MMTD should be based upon a multi-modal performance measure that considers all available transportation modes, including automobile, pedestrian, transit and other means.

b. FDOT should develop methods for multi-modal performance measurement and provide them to local governments. FDOT should consider multi-modal performance measures currently in use or under development elsewhere. In addition, the use of single-mode, link-based LOS and concurrency management systems, which is the most common practice today, should be discouraged in favor of multi-modal, zone- or district-based LOS and concurrency management systems.

c. Similar to current trip generation methods, this methodology would involve local government assigning the area's projected transportation needs to the available modes based upon existing and planned community design. The RPCs and, in an urbanized area, the MPOs, should be consulting agencies.

d. The Legislature should give FDCA specific rulemaking authority to implement this recommendation. Required community design criteria in a MMTD should include: (1) mixed-use development, including residential development and a range of housing types; (2) sidewalks with safe, comfortable pedestrian surroundings; (3) streets with appropriate measures for traffic calming, such as roundabouts; and (4) design for convenient interconnection of pedestrian, transit and automobile modes.

e. As an incentive to develop in MMTD areas, the applicable local government should consider reducing impact fees and/or roadway access fees based on the reduction of vehicle trips per household expected from the development pattern planned for the district. Areas suitable for

designation as MMTDs could include: regional activity centers; town centers; transit corridors; urban infill and redevelopment areas; areas subject to an optional sector plan adopted pursuant to section 163.3245, F.S.; the area within the boundaries of the Eastward Ho! program in Southeast Florida; Community Redevelopment Areas; Main Street Program areas; appropriately designed and suitably sized developments of regional impact; and areas within local governments participating in the Sustainable Communities Demonstration Project established by section 163.3244, F.S.. The designation could include an entire city or town. Designations should not be limited to currently developed areas. The designation of these areas should be done keeping in mind the greater objective, which is establishment of connectivity between adjacent and developing "pods" to eventually replicate the type of redundant (or multiple) street system characteristic of older urban areas.

f. As part of the compliance determination for a MMTD, the FDCA should have the same review authority that it currently has for review of Transportation Concurrency Exception Areas (TCEAs). FDCA should review each proposed district to ensure the local comprehensive plan is financially feasible, includes appropriate elements of community design, and relies on a professionally acceptable multi-modal LOS methodology, and addresses transportation needs.

Recommendation #4:

> Local governments should be specifically encouraged to employ alternative techniques for measuring level of service, including multi-modal, vehicle miles traveled (VMT)-based, access-based, and zone-based approaches.

Comments:

a. FDCA and FDOT should work aggressively to provide technical assistance to local governments to employ these preferred level of service methodologies.

b. These alternate methodologies are best employed in areas with multiple transportation routes and with multiple transportation modes and not in areas characterized by few arterials and unconnected collector roads.

III. PROMOTE *SMART COMMUNITIES*

The current integrated planning approach in Florida provides a fundamental base to ensure that communities consider the impact of new development on services and community development. This process also encourages communities to coordinate decision making and acknowledge the relationship between land use decisions, financial implications and the provision and quality of certain public facilities and services. Current state statutes and rules provide flexibility to those communities with the financial and technical expertise to be pro-active and creative. They do not, however, contain inducements for other communities to develop plans that exceed the minimum necessary for compliance.

The present planning process, delineated in Chapter 163, F.S., was established on the assumption that internal consistency between the individual planning process elements would itself yield comfortable, desirable places to live and work. This approach to planning optimizes the function of each technical specialist within the planning process. The land use planner allocates projected population and land uses, the traffic engineer designs the optimal transportation system, the support engineers design water, sewer and stormwater management systems and so on. The result is often not the best plan nor the desired plan envisioned in the beginning.

The conflicts between land use and transportation planning described earlier in this report are one facet of this problem. This optimized, segregated and specialized approach to planning, although presumed internally consistent, is not concerned with achieving a predetermined vision or community objective and often has not created communities where people are comfortable and proud to live. The current requirements to document the "data and analysis" supporting every goal, policy, or objective of a local comprehensive plan contributes to this narrow, specialized approach. The purpose of planning becomes the process not the result.

The current system also assumes that adequate funding would be available to make the rational choices necessary to evaluate alternative development scenarios. The integrity of this approach has been severely compromised, however, by Florida's failure to adequately fund the infrastructure components of such planning efforts.

As a practical matter, without direction, assistance or incentives, more pro-active planning approaches that will avoid long-term problems and inefficient development patterns are not high on the agenda of most local governments struggling to maintain a balanced budget and provide services. As a result of current mandates, local governments have few if any reasons for going beyond the minimum necessary to satisfy state requirements. Development of a community evolved and supported vision of the future and the application of optional elements, such as Community Design to attain that vision, has been a luxury few communities have undertaken.

Florida's process-driven approach was appropriate in the 1980's and 90's when Florida's local governments were at a very basic, entry level to planning. Years of experience have resulted in greatly increased capabilities and understanding at the local, regional, and state level. This experience has also shown that the process-driven approach alone will not ultimately produce the kind of communities in which Floridians wish to live. This conclusion is not unique to Florida. Focusing on achieving independent level of service standards without coordinated long-term land use planning has compounded this problem. A new approach can produce a balanced system of automobile movement and livable land use and community design patterns. Across the nation, states are re-designing and re-orienting their planning programs around new approaches to planning and community design. The goals of these new approaches are expressed in two terms:

sustainable communities[1] and livable communities[2]. Florida can and should move to the forefront of this new direction in planning.

To accommodate the 6.4 million new Floridians expected over the next 22 years, a more effective community planning approach is absolutely essential. The state should be a partner in this process, not through increased regulations, but through encouraging local governments to examine, debate and determine the best way to accommodate the projected growth. The process must also begin improving our quality of life through sustainable development practices.

Issue A: Create an Alternative Planning Process

The "***Smart Community***" process would allow an optional/alternative approach to growth management, based on the use of techniques of community building that recognize the relationship between land use decisions and impact on services and facilities, especially transportation. Interconnected, mixed-use neighborhoods provide options for movement and access to daily needs, permitting communities to develop in a sustainable fashion. Investors and neighbors can have more certainty than under the present system.

Through the application of established design criteria, rather than the primarily policy-oriented approach currently mandated, a new focus would emerge to address specific spatial relationships between plan elements and between transportation and land use. Design parameters for ***Smart Communities*** would be included in the plan framework, and the targets for the various design components would become new, highly measurable plan objectives. These design parameters would be translated into indicators unique to each community that would replace or supplement the plan policies, and would guide day-to-day community decisions concerning development. Economic, environmental, and social factors and choices would drive this design process.

While the indicators have the ability to address levels of service, they also address many design elements that directly affect levels of service. If the specific design parameters are met, levels of service concerns will be mitigated. The importance of community design as a means to reduce demand effectively for public facilities and services has not been previously addressed in Florida's growth management process. There is a rapidly emerging, national focus on issues of sustainability, livability and multi-modal planning by respected practitioners in all design

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[1]**Sustainable Community**: Design and implementation of towns and cities, and use of resources that maintain the economic viability and environmental quality of future generations.

[2] **Livable Community**: The basic unit of a livable community is a walkable neighborhood. The neighborhoods, clustered to form towns and cities, include a variety of compatibly mixed uses to reduce total motor vehicle dependence for access to employment, retail, and community facilities and services. Travel is provided along an interconnected network of lower speed streets designed for safe and pleasant walking, cycling, and driving, with transit and disabled user access in mind. A mix of residential forms exists to meet diverse housing needs and to support nearby services within a reasonable walking distance. Livable community designs are energy efficient and respect the natural environment. Livability is also determined by how community members feel when they venture into the public realm.

professions. Almost every national level conference on planning, architecture and engineering in recent years has delved into community design issues. Their recommendations address transportation and land use issues together and consider plans at full buildout or mature community form. To achieve more livable communities, the following recommendations are presented.

Recommendation #5:

The Florida Legislature should amend Chapter 163, F.S., to authorize and encourage the development of an alternative local government planning process entitled ***"Smart Communities."***

Comments:

a. The ***"Smart Communities"*** approach should use community planning techniques to develop a desired community form through the application and use of proven community design practices to achieve sustainable and livable communities. This process should include rulemaking responsibility for the FDCA to addresse the necessary components of community design. Implementation and evaluation techniques should ensure the plan is applied consistent with policies and goals. At a minimum, these processes should include the following:

1. A procedure for acceptance, review and approval of ***"Smart Community"*** eligibility and designation. Designation would lead to development, review and approval of ***"Smart Community"*** plans.
2. Application of the basic Elements of Smart Community Development (See Appendix C) within a ***"Smart Community"*** plan to ensure an integrated, sustainable community is developed consistent with the regional context of ecosystem, water management, and transportation mobility.
3. Requirements for a ***"Smart Community"*** plan that is based on a full, integrated and complete vision of the desired community future, at build-out. Plan development criteria should be established for local use by planning staff during plan formulation and by the FDCA for determination of plan compliance during any necessary growth management plan amendments.
4. Adequate evaluation and implementation techniques and mechanisms that are incorporated into the plan framework to track whether the implementation of the plan is attaining the desired future.

b. Under this proposal, communities would still prepare comprehensive plans, address future land use, address protection of environmentally sensitive areas, provide for needed facilities and services, especially transportation, intergovernmental coordination, and fiscal implementation. Future land use maps might look quite different, with more flexibility allowed, and land use mix driven by the community design parameters of the community plan. Environmental networks would be mapped, and the protection of these areas would be implemented through design criteria. The FDCA should continue to have review and compliance approval authority over

comprehensive plans, and would therefore be able to help shape the appropriate design parameters and standards.

c. Communities should be allowed to undertake this approach for subparts of the community, a neighborhood, sector or district for example, or for the entire jurisdiction. Regional plans would be encouraged to use this approach to facilitate and coordinate growth management along primary transportation corridors.

Issue B: *"Smart Communities"* Incentives and Support Techniques

The current Florida comprehensive planning process lacks incentive for local governments to go beyond the minimum criteria established in Chapter 163 F.S., and Rule 9J-5 Florida Administrative Code (F.A.C.). Rather it is a system that penalizes non-attainment of minimum criteria through sanctions. Also its reliance on road concurrency measured by the LOS A-F scale causes development patterns to be dictated by availability of traffic capacity instead of sound community building principles. The resulting land use pattern continues reliance on the automobile, segregation of uses and lack of connection between neighborhoods.

Recommendation #6:

The Florida Legislature should establish prioritized programs, techniques and mechanisms to provide appropriate incentives for the use of the ***"Smart Communities"*** process.

Comments:

a. Plans found in compliance with the "***Smart Communities***" provisions and that adhere to the criteria for implementation of their plans, should be exempt from currently defined transportation concurrency management requirements.

b. In addition, the State should consider the following additional incentives to local governments:

1. Increase the DRI thresholds by 50 percent.
2. Priority should be given to coordination of state and federal community resources, including but not limited to brownfield restoration, transportation enhancement, congestion management, air quality, scenic byways, historic preservation, educational grants, transportation safety, local planning grants, alternative energy, and other community-based programs.
3. A regionally administered funding mechanism should be created to coordinate state technical and financial resources to stimulate and promote local government efforts to implement effective community design projects within the regional context.
4. Revise State agency administrative rules and procedures to encourage smart community design and sustainable community strategies.

5. A multi-disciplinary central resource clearinghouse should be established by the appropriate state agencies and state university centers to provide technical assistance and to coordinate state resources to assist local governments.

6. State agencies should cooperatively develop and make available model land use and urban design codes and "best practices" to provide a ready resource of information to local governments.

7. A simplified, expedited permitting process should be implemented.

8. The State should provide matching planning and technology grants on a one-for-one basis for local governments and regional planning councils to undertake this process.

9. A higher priority for state infrastructure funding. Priority for funding under the following existing programs (at a minimum):

a) Florida Housing Finance Corporation Guarantee Fund

b) Temporary Assistance for Needy Families (TANF), Department of Labor, Welfare to Work Program

c) Florida Communities Trust – Preservation 2000

d) Florida Department of Transportation State Infrastructure Bank

e) Florida Department of Environmental Protection Sewer/Water Revolving Fund

f) Department of Community Affairs Community Development Block Grant Small County Infrastructure Fund (54 small counties)

g) Enterprise Florida Funding programs.

10. A higher priority for state infrastructure and other funding as appropriate from any new programs.

Chapter Two: Get Concurrency Right

Background

"Concurrency" became part of Florida's planning and growth management vocabulary in the 1985 legislative session. Since then, it has been widely recognized as one of the most important components of Florida's integrated planning and growth management system. It has also served as a model for consideration by other states seeking to ensure that adequate transportation facilities are available on a timely basis to meet the demands of development.

The Transportation and Land Use Study Committee has reviewed the impact of concurrency on land use and transportation. The Committee has concluded that the underlying statutory purpose of concurrency -- that adequate facilities needed to serve development are available within a reasonable time of the impacts of that development -- is an important public purpose. As presently implemented, however, transportation concurrency has major shortcomings that should be addressed by the Legislature.

Statewide transportation concurrency has been implemented almost exclusively as 'motor vehicle concurrency' because most professionally accepted transportation planning methodologies and level of service measurements focus solely on motor vehicle mobility. Generally, the basis for concurrency determinations is the level of service (LOS) standards for roadways adopted by local governments as part of their comprehensive plans. It is important to note that few communities in Florida have a transportation concurrency system that addresses transportation modes other than roadways. Hence, readers should interpret the meaning of the phrase "transportation concurrency" in this report to mean "roadway concurrency" unless the context clearly indicates otherwise.

The Committee believes that the undue emphasis given to achieving high levels of vehicle mobility in Florida's pursuit of transportation concurrency likely impedes the attainment of more important goals for community design, which promote compact urban growth, urban infill, and redevelopment. Existing law makes it difficult for communities to give pedestrian-friendly urban development and other transportation modes priority over vehicle mobility. Maintaining adopted LOS standards for roads also may constrain land development in areas contrary to the economic development goals of a community.

Another issue is that transportation concurrency as a regulatory policy is not built on a solid foundation in every community. By law, transportation concurrency must be based on realistic and financially feasible capital improvement programs at the state and local levels that will provide adequate transportation systems to meet anticipated needs in a timely manner. The best information the Committee has been able to gather indicates that in some cases these capital improvement programs may not continue to be financially feasible, particularly if they change over time. Certainly, there is a need both for additional information about the cost of transportation and for additional financial support for transportation systems.

Finally, there are vexing issues that make implementation of transportation concurrency problematic, especially on state roads. Among these issues are: a) the State having jurisdiction over concurrency on the Florida Intrastate Highway System (FIHS) while the system serves as a local transportation system in many communities, b) lack of adequate local road networks, c) lack of uniform methodologies, wherein different agencies can use different measurement standards for the same road at the same time, d) use of LOS standards that push development into rural areas, and e) inconsistent policies on reserving trips and tracking and reporting reserved trips across jurisdictions.

The Committee's conclusions on the effectiveness of transportation concurrency are based primarily on anecdotal information. Florida does not systematically collect data from which the effectiveness of transportation concurrency can be comprehensively evaluated. Neither does the state have clearly defined criteria by which to determine whether transportation concurrency is achieving what the Committee believes should be its underlying goal -- improving mobility and accessibility for Floridians.

Briefly stated, concurrency requires that Florida's local governments ensure that adequate public facilities will be available within a reasonable amount of time to serve the impacts of development when they occur. Chapter 163, Part II, F.S., and implementing Rule 9J-5, Florida Administrative Code, require local governments to address different facets of concurrency during comprehensive planning and during subsequent development permitting. While concurrency is actually administered in the regulatory process, its foundation must be laid in the local comprehensive plan.

In the preparation of local comprehensive plans, local governments are required to forecast population growth over the locally adopted long-term planning horizon, usually 10 to 20 years. Based on population forecasts and LOS standards adopted as part of its comprehensive plan, the local government then projects the public facilities that are required to serve the expected population. In this way, local governments are required to plan for adequate public facilities for seven different types of infrastructure -- roads, sanitary sewer, solid waste, potable water, drainage, parks and recreation, and (in high population areas) mass transit. Local governments have the option to extend the concurrency requirement to other public facilities.

The public facilities needed to serve the expected population at the locally set LOS standards must be incorporated into the comprehensive plan's capital improvements element, which in turn must meet standards for financial feasibility. In this way, the concept of concurrency is intended to prevent an undue deterioration in the public facilities so important to our quality of life.

The local government must apply the concurrency requirement in day-to-day reviews of applications for development permits to ensure that no permits are issued that would result in the actual level of service falling below the minimum standard for any regulated public facility. This administrative process is referred to as a "concurrency management system." Typically, the local concurrency management system requires a review of each development application, which proposes an intensity of land use, to determine whether adequate public facility capacity is

available for each type of regulated public facility. If the proposed development would cause the adopted LOS standard on any facility to be exceeded, or if the LOS for that facility type already exceeds the adopted standard, then the concurrency requirement has not been satisfied, and the application cannot be approved. In this way, concurrency as applied during the development review process is a regulatory tool.

A Good Idea with Unintended Consequences

At present, because of the methods used to establish and measure level of service, transportation concurrency is generally focused on automobile mobility; pedestrian traffic and other modes are not considered. Along with a lack of standards for community design, maintaining roadway level of service standards by a project-by-project concurrency review, may encourage urban sprawl and discourage redevelopment and infill of urban areas. Planning and building communities with sufficient multi-lane, high-speed roadways to maximize automobile and freight mobility tends to create communities that are unfriendly to transit and dangerous to pedestrians. Further, Florida's generous roadway access rules have created development, as opposed to communities, that is expensive to serve, wasteful of land, and prone to traffic congestion. Thus, land planning as based on current transportation concurrency practices increases our reliance on automobiles and prevents communities from achieving higher standards of pedestrian friendliness, compact urban growth, urban infill and redevelopment, and a better quality of life.

When development orders cannot be issued due to roadway deficiencies based on the concurrency management system, the property tax base may be compromised. Property owners who cannot develop or redevelop can be expected to seek reductions in their assessments. When redevelopment of empty shopping centers or office buildings is impeded due to concurrency issues, tax collections are reduced as the quality of the existing development deteriorates. Transportation concurrency also causes uncertainty for local governments, as developers and financial institutions are reluctant to undertake projects that may be highly beneficial to the local community when the prospect of meeting transportation concurrency requirements is in question.

Regulating growth primarily to limit roadway congestion is not a uniformly desirable goal, especially in an urban setting. Ultimately, as concurrency directs development to areas with available roadway capacity, the resulting sprawl funnels increased congestion onto the very roads where development is limited by concurrency and development orders cannot be issued. The system results in further reducing levels of service, which is contrary to the legislative intent.

I. EXEMPTIONS TO TRANSPORTATION CONCURRENCY

To better serve Florida's communities, existing tools for administering transportation concurrency should be made more flexible to achieve community goals for urban form and varied transportation modes. Section 163.3180, F.S., a product of Florida's third Environmental Land Management Study Committee (ELMS III) in 1992, provides a beginning point by identifying specifically identified circumstances in which other state planning goals have higher priority than

preventing roadway congestion. This effort should be continued to reduce the red tape that hinders good development in the right places.

Section 163.3180(5), F.S., provides for exceptions from transportation concurrency for (a) a project that promotes public transportation and (b) an area designated for urban infill, urban redevelopment, or downtown revitalization. The criteria for state approval of these exceptions should be expanded based on our experience since their establishment in 1993.

Issue A: Public Transit and Concurrency

Current law subjects public transit facilities to concurrency requirements. The Committee believes it is counterproductive to let concurrency requirements block the construction of public transit facilities in congested areas. Further, Florida law needs to create incentives to encourage development that is pedestrian and transit friendly.

Recommendation #7:

> The 1999 Legislature should amend section 163.3180(4), F.S., to exempt public transit facilities from transportation concurrency requirements.

Comments:

a. The intent of the Committee is that the Legislature's action would make public transit facilities exempt from roadway concurrency requirements with no additional action by the local government necessary.

b. The Committee defines "public transit facilities" to include transit stations and terminals, transit station parking, park-and-ride lots, intermodal connection or transfer facilities, and fixed bus, guideway and rail stations. The word "terminals" is not intended to include major trip generators like airports and seaports. Likewise, the term "transit facilities" is not intended to include non-transportation development, such as commercial or residential development constructed in conjunction with the public transit facility.

Recommendation #8:

> The 1999 Legislature should amend section 163.3164 (28), F.S., to expand the definition of "projects that promote public transportation" to promote transit-oriented development that is designed to complement reasonably proximate planned or existing public transit facilities.

Comments:

a. FDCA should be given specific rulemaking authority to define "reasonably proximate." Research available to the Committee suggests one possible definition would be "within

one-quarter mile of an existing or planned transit station." Once allowable area size, standards for transit connectivity, and design qualities that support transit use are defined by FDCA, local governments should be able to designate these areas by plan amendment. Once designated, roadway concurrency requirements should not apply to land development in these areas.

b. FDCA and FDOT should provide additional technical assistance to local governments so that areas designated by local governments are planned to include residential, commercial, industrial and institutional projects that will increase transit ridership potential by virtue of their design qualities, such as a complementary mix of land uses, higher development densities, enhanced accessibility such as direct access pedestrian walkways and weather protection, and the provision of pedestrian amenities.

c. The Committee recognizes that there are dense historically underserved urban areas that have not been designated for urban infill, urban redevelopment or downtown revitalization. These urban areas are ripe for redevelopment, if incentives are available, but projects in these areas would not be located reasonably proximate to public transit facilities as defined by the Committee. The Committee does not intend to rule out the application of this section to economic development projects in historically underserved urban areas provided that the projects promote public transportation.

Issue B: Transportation Concurrency Exceptions

The criteria for state approval of a transportation concurrency exception area (TCEA) for an urban infill, urban redevelopment or downtown revitalization area should be reviewed to determine whether they are realistic and achievable in all our State's communities, based on experience since their authorization by the Legislature in 1993. Likewise, provisions pertaining to Transportation Concurrency Management Areas (TCMAs) should be reviewed. Because Florida's communities have widely differing natures and characteristics, the Committee finds that existing criteria for transportation concurrency exceptions may not be flexible enough to give appropriate priority to the state planning goals favoring urban infill, urban redevelopment and downtown revitalization in all communities. Greater flexibility should be provided to a wider range of communities.

Recommendation #9:

> Existing authorizations pertaining to transportation concurrency exceptions should be reviewed by FDCA. FDCA should propose amendments as needed to the 1999 Legislature to provide greater flexibility to local governments in this area.

Comments:

a. FDCA should evaluate whether criteria for urban infill TCEAs should be modified, including whether coastal high hazard areas should be eligible to be included in TCEAs. The criteria for floor area ratios, densities, and vacant, developable land may be too strict for small and

medium sized communities and therefore may not provide adequate incentive for achieving state urban infill goals. Consideration also should be given to combining the urban infill and urban redevelopment TCEA types into a single type.

b. FDCA should evaluate increasing the transportation impact standard above 110 percent for urban redevelopment as incentives for redevelopment of existing sites to higher density or intensity.

c. FDCA should evaluate modifying the special part time demands provision of the law to allow certain off-peak generator uses, such as places of religious assembly without schools or day care facilities. Consideration also should be given to expanding the de minimus standards for single family homes on existing lots to include duplexes and "granny flats" if allowed by local zoning.

Issue C: Financially Feasible Plans

Another needed response to this problem is a more rigorous process of capital improvements programming. In many instances, it appears that the requirement for local governments to update their comprehensive plans each year to reflect the capital improvements necessary to achieve and maintain adopted LOS standards in the succeeding five years -- on a continuing financially feasible basis -- is honored only in the breach.

Based on reports from FDCA and the experiences of the Committee members, it is evident that many local governments have capital improvement elements that are inadequate to maintain LOS standards adopted in their own plans even though those local governments are required to enforce transportation concurrency as a regulatory requirement. A process of annual reporting to FDCA to ensure continued financial feasibility of local government plans would be an appropriate remedial step. So would some form of disincentive for local governments that fail to meet the existing legal requirement to update their capital improvement elements to reflect each year's updated capital improvements program.

Recommendation #10:

> The Committee recommends that local governments be required to submit to FDCA evidence of an annual review of their capital improvements program. If the financial feasibility or projects within that programs have changed, feasibility of their capital improvements element of the comprehensive should be maintained by adoption of amendments to the local governments comprehensive plan.

Comments:

a. The Committee further recommends that the Legislature require that no plan amendment may be processed where such an annual review has not occurred. In the case of municipalities, no new annexations may occur until such an annual review is reviewed and approved.

b. Only when local governments have financially feasible capital improvement programs to provide needed transportation projects will transportation concurrency as a regulatory tool be securely based on the current state law.

II. CONCURRENCY AND THE FLORIDA INTRASTATE HIGHWAY SYSTEM

The Florida Intrastate Highway System (FIHS) needs special consideration because of its importance for statewide transportation and linking communities. It also raises complex issues because of its position in the transportation concurrency framework. The Committee believes that managing concurrency on the FIHS is the most complex and difficult challenge of all.

The problem of concern to the Committee is the ability to balance community and economic development goals with the State's need to facilitate interstate and interregional mobility. Specifically, the FIHS does not always serve an effective intercity function within urban areas, especially during peak hours. This can be attributed to increasing through traffic resulting from Florida's growth and an increasing reliance on the FIHS to serve local trips as communities develop. Further, current and projected funding levels will not allow build out of the FIHS as designed even within the next several decades.

Issue A: Rethinking the FIHS

This section looks at LOS on the FIHS, calls for a reassessment of the FIHS, and advocates the establishment of a Florida Intrastate Transportation System.

The Committee finds that we cannot maintain current LOS standards on the current FIHS in urban areas merely by regulating development near these thoroughfares. The physical configuration of the present FIHS, including interstate highways, has been compromised with regard to the expressed intent for an efficient, high-speed network of roads for intercity movement of people and freight. In urbanized areas, much of the existing FIHS allows free and easy use by local traffic, resulting in high levels of congestion. The frequency of interchange spacing on the interstate system in urban areas has resulted in the interstate serving as a local "Main Street." In rural and some urban areas, through traffic comprises a large proportion of traffic, especially on limited access facilities. While rural links tend to still serve intercity movement purposes effectively, the high level of service standards established by FDOT in those areas presents a constraint on local economic development because of the amount of through traffic. This phenomenon has been exacerbated by those local governments that have failed to enact available local-option revenue sources that could be used to provide alternatives to the FIHS for local travel.

Given the realities noted above, the Committee finds that the only effective solution to maintain the long term functional viability of the FIHS lies in physical design, construction, and access management. As a first step, the FIHS should be re-examined. Non-interstate portions of the FIHS that do not meet the design or operational standards of the FIHS should be redesigned consistent with the State's maximum lane policy and the adopted FIHS design standards, or re-

designated with alternative routes selected or constructed, to provide a truly functional intercity highway network. Substantial portions of the existing FIHS, e.g., I-10 across northern Florida, may be suitable to continue as principal intercity routes. In some areas, however, it may be necessary to designate alternative routes, newly planned routes and bypasses. Design standards should facilitate intercity travel and should limit access in accordance with that principal objective. In those areas where re-construction or re-designation are impractical, and the existing facility must continue to serve both intercity and local traffic, there should be a joint planning process between FDOT and the affected local government to determine how these competing needs will be balanced, such as by shortening trip lengths and providing alternative local roads.

On limited access facilities, interchange spacing on the FIHS should be infrequent, generally on the order of ten miles or more, except where the interchange provides or would provide access to a major regional employment center. New interchange development proposals should be accompanied by an adopted local government comprehensive land use plan that can ensure future functionality. The Committee believes it is absolutely imperative that the state dedicate adequate funding to the FIHS.

The State should play a leadership role in developing transportation initiatives which provide interregional travel for both people and freight. This important responsibility must be balanced with other regional and community planning objectives. Transportation infrastructure and funding programs should be implemented to foster mutual objectives. Readers are encouraged to turn to Chapter Four of this report for more information regarding funding issues.

While the FIHS is a critical part of Florida's economic engine, carrying significantly more traffic than its proportion of state road lane miles, all acknowledge that highways alone will not suffice to solve Florida's transportation crisis. The Committee finds that Florida -- if it is to be fully prepared to succeed in the global marketplace of the next century -- should identify, plan for and maintain a fully integrated and interconnected multi-modal transportation system. This system, which should be called the Florida Intrastate Transportation System (FITS), should provide for the movement of people and freight and interconnect Florida's major deepwater seaports, major airports, rail systems, and FIHS facilities. Planning for freight movement should give consideration to the recommendations of the currently active Freight Task Force.

Recommendation #11:

> In light of the State's leadership responsibility, the FDOT and FDCA, in partnership with the MPOs, RPCs and local governments, should commence an extensive and detailed land use and mobility planning process regarding the FIHS. Leadership should be provided by FDOT to ensure that such a planning process occurs in a timely manner. Priority should be given to advance planning along segments of the FIHS where significant problems have developed, followed by those FIHS facilities where significant problems may not yet occurred. This planning process should result in the reevaluation of the appropriateness of each part of the FIHS remaining on the system, mutual agreements with local governments for protecting the FIHS for intercity movements in rural and urbanizing areas, and

appropriate revisions to LOS standards for those communities willing to construct a local transportation system to serve local travel and development needs. For FIHS facilities that fail to meet the adopted level of service standards, local governments, in partnership with FDOT, shall be allowed to set interim standards to alleviate concurrency failures during the period of plan development.

Comments:

a. In rural and urbanizing areas, technical assistance should be given to local governments by FDOT, FDCA and RPCs to develop local comprehensive plans that place emphasis on balancing future land uses to shorten trip lengths and on planning and paying for an adequate transportation system to provide alternatives for local traffic other than the FIHS. Interchange justification reports should be based on an adopted local government comprehensive land use plan that will ensure future functionality.

b. Achieving the desired purpose of the FIHS will require the dedication of substantially more revenue.

c. The Optional Sector Planning process enacted by the 1998 Legislature should be reviewed for use for possible application in planning in rural and urbanizing areas that will be impacted by new FIHS alignments.

d. FDOT is encouraged to aggressively pursue strategies, in cooperation with the appropriate MPO and local government, such as ramp metering and construction of exclusive HOV and bus lanes, for maintaining the function of the FIHS in urban areas.

Recommendation #12:

The Florida Legislature should direct the FDOT to identify and establish the Florida Intrastate Transportation System (FITS). The FITS should become the primary means for the movement of people and freight in the State of Florida and should have appropriate funding. The system should connect Florida's major airports, deepwater seaports, rail systems (including critical intermodal connectors) – both passenger and freight, to the FIHS facilities. The FITS should be supported by a strategic plan for the planning, funding and construction of needed facilities and services to make the FITS a fully integrated and interconnected system. The continued economic prosperity of Florida depends on our ability to implement the FITS System.

Issue B: Concurrency on the Existing FIHS

Unlike other kinds of infrastructure, it can be difficult to identify and address the sources of impacts on the transportation system. Many jurisdictions experience significant pass-through traffic that originates beyond their borders, and therefore is beyond their control. A strict application of concurrency requires that such a jurisdiction deny development permits in the

vicinity of the affected roadway in order to preserve the level of service while the sources of pass-through traffic are unregulated.

Because it is intended to be a statewide network, the FIHS is particularly susceptible to this vagary of transportation concurrency. This anomaly is aggravated by current law which grants FDOT authority to establish LOS standards on the FIHS on the premise that those standards should facilitate high-speed movement of people and freight across long distances, even though critical components of the FIHS actually function as overburdened local roads.

These phenomena came into play recently on Interstate 95 in St. Johns County and required remedial action that resulted in a planning program intended to alleviate the immediate transportation concurrency issue while planning for a better transportation and land use mix in the future. While the St. Johns County solution is commendable it was only an ad hoc solution to a vexing problem that can be expected elsewhere.

One alternative is to acknowledge the reality of portions of the FIHS as a local system in urban areas and, until suitable changes are made to the design of the FIHS, to restore to local governments the authority to establish LOS standards on those roads. Another alternative would be to exempt the FIHS entirely from transportation concurrency requirements. Of course, these possibilities are predicated on the assumption that a network of facilities is maintained to perform the intercity transportation function of the FIHS.

Recommendation #13:

> LOS standards on rural segments of the FIHS should be set at LOS C to take advantage of the State's investment in these facilities. To justify further lowering the level of service on the FIHS, a community would have to : a) demonstrate to the FDOT and FDCA that they have a financially feasible transportation management plan that provides alternatives to accommodate local transportation needs adequately, or; b) participate in an intensive planning process involving FDCA, FDOT, the appropriate RPC, all affected levels of government and private interests to develop an adequate transportation management plan. If the local government plan is deemed inadequate by FDOT, the community should receive a lower priority for FDOT funding on the FIHS.

Comments:

a. The planning process used should be similar to the one agreed to for Interstate 95 in St. Johns County in early 1998.

b. In rural areas, the response may include construction of local reliever roads; in urban areas increased efforts regarding transit and transportation demand management may be in order.

c. It is important that a planning format or procedure be established that is flexible enough to accommodate diverse circumstances, yet detailed and comprehensive enough to ensure that

appropriate actions are taken. The full range of possible solutions should be considered in the context of the unique circumstances of each area.

Recommendation #14:

> In urbanized areas, a local government should be able to establish in its comprehensive plan, the level of service for general use lanes of FIHS roads within its jurisdiction, with FDOT's concurrence.

Comments:

a. The Committee recognizes the importance of the FIHS as a statewide resource. It also acknowledges that in many urbanized areas however, the FIHS serves as a local road, in addition to carrying significant amounts of pass-through traffic that originates beyond the local jurisdiction's borders.

b. This proposal represents an improvement from current law. This recommendation is not intended to interfere with FDOT's authority to provide access management for FIHS roadways, such as ramp metering, construction of exclusive HOV and bus lanes, and interchange spacing.

Issue C: FDOT Maximum State Highway System Lane Standards

Florida DOT has adopted standards that establish the maximum number of lanes on the State Highway System to be provided by FDOT funds. The standards were developed to ensure that future actions would prevent over-building of the road system with the attendant fiscal costs to the taxpayers, limit environmental impacts due to vehicular transportation, enhance the demand for public transportation and facilitate interstate and interregional commerce. The standards were intended to favor public transportation and high occupancy vehicles for commuting and local trips.

Specifically, the standards provide that the Turnpike Mainline (from the Palm Beach/Martin County line to Kissimmee) will be limited to four through lanes. Additional capacity needed in the corridor will be provided by other transportation alternatives, with emphasis given to intercity rail service. Other limited-access components of the FIHS will be limited to six through lanes in non-urbanized areas, and six general use lanes in urbanized areas. Four physically separated, exclusive lanes for through traffic and public transit and other high occupancy vehicles may be added in urbanized areas for a total of 10 lanes. On the remainder of the FIHS, there will be a minimum of four and a maximum of six through lanes. For the remainder of the state highway system, on limited access facilities, the standards will be the same as for the FIHS, while all other state highways will be limited to six lanes in urbanized areas and four lanes outside urbanized areas.

The policy of the FDOT to limit the number of lanes on the State Highway System to be provided by FDOT funds may create the potential for a development moratorium in some areas by putting a

limit on roadway capacity for individual roads until the maximum cross-section allowed by FDOT policy is constructed, or until funding other than FDOT funding is available to construct additional road capacity or provide alternative modes of transportation. Until the maximum cross-section allowed by FDOT policy is constructed, traffic demands from continued development could grow beyond the capacity of a segment, the adopted LOS standard could not be maintained, and it would be unlawful to issue development permits that impose additional demand on that segment without some remedial measures. In some cases, the adopted LOS standards may be violated irrespective of local development, as a result of through traffic on the segment. State and local governments and private interests should consider the range of remedial measures that should be allowed in this circumstance in order to avoid a development moratorium.

Recommendation #15:

> The Committee strongly endorses continued adherence to the current maximum number of lanes policy. Therefore, the Committee urges that other responses be developed and made available in order to relieve development pressures until the lane policy is fully implemented in a particular location.

Comments:

a. Every action should be taken by the Governor and the Legislature to provide sufficient funding to allow the accelerated construction of the maximum lane cross sections in highly congested urban areas to meet the State's critical needs to move freight and people to and through urban areas. See Chapter Four for more information on Florida's funding needs.

III. ADDITIONAL CONCURRENCY ISSUES

Issue A: Growth Management Information System

Every complex enterprise should have a management information system to ensure that the organization's goals are being met and, if they are not, to pinpoint the reasons and to point the way to remedial actions. Certainly, that is the best practice in the private world and in the most effective public-sector organizations. Florida's growth management system falls short of satisfying such a modern requirement for sound management. For one thing, there is no systematic statewide collection of pertinent information about the State's experience under transportation concurrency. For example, there is no routine monitoring and reporting of levels of service by local governments. Similarly, local governments with transportation concurrency exception areas are not required to report on a periodic basis on the experience of their exception area in meeting the superseding state planning goals that justified the exception.

Recommendation #16:

> Local governments should be required to publish on an annual basis, a summary of current transportation LOS conditions, approved developments, their incremental trips assigned to the transportation network, and the anticipated resulting LOS. This summary should be provided as part of the annual capital improvements program update explained in Recommendation #10.

Comments:

a. An important shortcoming in administering concurrency at the local level has been the lack of information about approved development orders among adjacent jurisdictions. In the absence of such an information exchange, it is impossible for one jurisdiction to know about transportation impacts of developments approved in adjacent jurisdictions.

b. Further, there is no agreed set of criteria by which Florida's experiment in transportation concurrency can be evaluated. This should be remedied by the Legislature in order to ensure that transportation concurrency does not become another out dated governmental mandate which fails to deliver on the promise made when it was enacted.

c. Allowance should be made for state funds to be provided to the local governments, the MPOs or RPCs to perform this reporting service for their local governments when appropriate.

Issue B: Training and Resources

The success of local governments in applying concurrency as a regulatory tool varies widely. It has been reported to the Committee that half of Florida's counties have less than 50,000 in population. Similarly, it has been reported that 75 percent of our cities have less than 10,000 in population, with 50 percent less than 5,000. Local governments with the resources to develop sophisticated concurrency management systems, and to hire staffs to operate the system have been more successful in implementing useful, flexible concurrency systems than the majority of local governments that do not have these resources.

Recommendation #17:

> In the future, the state should provide training and additional resources to local governments that have the fewest resources.

Chapter Three: Land Use Impacts and Coordination

Background

Florida's transportation and land use planning process has many pieces. At the state level, the Florida Legislature adopted the State Comprehensive Plan and the Department of Transportation adopted the Florida Transportation Plan (FTP). On a regional or area wide basis, each of the State's eleven regional planning councils has adopted strategic regional policy plans and the 25 Metropolitan Planning Organizations (MPOs) have adopted long range transportation plans. At the local level, Florida's 469 local governments have each adopted a comprehensive plan. With transportation funding decisions made largely at the state and MPO levels, and land development and infrastructure decisions made almost exclusively at the local government level, coordination is critical to effective transportation and land use planning.

I. IMPROVING COORDINATION OF LAND USE AND TRANSPORTATION PLANNING

Each of the State's 469 local governments is required to prepare, adopt and periodically evaluate and update, a comprehensive plan (Chapter 163, Part II, F.S.). These plans must address a variety of subjects including land use and transportation. The State's hierarchical planning process requires each local plan to be consistent with strategic regional policy plans (SRPPs) (Chapter 186, F.S.) and with the State Comprehensive Plan (Chapter 187, F.S.).

The components of local comprehensive plans must include a future land use element and a future transportation (or traffic circulation) element. These elements establish the pattern, density and intensity of land uses and the transportation facilities needed to serve those uses during the planning period (usually 10 to 20 years). Local comprehensive plans must also contain a capital improvement element and a financially feasible schedule of capital improvements. Once adopted, local comprehensive plans have the force of law; all development, including public facilities, must be consistent with the adopted plan. Florida law requires each county to evaluate and update their plans once every seven years. Municipalities within each county must evaluate and update their plans within 18 months after the county completes its update.

For urban Florida, a parallel planning process occurs in the State's 25 metropolitan planning areas (MPOs). Each MPO is required to develop a financially feasible long range transportation plan (LRTP) with a time horizon of 20 years. MPOs within air quality attainment areas must update their LRTPs every five years while MPOs in non-attainment areas must update on a three-year schedule. MPOs are also required to adopt Transportation Improvement Programs (TIPs) that prioritize and schedule transportation projects over a five-year period. TIPs must be updated annually. Once adopted, the TIP establishes the basis for expenditure of federal and state transportation funds.

While local comprehensive plans have legal authority to direct future land development and transportation facilities, MPO long range transportation plans determine priorities for funding and

construction of major transportation projects in urban areas. These two separate, but closely related, planning and decision making processes must be carefully coordinated.

Issue A: Planning Coordination

Transportation systems must be connected to provide mobility and access within and between urban areas and regions throughout the state. Likewise, connections must be provided between the various transportation modes. The interrelated nature of the transportation system requires a high degree of coordination. Local comprehensive plans, MPO long range transportation plans, transportation elements of SRPPs and the FTP must be coordinated and consistent to ensure efficient regional mobility and cost effective transportation investments.

While local comprehensive plans must be updated on a seven-year cycle, MPO long range transportation plans have a three- or five-year update cycle. Target years for the two plans also vary. Local comprehensive plans have a planning period of at least ten years while MPO long range transportation plans have a 20-year time frame. Coordination of deadlines for planning updates and planning horizons for the two plans is critical to any effort to ensure plan consistency. Deadlines and planning horizons for local comprehensive plans, MPO long range transportation plans, transportation elements of the SRPPs, and the FTP must be consistent to ensure a coordinated transportation process at all levels. Plan updates should occur on a more frequent basis than the seven-year Evaluation and Appraisal Report (EAR) updates.

Further, while individual units of local government adopt separate local comprehensive plans, a governing board which represents some or all of the local governments within the MPO jurisdiction adopts a MPO long range transportation plan. These differing orientations (local versus area-wide) can result in conflicting policies regarding the development of an area and the choice of transportation facilities needed to serve that development. Opportunities for conflicting policies increase yet again when regional and state plans are added to the mix. If transportation and land use plans at all levels are to reflect a common vision, transportation and land use policy guidance must be better coordinated and made more consistent among local comprehensive plans, MPO long range transportation plans, Strategic Regional Policy Plans (SRPPs), the State Comprehensive Plan (SCP) and the FTP.

Recommendation #18:

> For a local government located within an MPO jurisdiction, the transportation and capital improvement elements of its comprehensive plan should be coordinated and developed with the MPO's long range transportation plan, and should use common planning horizons and consistent land use and demographic data.

Comments:

a. The Committee recommends that the following process be used to implement this recommendation: Within six (6) months of an MPO's adoption of its long range transportation plan update, each local government within the MPO's jurisdiction should review the transportation and capital improvements element of its comprehensive plan to identify any inconsistencies with the MPO's long range transportation plan update. Within one year from an MPO's adoption of its long range transportation plan update, each local government within the MPO's jurisdiction should either (a) amend the transportation, conservation and capital improvement element of its comprehensive plan, where necessary, to render such elements consistent with the MPO's long range transportation plan update, or (b) notify the MPO of any portion of the long range transportation plan update to which the local government objects and that it will not incorporate into its comprehensive plan. In the latter event, the MPO and the affected local government should attempt to resolve the inconsistency; if they fail to do so, the regional planning council with jurisdiction for the area should attempt to resolve the inconsistencies through a mediation process.

Recommendation #19:

MPOs should coordinate their long range transportation plan updates and forcast years to be consistent with the plans of adjacent MPOs. In addition, each RPC should coordinate the MPO long range transportation plans within its jurisdiction. The FDOT should be responsible for identifying inconsistencies between the long range transportation plans of MPOs with common boundaries.

Comments:

a. The Committee recommends that the following process be used to implement this recommendation: FDOT should give notice of any such inconsistencies to the affected MPOs and the RPC with regional planning jurisdiction for the areas covered by such MPOs. The affected MPOs and the RPC should attempt to resolve such inconsistencies through a mediation process. In the event the mediation process is not successful, the FDOT, at its discretion, may withhold future discretionary funding to the MPO jurisdiction until they resolve the inconsistency.

b. Alternatively, consideration should be given to the use of a cross-acceptance process as a means of comparing planning policies among governmental levels with the purpose of attaining compatibility among municipal, county, regional and state plans. The process is designed to result in a written statement specifying areas of agreement or disagreement and areas requiring modification by parties to the cross-acceptance. This process could be modeled on the process used in New Jersey.

c. If the above process does not work to accomplish the needed coordination, the Governor should reevaluate agency jurisdictional boundaries to reduce fragmentation of service areas

among the FDOT districts, MPOs, and RPCs. The RPC boundaries are established by rule by the Governor (Chapter 27E-1, F.A.C.) and can be revised at the Governor's discretion. The Governor will be required to revise or reconfirm MPO boundaries following the 2000 census, probably in 2002.

Recommendation #20:

> Local comprehensive plans, MPO long range transportation plans, SRPPs, and the FTP should address and plan for intermodal facilities for the movement of freight and people within and through the state, and should provide for access to, and connections between, those facilities.

Comments:

a. The Committee believes planning for freight movement should receive additional attention in transportation planning processes. The Committee understands a Freight Task Force is currently examining options in this area.

Recommendation #21:

> The FDCA, in cooperation with RPCs and local government representatives, should develop model land development regulations and development order language to assist local governments in protecting the mixed use character of development proposals.

Comments:

a. The rationale for this recommendation is that changing previously approved mixed use development (any size, from small to DRI scale) to single use development can promote urban sprawl and increase impacts on regional transportation facilities due to reduced internal trip capture. The mixed use project or areas may not have been approved if only a single use was proposed. FDCA technical assistance should help local governments understand their options and the implications of not assuring that approved appropriate multi-use projects are built as approved.

Issue B: Data Coordination and Critical Planning Information

Local government comprehensive plans must contain supporting data, including forecasts of population and economic activity which determine land use and public facility needs over the planning period. Similarly, MPO long range transportation plans are based on data regarding anticipated land development, demographic forecasts, and vehicle movement forecasts. Vehicle movements must include the movement of freight to sea and airports, railheads, and commercial centers. For MPO plans, this data is typically used in a travel demand model which predicts future transportation needs for the area. Use of consistent assumptions about the future growth of the area and consistent economic and demographic forecasts is essential. Differences in

planning horizons, however, frequently make it infeasible to use comprehensive planning data in MPO forecast models. Land use and demographic data used in local government comprehensive plans, MPO long range transportation plans and the FTP must be coordinated to ensure that travel forecast models and resulting transportation plans accurately reflect future development expectations.

Recommendation #22:

MPOs and local governments should improve coordination on data and modeling. MPOs should provide technical assistance to local governments in modeling alternative development scenarios. In addition, the Legislature should require that MPOs give local governments the opportunity to review and approve data sets to be used by the MPO, especially pertaining to land absorption and population growth, prior to an MPO commencing its long range transportation plan updates. Local government review and approval of data sets should be based on data underlying the comprehensive plan and professionally accepted methods.

Comments:

a. MPOs should help local governments to use transportation demand models that measure and evaluate comparative transportation system needs associated with alternative land use scenarios and develop cost comparisons for transportation system needs associated with each scenario.

b. . MPO transportation demand models should use common land use and demographic data that is compatible with data used in local comprehensive plans and is acceptable to the affected local governments.

c. MPOs should provide vehicle miles traveled (VMT) generation data to the local governments to assist them in assessing alternative land use and transportation scenarios.

d. Local governments and MPOs should consider impacts on fiscal capacity, tax values, and other economic issues in their planning and decision-making processes.

Issue C: Right of Way Protection

Transportation facilities are typically planned 20 years or more in advance of need. However, development occurring within planned rights-of-way can prevent construction of the transportation facilities needed to meet mobility demands of the development. Measures must be taken to ensure that rights-of-way for planned regional corridors are protected and preserved. Constructing or expanding transportation facilities after an area becomes intensively developed is extremely costly and, in some cases, virtually impossible. This high cost of retrofitting transportation facilities within built-up urban areas makes it essential to preserve and protect planned transportation rights-of-way.

Recommendation #23:

FDCA, the RPCs and FDOT should assist local governments to amend local comprehensive plans and implementing land development regulations to provide the maximum protection allowed by law to planned regional corridors identified in local government comprehensive plans, MPO long range transportation plans, MPO TIPs and FDOT's adopted work program. Local comprehensive plans should contain objectives and policies for accelerated acquisition of rights-of-way for these corridors where project due diligence and public participation have advanced through the planning level study.

Issue D: Access Management

Transportation facilities are classified according to the functions they perform. While the primary function of local streets is to provide access to abutting property, arterial facilities exist primarily to move vehicles. Allowing excessive access on arterial roadways can severely limit their capacity. Access management techniques such as driveway spacing, intersection and signal spacing, control of median openings, and the design and location of turn lanes, can significantly improve the vehicle capacity and safety of highways and thoroughfares. Besides improving vehicular mobility, appropriate access management measures can reduce or delay the need for new capital construction and improve the coordination between land use and transportation planning.

Recommendation #24:

The 1999 Legislature should give FDCA specific rulemaking authority to require local government comprehensive plans and implementing land development regulations to include access management measures, such as cross connections, to protect the vehicle capacity of interchanges and regional transportation corridors.

Recommendation #25:

The Legislature is requested to assure that amendments to the F.S. do not create the situation in which the application of reasonable state or local access management requirements becomes a basis for compensation to property owners.

Recommendation #26:

The Legislature and FDOT should establish a roadway designation for protection of environmentally sensitive lands. Guidelines should be established that encourage FDOT to select construction of limited or controlled access facilities as an alternative in areas identified as areas associated with sensitive resources. Increased attention should also be given to ensuring coordinated actions by acquisition agencies.

Comments:

a. FDOT implements various methods to increase overall transportation system capacity. Without appropriate access management, some techniques may increase the likelihood of development in sensitive areas. The FDOT can only restrict access along corridors in sensitive lands when the roadway fails under a legislated access management designation such as the Florida Intrastate Highway System (FIHS) or if the access rights are purchased. This should be remedied by development of a roadway access management classification for sensitive lands or a program for purchase/lease of landowner access rights in environmentally sensitive areas.

b. Various state, regional and local agencies that are involved with acquisition activities are encouraged to coordinate with FDOT and MPOs regarding proposed acquisition activities. Acquisition entities are encouraged to negotiate for access rights where these projects intersect with proposed or existing road projects. Coordinating acquisition activities would encourage agencies to coordinate their respective responsibilities. Joint acquisition efforts may reduce costs and improve efficiencies. Access management efforts can result in achieving the complementary objectives of road capacity preservation and natural resource protection.

Issue E: Traffic Calming

Traffic calming techniques, such as roundabouts, raised crosswalks, and narrower road alignments, are important tools for protecting the quality of life of existing and planned neighborhoods. Achieving slower automobile speeds can allow roads to be kept open, which is essential for maintaining multiple travel routes, while preserving the safety of playing children, bicyclists, and pedestrians walking in neighborhoods. Traffic calming is also important to creating the sense of pedestrian safety that is a key to creating walkable commercial areas along main streets and in neighborhood commercial nodes.

Recommendation #27:

Local governments, with FDOT support, should be empowered to use traffic calming measures and the FDOT should provide technical assistance to local governments and neighborhood associations in how to use these valuable techniques.

II: IMPROVING IMPACT ASSESSMENTS AND MITIGATION

Properly planned, evaluated and funded, transportation investments can have major influences on growth and can significantly contribute to positive environmental change. To help Florida move in this direction, this section includes recommendations for improving secondary and cumulative impact analysis, treatment of vested development, and the design and application of transportation impact fees.

Issue A: Secondary Impacts

For years, direct or primary environmental impacts have been assessed, and methods to evaluate them have improved over time. The secondary and cumulative effects of transportation projects on natural resources are often overlooked or introduced near the end of the impact assessment process, however, reducing them to reactive considerations at best. Evidence shows that the most damaging environmental effects may result not from the primary effects of a particular action, but from the indirect, or secondary effects. Secondary impacts usually are caused by an action later in time or are found in a place that lies outside of the initial analysis zone. Because long-term ecosystem protection cannot be achieved without analysis and mitigation of these impacts, transportation planning processes should go beyond primary impacts and consider the full impacts of transportation facilities. Methods for systematically incorporating secondary and cumulative environmental analysis need improvement because such impacts are difficult to identify and measure. The Committee understands the practical reasons for secondary and cumulative environmental assessment; it also is aware that major federal regulations, statutes, policies and executive orders, such as the National Environmental Policy Act (NEPA), legally require such analyses.

The transportation project development process includes the phases of planning, design and permitting. Existing procedures are focused on current land uses and those anticipated in the local comprehensive plan. Many secondary environmental and land use concerns emerge and are expressed and paid attention to in the permitting stage, after years of investment in planning and design. There are several contributing factors to the dilemma. At the local level, comprehensive plans rarely include an explicit link among transportation, land use and the conservation elements. At the MPO and FDOT District levels, there is no "flagging" system in place that alerts the resource agencies to potential problems. At the state resource agency level, early review opportunities are too broad and indirect; more detailed scrutiny is often offered too late in the process for substantial changes to be made. If problems are found, there is no established method for mediation of conflicts at the state level.

The current early review process adequately addresses direct or primary environmental impacts, such as disruptions of water flows or major environmental system impacts. It is the secondary, or indirect, impacts that are reasonably foreseeable that are problematic.

The following recommendations are focused on reducing project delays by moving the consideration of secondary environmental and land use concerns to earlier planning stages, rather than waiting for permitting phases, without adding more review layers. Implementation of these recommendations would bring greater certainty to the process, saving time and money, and give all parties an informed opportunity to discuss their concerns and to resolve their conflicts early on. Recommendations call for an early "flagging" system whereby potential problems are identified and analyzed and a mediation system that builds on the flagging system. Additional recommendations outline changes to Chapter 163, F.S., addressing the role of local governments in this process.

Recommendation #28:

As part of the long range transportation planning process, a qualitative flagging system should be established by the MPOs, in cooperation with FDOT, to identify potential negative secondary environmental and land use impacts of, and induced growth resulting from, new transportation projects and new major expansion of existing facilities. In areas without an MPO, RPCs, in cooperation with FDOT, should establish a quantitative flagging system as part of FDOT's work program development process.

Comments:

a. The intent of the Committee is for a thorough review of secondary impacts to occur as early as possible in the planning stage. Procedures for secondary impact review should ensure that issues that are raised and addressed in the planning stage cannot be raised again in the permitting stage unless the proposed project has changed significantly. For projects that an MPO or FDOT has not "flagged," agencies should retain the right to exercise the current practice of raising objections at any review stage.

b. The implementation agency for a transportation project that has been flagged shall incorporate appropriate analysis of the concerns for which the project was flagged in project development activities, including project development and environment study and major investment study, and/or design. Specifically, an analysis of secondary environmental impacts and/or induced growth effects shall be required for those projects flagged in response to concerns about such impacts or effects.

c. The U.S. Council of Environmental Quality (CEQ) defines secondary as: "Indirect impacts that are caused by an action and are later in time or farther removed in distance, but are still reasonably foreseeable as well as growth-inducing effects and other effects related to induced changes in the pattern of land use, population density and growth rate and the effects on air and water and other natural systems including ecosystems." A simpler definition under consideration by the group convened by the Governor called the "Corps 404 Permitting Issues Related to Secondary and Cumulative Impacts Facilitation Group" is: "Secondary impacts (often referred to as indirect impacts) are impacts that occur later in time or are removed from the footprint of the proposed project."

d. It is suggested that FDOT include a new chapter in their Project Development and Environment Procedure (PD&E) Manual, entitled "Growth Induced Impact Evaluation" as guidance for analysis to be conducted in the earliest planning stages, while providing the opportunity for conducting a more in-depth analysis in the later project development and permitting stages. Additionally, the environmental impact analysis now required in the "Social and Economic Impacts" chapter of the PD&E Manual should provide explanation and direction for environmental review, as well as the socio-economic impacts. FDOT should also develop a handbook along with training for staff and consultants in this endeavor.

e. Establishment of this process would ensure discussion between FDOT and other agencies to address objections raised during the comment period of interagency policy review. The proposed flagging system is recommended to be modeled on the current process used by the Hillsborough County MPO. Under this concept, flagged projects would proceed through the planning process with descriptions and maps, creating a compilation of information and data that travels with the project proposal, giving resource agencies a clear opportunity to express their concerns, supported by background information.

f. Potential flagging criteria should be based upon FDOT's Planning and Environmental Management Office guidelines. The regional planning councils' Natural Resource of Regional Significance maps and the FDOT Central Office's sensitivity questions could be used to identify potentially flawed projects.

Recommendation #29:

The FDCA should give increased emphasis to assuring internal consistency among the elements of the local government comprehensive plans.

Comments:

a. In light of the statutory charge given this Committee, particular attention should be given to ensuring internal consistency among the future land use, transportation, capital improvement and conservation elements of local government comprehensive plans. The requirement would ensure that a direct and compatible relationship exists among plan objectives and policies, predictions of future land use, transportation proposals, and natural resources.

b. In the EAR cycle, the FDCA should review the local comprehensive plan to determine if local measures adequately address the impacts, which if sufficient, would eliminate the need for further secondary impact review.

Recommendation #30:

As an option to facilitate the recognition of potential environmental and land use consequences, it is suggested that local governments develop a Programmatic Environmental Impact Statement (PEIS) during the early stages of transportation planning and development. Such research would study the positive and negative impacts of all transportation projects identified in the local plan, rather than study single projects in isolation. The review should use the environmental sensitive screening analysis adopted by FDOT to identify and flag projects with potential for negative environmental impacts.

Comments:

a. The PEIS is authorized under CEQ regulation and established through a body of case law. It considers the environmental impacts of all the projects included in a plan, such as highway

expansions, interchange development, arterial upgrades, and improvements to local roads. This type of process is currently being undertaken in Lee and Collier Counties with the support of the Army Corps of Engineers, which gives the Corps an opportunity to issue an early conceptual permit.

b. Once a PEIS is prepared for the transportation plan, projects would be exempt from repetitious NEPA review unless there are site-specific environmental impacts that the plan has not addressed. Separate review of individual projects would be unnecessary if there were no additional significant environmental effects and if no additional mitigation measures or alternatives were necessary.

Issue B: Vested Development

Recommendation #31:

> MPOs, local governments, regional planning councils, and the FDOT are encouraged to develop agreements for impact assessment purposes that increase uniformity across jurisdictions in the treatment of vested development.

Comments:

a. The Committee is not recommending the reopening of past determinations regarding vesting nor is the Committee suggesting that any new standard for vesting be applied in the future.

Issue C: Impact Fees and Alternative Mitigation Financing

Impact fees and similar development assessments are based on the principle that developments benefitting from public infrastructure investments should share in the cost of the facilities required to accommodate their impacts. When properly designed, impact fees, which are normally established and assessed at the local government level, can be effective tools for using market forces to advance transportation and land use policy objectives.

Recommendation #32:

> Transportation impact fee mechanisms should be designed to support transportation and land use objectives of the comprehensive plan through variable rates that encourage urban infill and redevelopment, discourage urban sprawl, and reward transit oriented developments and developments with low VMT generation characteristics.

Comments:

a. In consideration of these ideas, transportation impact fees should be structured to support all modes of transportation, not just roads.

Issue D: Restore Pipelining for Multi-Use Developments of Regional Impact

Large land development projects with multiple land uses are the ones most likely to achieve the mix of land uses that is necessary to achieve walkable communities with multiple transportation modes. Such projects typically have the greatest trip generation impacts because they include residential land uses in addition to nonresidential land uses with trip-generation rates that are far higher than the traffic generated by single-use residential developments. These projects also have the greatest potential for internal capture. Nevertheless, such multi-use projects have the most difficulty satisfying transportation concurrency. This difficulty discourages developers from undertaking the projects with the very ingredients needed for the most desirable development patterns.

A large multi-use project, such as a new community, also is subject to regulation as a development of regional impact (DRI) pursuant to Section 380.06, F.S.. The time and expense associated with DRI review is a significant disincentive to developers who might undertake large multi-use projects; these developers can and do avoid DRI review by designing their projects to fall just below the guidelines and standards determining which projects are subject to DRI review, sometimes by eliminating nonresidential uses that are essential for building communities. For example, the Committee learned that seven "subthreshold" projects line County Road 210 in St. Johns County. Had these projects been larger and contained a rich mix of integrated uses, they could have furthered the Committee's goal of improved urban form with resulting reductions in automobile-oriented development and transportation facilities.

Before implementation of transportation concurrency in the late 1980s and early 1990s, DRIs were allowed to mitigate their regional transportation impacts through an innovative procedure known as "pipelining." As established in Rule 9J2-0255, F.A.C., which has since been repealed, pipelining was a mitigation technique authorized by the FDCA for use until complete implementation of transportation concurrency by a local government.

Although the concept has obvious applications for all forms of transportation, pipelining as practiced in that pre-concurrency period focused on road construction and was available for both single-use and multi-use DRIs. The developer funneled the entire cost of her proportionate fair share mitigation on all affected road segments to the construction of one or perhaps more of the needed segments. Under this approach, a critically needed road project could be put in place well before it was required by the traffic generated by the DRI. The constructed segment could, in fact, provide more capacity than the developer would ever need for its DRI.

The Committee has concluded that pipelining should be made available as an incentive for developers to undertake large multi-use land development projects with a significant component of residential uses. This limited re-institution of this mitigation technique would encourage developers to undertake large multi-use projects, and would encourage them to subject their development proposals to DRI review. In both ways, this incentive could lead to improved urban form throughout Florida.

Recommendation #33:

The Legislature should amend Section 163.3180, F.S., to provide that a multi-use development of regional impact with a residential component that contains at least 100 residential dwelling units or 15 percent of the applicable residential DRI threshold, whichever is greater, and that meets or exceeds the guidelines and standards of Section 380.0651(3)(i), F.S., and Rule 28-24.032(2), F.A.C., may, at the local government's discretion, be allowed to satisfy the transportation concurrency requirements of a local comprehensive plan, the local government's concurrency management system and Chapter 380, F.S., if the local government determines that the traffic impacts of the DRI would not have an unacceptable impact on the development rights of other property owners, and the developer pays or assures payment of its proportionate share contribution, which shall be sufficient to pay for one or more required improvements that would benefit regionally significant transportation facilities. Where the needed regionally significant transportation facility to be constructed or improved is under the maintenance authority of a governmental entity other than the local government with jurisdiction over the development, the developer should be required to enter into a binding and legally enforceable commitment to transmit the funds to the governmental entity with maintenance authority or otherwise assure construction or improvement of the facility.

Comments:

a. This recommendation would build on the incentives in the DRI process established by the Legislature in 1988 to promote mixed-use developments with three or more land uses, one of which is residential with at least 100 dwelling units or 15 percent of the applicable DRI residential threshold, whichever is greater, where the sum of the percentages of the appropriate land use thresholds for each land use in the development is equal to or greater than 160 percent.

b. This recommendation would result in limited re-institution of pipelining for one class of DRIs only. It would not alter transportation concurrency requirements for any project that did not meet or exceed the specified DRI guidelines and standards. Such a limited form of "pay-and-go" is consistent with the Legislature's decision in the 1993 ELMS III legislation to authorize narrowly tailored "pay-and-go" options for parks and recreation and transportation to accomplish specific policy goals. *See* S 163.3180(2)(c), F.S., and S 163.3180(11), F.S.

c. Pipelining should be allowed for construction of any kind of transportation facility, including public transit and pedestrian facilities, not just a road segment as most prevalent under prior DRI practice. As with existing state law provisions excluding de minimus transportation impacts from concurrency review, no local plan amendment should be required for a local government to use this technique.

d. The Committee considered whether "pay-and-go" should be allowed as a policy of general application and concluded that it should not because it would swallow the State's existing concurrency policy. A pure form of "pay-and-go" would ensure that the developer paid the proportionate fair share mitigation required for its project without an assurance that any facility

would be constructed to accommodate the development's impacts. Pipelining is superior to pure "pay-and-go" because it ensures that at least some facility will be constructed.

e. The Committee considered whether pipelining should be permissible for single-use and other multi-use DRIs. It rejected this approach because single-use DRIs by definition cannot achieve the mix of land uses that is indispensable for improved urban form. The Committee also considered whether pipelining should be an available only for DRIs in a Smart Community. The Committee rejected this approach on grounds that it would limit utilization of pipelining as an incentive to a limited number of communities in the state for the foreseeable future. That is, certain mixed use DRIs may still represent improved urban form but may not otherwise meet the rigorous requirements of a Smart Community. The Committee concluded that it would be preferable to use pipelining as an incentive to encourage better multi-use projects throughout the state.

Chapter Four: Invest in Florida's Future

Background

The Committee recognizes that finding adequate funding to maintain and improve Florida's transportation infrastructure has been and will continue to be a challenge to the State of Florida. Current funding through Florida's transportation revenue base is inadequate to fund the needed improvements to keep pace with the impacts of increased growth in population and commerce as well as with the increasing costs of acquiring land and constructing facilities.

Information from the FDOT, the Florida Transportation Commission, and the CUTR estimates a transportation funding shortfall of over $50 billion through 2010. This figure consists of at least a $22 billion shortfall for the FIHS, $400 million to complete improvements to the FDOT/CSX corridor, known as the South Florida Rail Corridor, for freight and passenger rail, at least $8 billion for other state roads, at least $11.4 billion for local government highway maintenance and capacity improvements as well as for buses and light rail systems, $6 billion for Florida's 19 commercial airports, and $2.5 billion for Florida's 14 deep water ports.

This huge transportation funding shortfall can be attributed to a number of factors. The state gas tax remained at 4 cents from 1943 to 1983 and was increased just 1.5 cents in 1983. During the same period, Florida's population grew from 2.7 million in 1950 to 14.5 million in 1998. In 1950, 1.1 million tourists came to Florida. This number will exceed 47 million in 1998. These staggering increases have caused "miles of travel" on Florida's highways to grow at double the national average since 1960.

From 1980 to 1995 the demand (total vehicle miles traveled) on state roads increased 83 percent, while the supply increased only 18 percent. Over the next 15 years, vehicle miles traveled is projected to increase an estimated 58 percent, while supply will increase an estimated 10 percent. Demand will outpace supply by almost a six-to-one margin.

The failure to project future transportation demand properly, coupled with 47 years of under funding transportation needs accounts for part of the highway congestion problem. Equally important is the failure of the multitude of local transportation organizations (MPOs, seaport, airport, transit, expressway authorities and regional planning councils) to plan together to design and build an integrated, interconnected, cost effective transportation system.

For Floridians to support an increase in taxes or fees to fund transportation facilities, they need to understand the need and the benefits. They must be confident that their contributions will fund what is needed for Florida's future sustainability -- that the new or expanded facilities will be part of a comprehensive package that supports mobility of all users throughout our diverse geographic regions. Proposals for increasing revenues, therefore, must be built upon a strategy that includes a thorough spending justification and explanation.

Recognizing there will always be insufficient transportation funding, this Committee has worked diligently to incorporate transportation and land planning concepts and methodologies that will improve Florida's transportation and land planning process. But planning without funds to implement those plans will prolong the State's existing inadequate transportation system.

Issue A: Meeting the Challenge

Florida faces a serious transportation shortfall. As discussed in Chapter Two, the FIHS is failing to serve its stated purpose in urban areas because of the inability of FDOT to build the system as designed in a timely manner.

Recommendation #34:

> The Florida Legislature should fully fund the construction of the high-priority, limited access FIHS, consistent with the FDOT's maximum number of lanes policy, in the next 20-year planning horizon, through a dedicated increase in state gas taxes.

Comments:

a. This one commitment would do more to facilitate freight movement and regional passenger mobility than any other investment or change in policy.

Recommendation #35:

> The Florida Legislature should fully fund the capital improvements needed to substantially improve freight and passenger rail systems across Florida.

Comments:

a. For example, the State of Florida has already invested about $700 million in the South Florida Rail Corridor. It will take approximately $400 million to complete the improvements necessary to improve this portion of the freight and passenger rail system in South Florida.

Issue B: Understanding and Reducing Transportation Demands

Many of the issues in this report are exacerbated by a lack of funds to build an interconnected multi-modal transportation system. The Committee believes better information on funding shortfalls is needed. The Committee also anticipates that improvements in land use planning, such as those suggested in earlier chapters of this report, could reduce a portion of the expected demand on Florida's local, state and federal roads. FDOT is currently reassessing the estimated shortfall for the FIHS. Projecting local government needs is difficult, especially for operation and maintenance costs for fixed light rail systems.

Recommendation #36:

FDOT, RPCs, and MPOs should assist local governments to document their transportation funding needs in a similar manner to FDOT, wherein local governments would prepare maps similar to those used by FDOT to graphically portray transportation needs, better define the expected shortfalls, and identify transportation projects that could be advanced with additional funding. This should be accomplished within one year of the update of the applicable MPO plan as part of the annual review and evaluation of the Capital Improvement Element. Documentation of funding needs should be based upon comprehensive plans of local governments, the adopted MPO long-range transportation plans, and applicable plans of FDOT.

Comments:

a. This mapping effort should occur after the evaluation of alternative development scenarios and analysis of their respective transportation costs, selection of the preferred transportation solutions, and adoption of the selected alternative(s) as part of the applicable governing plans.

Issue C: Reward Those that Help Themselves

The current fund distribution system, the equity formula, allocates funding based upon area demand and does not take into account the use of available local funding options in their distribution formula, i.e., it does not reward those that are helping themselves. State funding distribution formulas give no advantage to a community that adopts a local transportation system financing plan that factors in the use of additional local funding sources. In addition, current funding allocations do not factor in local government commitments to new local roadways that could divert traffic to local facilities, thereby increasing the available vehicle capacity of an existing roadway or maintain the level of service requirement on a roadway on the State Highway System.

The Committee notes that only four counties have approved all local option gas taxes which are available. Several counties have approved a portion of the five cent local option gas tax made available by the 1993 Florida Legislature. On the other hand, 49 of 67 counties have levied all or part of the one percent infrastructure surtax. The current funding allocation distribution system used by FDOT does not take into account the use of available local funding options in the distribution formula. The Committee recommends that FDOT, RPCs, and MPOs help local governments document their funding needs for highways on maps similar to those used by FDOT and identify improvements that can be advanced because of additional funding. The FDOT is also encouraged to provide rewards for those communities that have used all of their local funding options.

Recommendation #37:

FDOT and MPOs should distribute new discretionary funds, beyond those currently anticipated, to reward those communities that develop and adopt transportation system management plans, particularly when those plans target multi-modal/intermodal solutions that identify transit routes, stops, park and ride locations and ensure coordination with pedestrian facilities.

Comments:

a. MPOs and FDOT should require a higher percentage of local match to receive additional dollars. In addition, FDOT should consider a new policy to set a higher priority to provide state funding for new transit starts only to those local governments that have enacted a dedicated source of funding and put in place the land use connections that will support transit ridership. This policy shift would reflect the same shift occurring at the Federal Transit Agency pursuant to TEA21.

b. Credits for contributions or in-kind construction of facilities by developers should be given by FDOT. Credit should also be given for communities that are qualified as a "Smart Community" and demonstrate an integrated approach to land use and transportation planning.

Recommendation #38:

FDOT and MPOs should reward communities that have a proven performance record and have utilized their full available funding capabilities. Counties should be rewarded if they have enacted all of their local option gas tax, enacted significant transportation impact fees, or adopted the 1percent infrastructure surtax. Municipalities should be rewarded if they have enacted significant transportation impact fees, or have supported the adoption of their county's local option gas tax or 1percent infrastructure surtax. These communities should receive priority for discretionary funding from the State Transportation Trust Fund if local revenues are being used on regionally significant transportation facilities or transportation facilities that provide direct relief for regionally significant facilities, particularly if transportation funding is increased.

Issue D: Reward Innovation

Through its work, the Committee has become convinced of the need for improvements in land use and transportation planning. We find that better land use planning will lead to better transportation systems. Further, this change will be accelerated by funding that responds to the innovations necessary to create new paradigms. Unfortunately, funding mechanisms change slowly. Funding formulas and criteria are like the proverbial huge ship -- they rarely reflect current policy frameworks because they are so hard and slow to turn. As one member of the Committee noted, the typical practice of government is to call for new ways of doing business while funding the old ways. The Committee finds that the State of Florida needs to reward

innovation in the area of transportation and land use planning that enhances both the transportation system and community preservation and revitalization.

Recommendation #39:

The 1999 Florida Legislature should establish a Florida Transportation and Community Innovations Grant Program.

Comments:

a. Funds should be made available on a competitive basis to regional planning councils, regional transportation organizations, metropolitan planning organizations, and local governments to plan, develop and implement strategies to integrate transportation and community and system preservation plans and practices. Innovation grants should be awarded to: (i) improve the efficiency of the transportation system; (ii) reduce the impacts of transportation on the environment; (iii) reduce the need for costly future investments in public infrastructure; (iv) provide efficient access to jobs, services, and centers of trade; and (v) examine development patterns and identify strategies to encourage private sector development patterns which achieve the goals identified in items (i) through (iv).

b. The program should be modeled on the Transportation and Community and System Preservation Pilot Program contained in Section 1221 of TEA-21. This program, which was funded by Congress at $15 million for this year and $25 million for each of the next four years, received in excess of $400 million in applications this year alone. At least 33 of those applications came from Florida.

c. Florida's program should be funded at $20 million annually for the next five years through the creation of a revenue source or other revenue means that do not detract from existing or planned commitments.

d. Applications for innovation grants should be encouraged to address areas such as (i) spending policies that direct funds to high-growth areas; (ii) establishment of urban growth boundaries; (iii) "sector planning" programs for areas to be impacted by new or expanded alignments to address access to major highway corridors and the creation of efficient and compact development; (iv) development of transit oriented development plans; (v) implementation of traffic calming measures; or (vi) other similar programs or policies as determined by the FDOT.

e. In allocating funds under this program, the FDOT should consider the equitable distribution of funds according to a diversity of populations and geographic regions.

Issue E: Consider Additional Funding Options

As indicated previously, it was not the intent of this Committee to solve the transportation funding dilemma. It is evident that the funding for Florida's transportation system is inadequate,

even with better coordination between land use and transportation planning at state, regional and local levels. It was agreed that any efforts to increase transportation funding should encourage and reward multi-modal/intermodal transportation solutions, concentrate on the "user" paying his or her fair share, include mechanisms for movement between modes, and emphasize market-based mechanisms.

Recommendation #40:

> The Governor, the Legislature, the FDOT, MPOs, and the Florida Transportation Commission should continue to work together to address Florida's serious funding shortfall for transportation facilities and services.

Comments:

a. We suggest a continued dialogue to review, at a minimum, the following ideas, suggestions, and options:

1. Provide increased funding operation and maintenance of transit and intermodal facilities and prioritize capital funding to projects that provide interconnectivity to the overall State transportation system.

2. Statutorily authorize local governments to establish transportation utilities.

3. Take maximum advantage of State Infrastructure Bank (SIB) financing mechanisms. TEA21 establishes a new State Infrastructure Bank pilot program in which four states (including Florida) are authorized to enter into cooperative agreements with the Secretary of USDOT to set up infrastructure revolving funds eligible to be capitalized with federal transportation funds authorized for the FY 1998-2003 period.

4. Encourage public/public and public/private partnerships for funding and constructing transportation facilities.

5. Expand the use of user fees by increased use of toll or toll-type facilities with value pricing mechanisms which use electronically controlled systems that allow variable toll rates according to the time of day, e.g., charge higher for peak hour use and reward non-peak hour use with lower rates. These systems can also reward cars with higher numbers of occupants in specific travel lanes. Value pricing serves a two-fold purpose in that it raises revenue and can help to change consumer travel behavior, especially within congested areas.

6. Evaluate statutory changes to increase the use of existing statutory mechanisms, e.g., regional transportation authorities (part V of Chapter 163), metropolitan transportation authorities, for meeting local and regional transportation funding needs.

7. Undertake a pilot program to explore the use of shifting to real estate transfer fees for transportation system funding in lieu of impact fees.

8. Pursue strategies to index all transportation funding sources to inflation.

9. Encourage the use of local financing mechanisms by simplifying the process for enacting the local option gas tax and the one cent local option infrastructure surtax by allowing them to be enacted by a simple majority vote of the county commission.

10. The Legislative should consider enacting a one-cent statewide sales tax for transportation. This would not replace the currently authorized optional local infrastructure surtax.

11. The legislature should revise funding rules to allow District Dedicated Revenue (DDR) funds to be used for 100 percent reimbursements of transit operation expenses and land use planning and implementation programs that have been proven to mitigate transportation needs. If desired, a pilot program could be implemented to prove the effectiveness of land use based solutions to transportation needs. The pilot program could be funded through contributions of DDR funds by program participants or by a special allocation of the Legislature.

Summary of Meetings

Before the First Meeting

Members of the Committee were jointly appointed by the Secretaries of the Departments of Transportation and Community Affairs. The Florida Conflict Resolution Consortium was sele as the Committee's facilitator. A questionnaire was sent to each Committee member prior to th first meeting. There were 257 issues raised in response to the questionnaire.

Meeting 1: Tampa (August 27 and 28, 1998)

The organizational session served to highlight the Committee's legislative mandate and to establish a process for identifying and prioritizing key issues. An initial consensus-building eff occurred at this meeting to clarify dominant issues and refine areas of concern. An overview of existing transportation and land use planning processes led to the Committee's development of a list of characteristics of an effective transportation and land use system. The Committee combined, ranked, added to and prioritized the 257 issues arising from responses to the questionnaire to create an initial work plan.

Meeting 2: Tallahassee (October 1 and 2, 1998)

The purpose of this meeting was to receive information from panels of experts on the roles of concurrency and level of service (LOS) as they relate to the State's growth management policies. The members debated key questions in each issue area and began the process of formulating consensus on major issues. A concurrency and LOS drafting group was formed to begin the process of developing the Committee's written report to the Governor and the Legislature. This meeting was rescheduled from September 24-25, 1998 because of Hurricane Georges.

Meeting 3: Miami (October 8 and 9, 1998)

Community design and land use impact assessments were the themes for the third meeting. Panel of professional land planners and transportation experts briefed the Committee on various techniques and strategies for improving transportation and land use integration. The Committee began formulating broad consensus statements about the major issues. The members reviewed the initial reports from the concurrency and LOS drafting group. Two new drafting groups, addressing community design and land use impact assessments respectively, were appointed. The Committee adopted a mission statement, working assumptions, and decision making procedures.

Meeting 4: Orlando (October 29 and 30, 1998)

The Committee focused on the role of government and other issues. Several panels of expert witnesses provided insight on how the roles of governmental agencies at the local, state, and federal levels could be improved and strengthened. The three drafting groups continued working on group reports. The Committee began the process of reviewing draft recommendations from

the drafting groups to develop broad consensus statements. Initial draft recommendations from the drafting groups were reviewed by the Committee. The process for developing a single text draft was discussed.

Meeting 5: Jacksonville (November 19 and 20, 1998)

Freight and intermodal issues, affecting seaports, airports, and freight transfer, were discussed. The Committee reviewed and ranked the findings and recommendations of the various drafting groups as part of the process of working toward an initial draft of the entire final report. The Committee met extensively in groups to refine reports on each subject area. A team was named to study issues pertaining to the Florida Intrastate Highway System. A fourth drafting group was created to address transportation financing issues.

Meeting 6: Tallahassee (December 10 and 11, 1998)

The Committee conducted an exhaustive review of the findings and recommendations contained in the initial draft of the Committee report. Through a process of debate and consensus-building, the members refined the draft recommendations. All of the findings and recommendations of the entire draft report were reviewed and revised in plenary sessions. Additional text was provided by the finance subcommittee for review and committee members were assigned additional pieces of text to prepare for inclusion in the amendatory text.

Meeting 7: Tallahassee (January 7 and 8, 1999)

At this meeting the Committee reviewed the amendatory text and considered over 300 amendments and comments submitted by members and the public for revising the document. After rejecting, accepting, or modifying each amendment, and three public comment periods, the Committee adopted unanimously the Committee's report as amended for submittal to the Governor and the Legislature on January 15, 1999.

Glossary

ADA *Americans with Disabilities Act of 1990:* A federal law that requires public facilities (including transportation services) to be accessible to persons with disabilities, including those with mental disabilities, temporary disabilities, and conditions related to substance abuse.

APA *American Planning Association:* National organization of professional planners; focus includes planning policy, lobbying and public information.

CH.163 *Chapter of Florida Statutes* that requires local governments to develop local comprehensive plans; also contains land use, transportation, capital improvements, consistency and concurrency requirements.

CH.380 *Chapter of Florida Statutes* that identifies requirements for the Development of Regional Impact (DRI) program and the Areas of Critical State Concern program.

CIE *Capital Improvements Element:* A required element of local comprehensive plans which evaluates the need for public facilities, their cost and funding and schedule for construction; specific content for the CIE is found in Rule 9J-5.016, Florida Administrative Code (FAC) and Chapter 163.3177(3), FS.

CMAQ *Congestion Mitigation and Air Quality Improvement Program:* A new categorical funding program created under ISTEA which directs funding to projects that contribute to meeting national ambient air quality standards in non attainment and maintenance areas for ozone, carbon monoxide, and particulate matter.

CMS *Congestion Management System:* A systematic process required under ISTEA to provide information on transportation system performance and identify alternative strategies to alleviate congestion and enhance mobility of persons and freight; in Florida, MPOs will take the lead for the CMS in urbanized areas and FDOT will take the lead elsewhere.

CUTR *Center for Urban Transportation Research:* A legislatively created research center, located at the University of South Florida, whose purpose is to conduct and facilitate research and serve as an information exchange on issues related to urban transportation problems in Florida.

FDCA *Florida Department of Community Affairs:* State land planning agency responsible for a administering a number of programs, including Chapters 163 and 380, FS.

DEP *Florida Department of Environmental Protection:* State agency responsible for the implementation of most of Florida's environmental regulations, including air

monitoring and assessment; formerly was two departments (the Departments of Natural Resources and Environmental Regulation).

DRI *Development of Regional Impact* means a development which, because of its character, magnitude, or location, would have a substantial effect on the health, safety, or welfare of citizens of more than one county, as defined at § 380.06(1), FS, and implemented by Rule 9J-2, FAC.

EAR *Evaluation and Appraisal Report:* Periodic review and evaluation of a local government comprehensive plan; generally due every seven years; requirements for contents are identified in Rule 9J-5.0053, FAC, and Chapter 163.3191, FS.

FDOT *Florida Department of Transportation:* State agency responsible for transportation issues and statewide transportation planning in Florida.

FHWA *Federal Highway Administration:* Division of the U.S. Department of Transportation responsible for administrating federal highway transportation programs.

FIHS *Florida Intrastate Highway System:* A statewide network of limited-access and controlled-access highways designed with general-use and exclusive-use lanes to accommodate Florida's high speed and high volume highway traffic.

FSUTMS *Florida Standard Urban Transportation Modeling Structure:* Computer model used in Florida for transportation planning to simulate existing and future travel patterns; developed by FDOT for long-range urban area transportation modeling.

FTP *Florida Transportation Plan:* A statewide, comprehensive transportation plan which establishes long-range goals to be accomplished over a 20-25 year time frame; developed by FDOT; updated on an annual basis.

HOV *High Occupancy Vehicle:* In Florida, vehicles carrying 2 or more people. Freeways, expressways and other large volume roads may have lanes designated for HOV use by carpoolers, vanpools, and buses.

ISTEA *Intermodal Surface Transportation Efficiency Act:* The federal transportation law covering the period roughly from 1992-98. Replaced by TEA21.

LGCP *Local Government Comprehensive Plan:* An adopted plan of a municipality or county which describes its future development and growth; required by Chapter 9J-5, FAC and part II of Chapter 163, FS.

LOS *Level of Service:* A qualitative assessment of a road's operating condition; an average driver's perception of the quality of traffic flow he or she is in. A LOS is

represented by one of the letters A through F, A for the freest flow and F for the least free flow. Planners and engineers approximate these qualitative representations quantitatively with equations, now computer programmed.

LRTP *Long Range Transportation Plan:* a 20-year forecast plan required of state planning agencies and MPOs that must consider a wide range of social, environmental, energy and economic factors in determining overall regional goals and consider how transportation can best meet these goals.

MPO *Metropolitan Planning Organization:* The organization designated as being responsible, together with the State, for conducting the continuing, cooperative, and comprehensive planning process under 23 U.S.C. 134 and 49 U.S.C. 1607.

Multi-modal Concerning or involving more than one transportation mode.

9J-5 *Rule 9J-5, FAC:* Rule from the Florida Administrative Code that identifies the minimum criteria for the content of local comprehensive plans; adopted by FDCA.

NEPA *National Environmental Policy Act*: Federal law passed in 1969 which requires an analysis of environmental impacts of federal actions (including the funding of projects).

RPC *Regional Planning Council:* A multipurpose organization composed of representatives of local governments and appointed representatives from the geographic area covered by the council, and designated as the primary organization to address problems and plan solutions that are of greater than local concern or scope. Eleven regional planning councils exist in Florida; boundaries are established by rule by the Governor.

SCP *State Comprehensive Plan:* Written goals, objectives and strategies that provide long range guidance for the social, economic and physical growth of the state; contained within Chapter 187, FS; regional and local comprehensive plans must be consistent with the SCP.

SHS *State Highway System:* A network of approximately 12,000 miles of highways in Florida owned and maintained by the state or state-created authorities; includes interstates, Florida's Turnpike, arterial highways and other toll facilities.

SOV *Single Occupancy Vehicle:* A vehicle occupied by only one person (the driver).

SRPP *Strategic Regional Policy Plan:* A plan, developed by each regional planning council (RPC), which contains goals and policies addressing affordable housing, economic development, emergency preparedness, natural resources of regional

significance, and regional transportation issues; must be consistent with the state comprehensive plan (SCP).

Sustainability Planning and design of towns and cities in a manner that maintains desirable economic viability and environmental quality for future generations.

STP *Statewide Transportation Plan:* A long-range transportation plan (at least 20 years) which provides direction for developing a statewide transportation system; in Florida, the state transportation plan (STP) and the 2020 Florida Transportation Plan are developed by the Florida Department of Transportation (FDOT); criteria are found in 23 CFR 450.214.

TCEA *Transportation Concurrency Exception Area:* A specific geographic area where transportation concurrency requirements do not apply; area must be designated in a local comprehensive plan; requirements found in Rule 9J-5.0055(6), FAC.

TCMA *Transportation Concurrency Management Area:* A compact geographical area in which an areawide level of service (LOS) standard can be applied for the purpose of meeting the concurrency requirements of Chapter 163, FS; area is designated in a local comprehensive plan; requirements are found in Rule 9J-5.0055.(5), FAC.

TEA21 *Transportation Efficient Act for the 21st Century:* Federal transportation law that replaced ISTEA. Covers the years 1998-2003.

TIP *Transportation Improvement Program:* A priority list of transportation projects developed by a metropolitan planning organization that is to be carried out within the three year period following its adoption; must include documentation of federal and state funding sources for each project and be consistent with adopted local comprehensive plans.

TND *Traditional Neighborhood Design:* A development concept which focuses on the neighborhood as the basic building block; incorporates mixed uses, hierarchy of streets, pedestrian orientation and architectural design.

VMT *Vehicle Miles of Travel:* Measure of travel activity for highways; computed by multiplying the number of vehicles by the miles traveled in a given area, route or highway over the specified time period (usually a day); VMT is often used as a measure of effectiveness for strategies to reduce miles traveled.

Acknowledgments

The Transportation and Land Use Study Committee was faced with the difficult task of examining complex growth management issues and formulating recommendations within a five month time frame. This task could not have been accomplished without the assistance of numerous individuals who gave their time, expertise and energy to the process. We appreciate the individuals who appeared before the Committee to share their expertise and ideas relating to a myriad of transportation and land use issues. Their presentations were useful in understanding the issues associated with land use and transportation planning. Ensuing discussions after their presentations allowed the Committee to be exposed to a tremendous amount of working knowledge in a short period of time. A list of those individuals follows:*

Tampa

Honorable Tom Barry	Florida Department of Transportation
Honorable James "Jim" T. Hargrett	Florida State Senator

Tallahassee

Honorable Jim Murley	Florida Department of Community Affairs
Kurt Eichen	Florida Department of Transportation
Charlie Gauthier	Florida Department of Community Affairs
Rick Hall	Planning Consultant
Marlon Brown	Tallahassee/Leon Co. MPO
Aage Schroder	Florida Department of Transportation

Miami

Elizabeth Plater-Zyberk	University of Miami School of Architecture
Tim Jackson	Planning Consultant
Reid Ewing	Florida Atlantic University
John Zegeer	Planning Consultant
Joel Leisch	Planning Consultant
Joe Yesbeck	Florida Department of Transportation
Ian Lockwood	West Palm Beach Planning Department
Mark Woerner	Miami-Dade County Planning and Zoning Department

Orlando

Allison Spitzer	Citizens for a Better Environment
Val Hubbard	Orlando Planning Department
John Horsley	United States Department of Transportation
Douglas Porter	Growth Management Institute
Tony Arrant	Florida Association of Counties
Wayne Daltry	Southwest Florida Regional Planning Council
Bruce Wilson	Broward MPO
Pam McVety	Florida Department of Environmental Protection
Carol Forthman	Florida Department of Community Affairs

Jacksonville	
Nancy Leikauf	Florida Ports Council
Rob Hebert	Florida Department of Transportation
Howard Glassman	Metropolitan Planning Organization Advisory Council
Hal Worrall	Florida Expressway Authority Association

* *Persons are listed in order of their appearance on the meeting agendas.*

The logistics of putting together a meeting for a large committee can be monumental. Providing for hotel rooms, arranging for meeting space and coordinating luncheon service as well as providing for restaurant reservations for the committee after a hard days work is well appreciated. Luckily the committee was blessed with a group of individuals well up to the task. A special thanks to the people who were largely responsible for putting these meetings together in their respective cities. These individuals are:

Tampa	
Patricia Henderson	Center for Urban Transportation Research
Tallahassee	
Sandy Rispress	Florida Department of Transportation
Orlando	
Sharon Wilson	City of Orlando Planning Department
Miami	
Helen Cordero	Miami Dade Expressway Authority
Jacksonville	
Doris Barletta	Northeast Florida Regional Planning Council

A final thanks to the members and staff of the Transportation and Land Use Study Committee as well as our facilitators whose patience, energies and expertise made a complex and sometimes hectic process memorable and enjoyable.

Bibliography

State Government Land Use Policy and Planning

Preserving What's Best About Maryland, Managing Maryland's Growth: What You Need to Know About Smart Growth and Neighborhood Conservation, Maryland Office of Planning, May, 1997.

The Oregon System of Land Use Development and *A Summary of Oregon's Statewide Planning Goals*, The Oregon's Department of Land Conservation and Development Web Page, 1998.

1998 Report on the Development of a State Urban Policy Executive Summary, Legislative Committee on Intergovernmental Relations, February, 1998.

Analysis of the Florida Future Land Use Map, Robert Brinkmann and Mark Lindberg, Center for Urban Transportation Research, February, 1995.

Local Government Land Use Planning

Zoning, New Urbanist Development, and the Fort Collins Plan, Zoning News, American Planning Association, September, 1998.

Planning, Zoning, and the Consistency Doctrine: The Florida Experience, Center for Urban Transportation Research, October, 1995.

City Routes, City Rights: Building Livable Neighborhoods and Environmental Justice by Fixing Transportation. Conservation Law Foundation. Boston, Massachusetts. June 1998.

Transportation and Land Use Planning

Secondary Environmental Impacts of Transportation, Marie York, AICP, October 16, 1998.*

A Strategic Approach to the Transportation Planning Process, Edward A. Mierzejewski, University of South Florida, Journal of Public Transportation, Vol. 2, No. 1, 1998.

"Steps in the Analysis Hierarchy" (Transportation Modeling), *Technical Methods for Analyzing Pricing Measures to Reduce Transportation Emissions*, United States Environmental Protection Agency, August, 1998.

Transportation and Growth Management: A Planning and Policy Agenda, Center for Urban Transportation Research, January, 1994.

State Transportation Policy Initiative Executive Summary, Center for Urban Transportation Research, June, 1995.

Growth Management and Sustainable Development

Growing Smart, American Planning Association Web Page, 1998.

Definitions and Principles of Sustainable Development, The Florida Department of Community Affairs, October 15, 1998.

Eminent Domain: A Winding Road, Mary Ellen Klas, Florida Trend, October, 1998.

Summary of Model Urban Infill and Redevelopment Legislation, Florida Legislative Committee on Intergovernmental Relations (Undated).

Appendix A: Legislative Charge

Section 30 of Senate Bill 2474, enacted during the 1998 Florida legislative session, created the Transportation and Land Use Study Committee. The text of the section read as follows:

> 30. The state land planning agency and the Department of Transportation shall evaluate the statutory provisions relating to land use and transportation coordination and planning issues, including community design, required in part II of chapter 163, Florida Statutes, and shall consider changes to statutes, as well as to all pertinent rules associated with the statutes. The evaluation must include an evaluation of the roles of local government, regional planning councils, state agencies, regional transportation authorities, and metropolitan planning organizations in addressing these subject areas. Special emphasis must be given in this evaluation to concurrency on the highway system, levels of service methodologies, and land use impact assessments used to project transportation needs. The evaluation must be conducted in consultation with a technical committee of at least 15 members to be known as the Transportation and Land Use Study Committee, appointed jointly by the secretary of the state land planning agency and the Secretary of Transportation. The membership may be representative of local governments, regional planning councils, the private sector, metropolitan planning organizations, regional transportation authorities, and citizen and environmental organizations. By January 15, 1999, the committee shall send an evaluation report to the Governor, the President of the Senate, and the Speaker of the House of Representatives to provide recommendations for appropriate changes to the transportation planning requirements in chapter 163, Florida Statutes, and other statutes, as appropriate.

Appendix B: Summary of Recommendations

Recommendation #1:

The Governor, as the Chief Planning Officer of the State, should use the Office of Planning and Budgeting to direct and provide policy guidance to state and regional agencies to develop and implement a smart growth plan and policies. This should include a statewide smart growth investment strategy guiding all state infrastructure expenditures, as authorized by the Legislature.

Recommendation #2:

The Governor should establish a Smart Growth Advisory Board comprised of representatives of business, local and regional government, and public interest groups. The Governor should begin work immediately with the Advisory Board, as well as with the best design professionals in the state and nation working in the smart growth area, to review the best practices available, prepare legislation, and an implementation plan. Any legislation should undergo peer review before it is presented to the Legislature.

Recommendation #3:

The 1999 Legislature should amend section 163.3180, Florida Statutes, to allow local governments to create Multi-Modal Transportation Districts (MMTD) in areas designated in the local comprehensive plan for more intensive mixed-use development.

Recommendation #4:

Local governments should be specifically encouraged to employ alternative techniques for measuring level of service, including multi-modal, vehicle miles traveled (VMT)-based, access-based, and zone-based approaches.

Recommendation #5:

The Florida Legislature should amend Chapter 163, F.S. to authorize and encourage the development of an alternative local government planning process entitled ***"Smart Communities."***

Recommendation #6:

The Florida Legislature should establish prioritized programs, techniques and mechanisms to provide appropriate incentives for the use of the ***"Smart Communities"*** process.

Recommendation #7:

The 1999 Legislature should amend section 163.3180(4), Florida Statutes, to exempt public transit facilities from transportation concurrency requirements.

Recommendation #8:

The 1999 Legislature should amend section 163.3164 (28), Florida Statutes, to expand the definition of "projects that promote public transportation" to promote transit-oriented development that is designed to complement reasonably proximate planned or existing public transit facilities.

Recommendation #9:

Existing authorizations pertaining to transportation concurrency exceptions should be reviewed by FDCA. FDCA should propose amendments as needed to the 1999 Legislature to provide greater flexibility to local governments in this area.

Recommendation #10:

The Committee recommends that local governments be required to submit to FDCA evidence of an annual review of their capital improvements program. If the financial feasibility or projects within that programs have changed, feasibility of their capital improvements element of the comprehensive should be maintained by adoption of amendments to the local governments comprehensive plan.

Recommendation #11:

In light of the State's leadership responsibility, the FDOT and FDCA, in partnership with the MPOs, RPCs and local governments, should commence an extensive and detailed land use and mobility planning process regarding the FIHS. Leadership should be provided by FDOT to ensure that such a planning process occurs in a timely manner. Priority should be given to advance planning along segments of the FIHS where significant problems have developed, followed by those FIHS facilities where significant problems may not yet occurred. This planning process should result in the reevaluation of the appropriateness of each part of the FIHS remaining on the system, mutual agreements with local governments for protecting the FIHS for intercity movements in rural and urbanizing areas, and appropriate revisions to LOS standards for those communities willing to construct a local transportation system to serve local travel and development needs. For FIHS facilities that fail to meet the adopted level of service standards, local governments, in partnership with FDOT, shall be allowed to set interim standards to alleviate concurrency failures during the period of plan development.

Recommendation #12:

The Florida Legislature should direct the FDOT to identify and establish the Florida Intrastate Transportation System (FITS). The FITS should become the primary means for the movement of people and freight in the State of Florida and should have appropriate funding. The system should connect Florida's major airports, deepwater seaports, rail systems (including critical intermodal connectors) – both passenger and freight, to the FIHS facilities. The FITS should be supported by a strategic plan for the planning, funding and construction of needed facilities and services to make the FITS a fully integrated and interconnected system. The continued economic prosperity of Florida depends on our ability to implement the FITS System.

Recommendation #13:

LOS standards on rural segments of the FIHS should be set at LOS C to take advantage of the State's investment in these facilities. To justify further lowering the level of service on the FIHS, a community would have to : a) demonstrate to the FDOT and FDCA that they have a financially feasible transportation management plan that provides alternatives to accommodate local transportation needs adequately, or; b) participate in an intensive planning process involving FDCA, FDOT, the appropriate RPC, all affected levels of government and private interests to develop an adequate transportation management plan. If the local government plan is deemed inadequate by FDOT, the community should receive a lower priority for FDOT funding on the FIHS.

Recommendation #14:

In urbanized areas, a local government should be able to establish in its comprehensive plan, the level of service for general use lanes of FIHS roads within its jurisdiction, with FDOT's concurrence.

Recommendation #15:

The Committee strongly endorses continued adherence to the current maximum number of lanes policy. Therefore, the Committee urges that other responses be developed and made available in order to relieve development pressures until the lane policy is fully implemented in a particular location.

Recommendation #16:

Local governments should be required to publish on an annual basis, a summary of current transportation LOS conditions, approved developments, their incremental trips assigned to the transportation network, and the anticipated resulting LOS. This summary should be provided as part of the annual capital improvements program update explained in

Recommendation #10.

Recommendation #17:

In the future, the state should provide training and additional resources to local governments that have the fewest resources.

Recommendation #18:

For a local government located within an MPO jurisdiction, the transportation and capital improvement elements of its comprehensive plan should be coordinated and developed with the MPO's long range transportation plan, and should use common planning horizons and consistent land use and demographic data.

Recommendation #19:

MPOs should coordinate their long range transportation plan updates and forcast years to be consistent with the plans of adjacent MPOs. In addition, each RPC should coordinate the MPO long range transportation plans within its jurisdiction. The FDOT should be responsible for identifying inconsistencies between the long range transportation plans of MPOs with common boundaries.

Recommendation #20:

Local comprehensive plans, MPO long range transportation plans, SRPPs, and the FTP should address and plan for intermodal facilities for the movement of freight and people within and through the state, and should provide for access to, and connections between, those facilities.

Recommendation #21:

The FDCA, in cooperation with RPCs and local government representatives, should develop model land development regulations and development order language to assist local governments in protecting the mixed use character of development proposals.

Recommendation #22:

MPOs and local governments should improve coordination on data and modeling. MPOs should provide technical assistance to local governments in modeling alternative development scenarios. In addition, the Legislature should require that MPOs give local governments the opportunity to review and approve data sets to be used by the MPO, especially pertaining to land absorption and population growth, prior to an MPO commencing its long range transportation plan updates. Local government review and

approval of data sets should be based on data underlying the comprehensive plan and professionally accepted methods.

Recommendation #23:

FDCA, the RPCs and FDOT should assist local governments to amend local comprehensive plans and implementing land development regulations to provide the maximum protection allowed by law to planned regional corridors identified in local government comprehensive plans, MPO long range transportation plans, MPO TIPs and FDOT's adopted work program. Local comprehensive plans should contain objectives and policies for accelerated acquisition of rights-of-way for these corridors where project due diligence and public participation have advanced through the planning level study.

Recommendation #24:

The 1999 Legislature should give FDCA specific rulemaking authority to require local government comprehensive plans and implementing land development regulations to include access management measures, such as cross connections, to protect the vehicle capacity of interchanges and regional transportation corridors.

Recommendation #25:

The Legislature is requested to assure that amendments to the Florida Statutes do not create the situation in which the application of reasonable state or local access management requirements becomes a basis for compensation to property owners.

Recommendation #26:

The Legislature and FDOT should establish a roadway designation for protection of environmentally sensitive lands. Guidelines should be established that encourage FDOT to select construction of limited or controlled access facilities as an alternative in areas identified as areas associated with sensitive resources. Increased attention should also be given to ensuring coordinated actions by acquisition agencies.

Recommendation #27:

Local governments, with FDOT support, should be empowered to use traffic calming measures and the FDOT should provide technical assistance to local governments and neighborhood associations in how to use these valuable techniques.

Recommendation #28:

As part of the long range transportation planning process, a qualitative flagging system should be established by the MPOs, in cooperation with FDOT, to identify potential negative secondary environmental and land use impacts of, and induced growth resulting from, new transportation projects and new major expansion of existing facilities. In areas without an MPO, RPCs, in cooperation with FDOT, should establish a quantitative flagging system as part of FDOT's work program development process.

Recommendation #29:

The FDCA should give increased emphasis to assuring internal consistency among the elements of the local government comprehensive plans.

Recommendation #30:

As an option to facilitate the recognition of potential environmental and land use consequences, it is suggested that local governments develop a Programmatic Environmental Impact Statement (PEIS) during the early stages of transportation planning and development. Such research would study the positive and negative impacts of all transportation projects identified in the local plan, rather than study single projects in isolation. The review should use the environmental sensitive screening analysis adopted by FDOT to identify and flag projects with potential for negative environmental impacts.

Recommendation #31:

MPOs, local governments, regional planning councils, and the FDOT are encouraged to develop agreements for impact assessment purposes that increase uniformity across jurisdictions in the treatment of vested development.

Recommendation #32:

Transportation impact fee mechanisms should be designed to support transportation and land use objectives of the comprehensive plan through variable rates that encourage urban infill and redevelopment, discourage urban sprawl, and reward transit oriented developments and developments with low VMT generation characteristics.

Recommendation #33:

The Legislature should amend Section 163.3180, F.S., to provide that a multi-use development of regional impact with a residential component that contains at least 100 residential dwelling units or 15 percent of the applicable residential DRI threshold, whichever is greater, and that meets or exceeds the guidelines and standards of Section

380.0651(3)(i), F.S., and Rule 28-24.032(2), F.A.C., may, at the local government's discretion, be allowed to satisfy the transportation concurrency requirements of a local comprehensive plan, the local government's concurrency management system and Chapter 380, F.S., if the local government determines that the traffic impacts of the DRI would not have an unacceptable impact on the development rights of other property owners, and the developer pays or assures payment of its proportionate share contribution, which shall be sufficient to pay for one or more required improvements that would benefit regionally significant transportation facilities. Where the needed regionally significant transportation facility to be constructed or improved is under the maintenance authority of a governmental entity other than the local government with jurisdiction over the development, the developer should be required to enter into a binding and legally enforceable commitment to transmit the funds to the governmental entity with maintenance authority or otherwise assure construction or improvement of the facility.

Recommendation #34:

The Florida Legislature should fully fund the construction of the high-priority, limited access FIHS, consistent with the FDOT's maximum number of lanes policy, in the next 20-year planning horizon, through a dedicated increase in state gas taxes.

Recommendation #35:

The Florida Legislature should fully fund the capital improvements needed to substantially improve freight and passenger rail systems across Florida.

Recommendation #36:

FDOT, RPCs, and MPOs should assist local governments to document their transportation funding needs in a similar manner to FDOT, wherein local governments would prepare maps similar to those used by FDOT to graphically portray transportation needs, better define the expected shortfalls, and identify transportation projects that could be advanced with additional funding. This should be accomplished within one year of the update of the applicable MPO plan as part of the annual review and evaluation of the Capital Improvement Element. Documentation of funding needs should be based upon comprehensive plans of local governments, the adopted MPO long-range transportation plans, and applicable plans of FDOT.

Recommendation #37:

FDOT and MPOs should distribute new discretionary funds, beyond those currently anticipated, to reward those communities that develop and adopt transportation system management plans, particularly when those plans target multi-modal/intermodal solutions that identify transit routes, stops, park and ride locations and ensure coordination with pedestrian facilities.

Recommendation #38:

FDOT and MPOs should reward communities that have a proven performance record and have utilized their full available funding capabilities. Counties should be rewarded if they have enacted all of their local option gas tax, enacted significant transportation impact fees, or adopted the 1percent infrastructure surtax. Municipalities should be rewarded if they have enacted significant transportation impact fees, or have supported the adoption of their county's local option gas tax or 1 percent infrastructure surtax. These communities should receive priority for discretionary funding from the State Transportation Trust Fund if local revenues are being used on regionally significant transportation facilities or transportation facilities that provide direct relief for regionally significant facilities, particularly if transportation funding is increased.

Recommendation #39:

The 1999 Florida Legislature should establish a Florida Transportation and Community Innovations Grant Program.

Recommendation #40:

The Governor, the Legislature, the FDOT, MPOs, and the Florida Transportation Commission should continue to work together to address Florida's serious funding shortfall for transportation facilities and services.

Appendix C: Full Explanatory Material for Chapter One, Section III, Promote Smart Communities.

Recommendation #5

The Florida Legislature should amend Chapter 163 to establish an alternative local government planning process entitled ***"Smart Communities."***

The ***"Smart Communities"*** approach would use community planning techniques to develop a desired community form through the application and use of proven community design practices to achieve sustainable and livable communities. This process should include necessary rule-making responsibility to the Department of Community Affairs to ensure the process addresses the necessary components of community building with implementation and evaluation techniques to ensure the plan is applied consistent with the policies and goals of the plan. At a minimum, these processes should include the following:

Recommended Action	Explanatory Information
1. A procedure for acceptance, review and approval of "*Smart Community*" eligibility and designation. Designation would lead to development, review and approval of "*Smart Community*" plans.	A. Local jurisdictions interested in participating in the ***Smart Communities*** Program would obtain a ***Smart Communities*** Program Manual from DCA reflecting the input from all state agencies. B. After review of the manual and initial discussions, a Resolution of Intent from the local government, sent to DCA, would include the following information: • A map showing the area to be designated (areas less than the entire jurisdiction are eligible) • Discussion of a Visioning Process to guide community design • Discussion of the conceptual land use patterns and transportation modes expected within the "***Smart Community***" boundary C. After receipt of the Resolution of Intent, eligibility is determined and a workshop would be scheduled. Appropriate state staff would meet with officials in the local jurisdiction. D. Based on discussions during and after the workshop, a formal Designation Application would be prepared by the sponsoring local government, for submission to DCA, with commitments to accomplish at least the following future tasks:

Recommended Action	Explanatory Information
	• Perform a Vision Process with expected schedule and budget • Establish a Plan development and evaluation process which includes indicators of plan conformance to the established Community Vision • Implement specific land development code features to effectively implement vision based elements of "***Smart Community***" Plan • Include vision based multi-modal transportation concepts in the Plan After review and approval of the Application, the community would be formally approved to prepare a ***Smart Communities*** Plan for review as an amendment to the local government's comprehensive plan. This would initiate the Plan Development Phase.
2. Application of the basic Elements of Smart Community Development within a "*Smart Community*" plan to ensure an integrated, sustainable community is developed consistent with the regional context of ecosystem, water management, and transportation mobility.	A community design component would be part of the "***Smart Community***" plan. This component would detail the design relationships and implementation systems necessary to ensure the vision is attained. These relationships shall be based the Elements of Smart Community Development. The basic **Elements of Smart Community Development** include: A. The neighborhood, the district, and the corridor are the essential elements of development and redevelopment in the community. B. Neighborhoods should be compact, pedestrian-friendly, and mixed-use. Districts generally emphasize a special single use, and should follow the principles of neighborhood design when possible. Corridors are regional connectors of neighborhoods and districts; they range from boulevards and rail lines to rivers and parkways. C. Many activities of daily living should occur within walking or biking distance, allowing independence to those who do not drive, especially the elderly and the young. Interconnected networks of streets should be designed to encourage walking, reduce the number and length of automobile trips, and conserve energy. D. Within neighborhoods, a broad range of housing types and price levels can bring people of diverse ages, races, and incomes into daily interaction, strengthening the personal and civic bonds essential to an authentic community.

Recommended Action	Explanatory Information
	E. Meaningful redevelopment strategies need to be developed to achieve the Elements of Smart Community Development especially for obsolete, near-obsolete, or abandoned neighborhoods. F. Transportation corridors, when properly planned and coordinated can become multi-modal transit corridors and can help organize community structure and revitalize urban centers. In contrast, highway corridors should not displace investment from existing centers. G. Existing transportation systems should be reinforced by community development strategies to maximize existing transportation investments. H. Appropriate building densities and land uses should be within walking distance of transit stops, permitting public transit to become a viable alternative to the automobile. I. Concentrations of civic, institutional, and commercial activity should be embedded in neighborhoods and districts, not isolated in remote, single-use complexes. Schools should be sized and located to enable children to walk or bicycle to them. J. The economic health and harmonious evolution of neighborhoods, districts, and corridors can be improved through graphic urban design codes that serve as predictable guides for change. K. A range of parks, from tot-lots and village greens to ballfields and community gardens, should be distributed within neighborhoods. Conservation areas and open lands should be used to define and connect different neighborhoods and districts. L. A primary task of all urban architecture and landscape design is the physical definition of streets and public spaces as places of shared use. M. The revitalization of urban places depends on safety and security. The design of streets and buildings should reinforce safe environments, but not at the expense of accessibility and openness. N. In the contemporary community, development must adequately accommodate automobiles. It should do so in ways that respect the pedestrian and the form of public space.

Recommended Action	Explanatory Information
	O. Streets and squares should be safe, comfortable, and interesting to the pedestrian. Properly configured, they encourage walking and enable neighbors to know each other and protect their communities. P. Architecture and landscape design should grow from local climate, topography, history, and building practice. Q. Civic buildings and public gathering places require important sites to reinforce community identity and the culture of democracy. They deserve distinctive form, because their role is different from that of other buildings and places that constitute the fabric of the city. R. All buildings should provide their inhabitants with a clear sense of location, weather and time. Natural methods of heating and cooling can be more resource-efficient than mechanical systems. S. Preservation and renewal of historic buildings, districts, and landscapes affirm the continuity and evolution of urban society. T. The determination of land for development must avoid primary environmental systems and preserve and restore such systems where threatened.
3. **A "*Smart Community*" plan that is based on a full, integrated and complete vision of the desired community future, at build-out.**	Most local government comprehensive plans do not include a clear articulation, in plan form, of what the community hopes to look like in twenty years or at build out. Most communities have no idea what their community would likely look like if they build out in conformance with their adopted zoning patterns and ordinances. No one would consider building a house without a detailed plan, and no local government would approve the construction of a house without a plan, yet most local governments do not have a blueprint for how they hope to build out. Instead they become a composite of what the individual property owners want to do with their own property. It is no wonder we are not satisfied with the patterns of growth that result.

Recommended Action	Explanatory Information
	The Elements of Smart Community Development principles outlined above have sustained development throughout the period of urbanization. These principles can result in efficient mixed-use communities and reduce vehicle miles traveled. New development should follow these elements, and infill development should incorporate those elements as possible over time through sensitive redevelopment and reuse. Communities should be encouraged to draw out in sufficient detail their vision of what they would like to see built in their communities, and make it very easy for such development to occur. a) The challenge is getting the future you want. An effective vision includes understanding ecological, built, economic and social components of your community. b) Visioning Process requires: 1. Facilitation — deciding what to do 2. Research — finding out how to do it 3. Education — spreading the word 4. Demonstration — showing it off — marketing process 5. Implementation — institutionalizing it Through the visioning process, the community formulates and describes a clear community vision in written, visual and illustrative form. "***Smart Community***" plans will be developed based on full build-out or mature area. By having a full build-out or mature community form plan, incremental development decisions are made within a larger context to be more cohesive. c) The following 12-step **Process for Developing a "Smart Community" Plan** could easily be used to create a "***Smart Community***" Plan[3]:

[3] *Liveable Neighborhoods, Community Design Code*, Western Australian Planning Commission, Perth, 1997.

Recommended Action	Explanatory Information
	Process for Developing a "*Smart Community*" Plan 1. Context and site analysis to identify key opportunities and constraints, including regional structure and neighborhood form. 2. Establish key transportation linkages to and through the planning area. 3. In an iterative design process, cluster neighborhoods around transportation linkages to form and support towns and town centers. Link neighborhoods to the town center in the most direct way within the constraints of local site conditions. 4. Determine neighborhoods based on projected build-out. Identify focal points, neighborhood and town centers based on transportation linkage. Locate districts, schools and large parks. 5. Plan in and design parks recreation areas and public opens spaces, incorporating stormwater management where possible. Parks should be fronted by streets and development on at least three sides to facilitate surveillance. 6. Develop a network of highly interconnected local streets to facilitate choice of movement and dispersal of traffic. The street network should be designed to accommodate the needs of all users. 7. Test the accessibility to facilities at the center of neighborhoods and towns. Adjust to maximize access, especially pedestrian access. 8. Develop a system of small street blocks. Balance permeability in developed areas with the provision of sufficient developable land for a wide range of land uses over time. 9. Work for the highest residential densities and greater mix of land use along major connection streets, concentrated toward the center of the neighborhood, and around transit and rail locations. Medium density residential should be focused around parks, while larger land uses should be located at the edge or between neighborhoods.

Recommended Action	Explanatory Information
	10. Plan for a variety of parks and recreation areas. Front development onto these areas. 11. Accommodate changing residential needs by providing a variety of lot sizes. 12. Add quality to improve legibility and a sense of place through refinement of the urban form. For example, vary street widths, close vistas with prominent architectural features, and adjust streets to align with natural or built landmarks. d) Mechanisms should be put in place so that approval of development that conforms to the vision of a community is streamlined.
4. Plan development criteria that shall be established for local use by planning staff during plan formulation and by the Department of Community Affairs for determination of plan compliance during any necessary growth management plan amendments.	Because these plans are much more future and design-oriented than required under the current rule, new methods of establishing plan conformance will be needed. These implementation tools should be built into the planning process, and evaluated by the Department of Community Affairs. The design parameters for the "***Smart Communities***" would be included in the plan framework, and the targets for the various design components would become the new, highly measurable objectives of the plan. The community indicators should also be used for evaluating development proposals and plan amendments, and tracking plan compliance. The indicators could replace or supplement the plan policies, and guide day-to-day community decisions concerning development. Amendments could also be evaluated for conformance with a full, detailed build-out plan previously approved by the Department. The community indicators become particularly attractive as a means of implementing the "***Smart Communities***" approach in larger urban areas with GIS capabilities. These areas may find it difficult to do detailed build-out design plans, but would find it much easier to implement a GIS-based indicator tracking approach. Smaller communities are less likely to have the resources to use GIS-based tracking, but may be able to implement a manual tracking system. These smaller communities may find a highly detailed, specific build-out plan a better approach.

Recommended Action	Explanatory Information
	Under this proposal, "***Smart Growth***" would be exempted from concurrency requirements to the extent the design parameters and indicators for these facilities are adequate and are being met through project implementation. For this reason, tracking through community design indicators and through compliance with a build-out plan will be necessary. While the community design indicators have the ability to address levels of service, they also address many design elements that affect levels of service. The community design indicators also allow for comparisons of the vital interrelationships between key plan elements. This is the major difference between the proposed approach and the current Level of Service based growth management process. If the specific design parameters are met, levels of service concerns will be mitigated. To the extent the roads still do not meet generally accepted levels of service, there is a strong argument that they should be exempted from concurrency, since they will meet very specific and rigorous criteria for alternative transportation modes, probably exceeding those required for concurrency exception areas. Under current State rules, concurrency exception areas must meet additional criteria of intensity of use and percent of vacant land. It is proposed that the "***Smart Communities***" alternative be available to greenfield sites on the fringe, as well as to infill sites. If development occurs as envisioned by the indicators approach, the intensity of use and design will conserve land, provide for better land use mix, reduce trip lengths, and make alternative modes of travel feasible and attractive. These issues are perhaps more critical for fringe development than for infill development.
5. **Adequate evaluation and implementation techniques and mechanisms that are incorporated into the plan framework to track whether the implementation of the plan is attaining the desired future.**	Methods of assessing conformance to the basic Elements of Smart Community Development and reasonable benchmarks for performance should be established, and used by the Department of Community Affairs as guidelines for evaluation of proposed plans. Criteria should be sufficiently flexible to allow for very different community characteristics and visions, since "one size does not fit all." If, however, the community proposes a plan which does not meet the benchmarks for performance established by the State, it should be prepared to demonstrate how its proposed plan nevertheless addresses the basic Elements of Smart Community Development.

Recommended Action	Explanatory Information
	The Plan should be evaluated as a package, with consideration given to multiple design aspects and their interconnectedness. Both manual and computer assisted methods exist for applying design-based evaluation criteria. Geographic Information Systems (GIS)-based methods include the Florida Sustainable Communities network INDEX software template with which physical design elements are evaluated relative to each other. a. Indicators and detailed, design-oriented build-out plans are two possible methods for tracking implementation. b. A preliminary basis for discussion of the indicator alternative could be the Florida Sustainable Communities Network INDEX software template recently developed under a DCA contract. This software will track 25 sustainability indicators dealing with land use, conservation, housing, employment, transportation and community design. The software also has the ability to assess development proposals for their impact on the indicators. The City of Orlando is developing a customized version of the software that will track approximately 100 indicators (see Sample Indicators below). Criteria for build-out plans, indicators, or other methods, must ensure the provision of adequate public facilities, although the measures of adequacy may differ from those currently allowed under State legislation and rule. The "***Smart Communities***" program as outlined here does not eliminate the use of urban growth boundaries where appropriate. It would be possible to combine the design-based concepts proposed here with concepts being used elsewhere in the county (e.g., Maryland) relative to pricing and funding of infrastructure. The resulting "smart growth" package could provide more complete criteria for plan review.

Sample **Community Indicators to Measure Plan Implementation** (these measures indicate movement toward a desired end and as such are not intended to be absolute).

Community Element	*Indicator*	*Definition*
Land-Use	Block texture	Ratio of one acre per block versus actual acres per block
	Parcel Texture	Average size of all parcels in square feet.

Community Element	*Indicator*	*Definition*
Land-Use (Continued)	Use Mix	Index of land-use dissimilarity between one-acre grid cells containing predominant uses.
	Neighborhood Completeness	Percent of key uses present or adjacent.
	Urban Area Footprint	Total community land area in acres per resident (exclusive of protected natural areas).
	Infill	Percent of total building permits issued annually inside designated area.
	Vacant Land	Amount of vacant buildable land in acres.
	Land Redeveloped	Percent of land area redeveloped per year.
	Activity Diversity	Percent of blocks with mixed uses.
Housing	Single-family Dwelling Density	Single-family dwelling units per net acre of land designated for single-family use.
	Multi-family Dwelling Density	Multi-family dwelling units per net acre of land designated for multi-family use.
	Grocery Proximity	Average travel distance from all dwellings to closest grocery in feet.
	Bus Transit Proximity	Average travel distance from all dwellings to closest bus stop in feet.
	Ownership	Percent of dwelling units owner-occupied.
	Housing Condition	Percent of dwelling units substandard.
	Low-income Locations	Number of low-income projects by subarea (e.g. quadrants, neighborhoods, etc.)
	Public Safety	Annual crime rate per 1,000 persons.
Employment	Jobs/Housing Balance	Ratio of average number of workers per household to dwelling units.
	Pedestrian Orientation of Buildings	Average non-residential building setback from major streets in feet.
	Bus Transit Proximity	Average travel distance from all businesses to a bus stop in feet.
	Land Supply	Percent of employment-designated lands that are vacant or redevelopable.

Community Element	*Indicator*	*Definition*
Parks and Recreation	Park Space Availability	Acres of park and school area per 1,000 residents.
	Recreation Proximity	Average travel distance from all dwellings to closest park or school yard in feet.
	Community Center Proximity	Average travel distance from all dwellings to closest multipurpose community center in feet.
Environment	Open Space	Percent of total net land area dedicated to open space.
	Tree Canopy	Percent of total land area covered by dense tree canopy.
	Street Trees	Average number of trees in right-of-way per 100 feet of street frontage.
	Imperviousness	Percent of total land area covered by impervious surfaces.
	Protected Natural Areas	Percent of total land area protected as natural area or equivalent.
Travel	Street Connectivity	Ratio of street intersections versus intersections and cul-de-sacs.
	Subarea Connectivity	Average distance between ingress/egress streets.
	Street Level of Service	Percent of total street segments at LOS E and F.
	Traffic Speed Restriction	Percent of street segments with speed bumps or comparable calming devices by class type.
	Automobile Use	Percent of all person trips made by auto.
	Auto Distance Traveled	Average daily vehicle miles traveled per capita.
	Pedestrian Network Coverage	Percent of total street frontage with sidewalks.
	Pedestrian Network Condition	Percent of total sidewalk length substandard.
	Pedestrian Crossing Distance	Average curb-to-curb street width in feet (specify residential and non-residential).
	Pedestrian Safety	Pedestrian accidents annually per 1,000 persons.
	Pedestrian Route Directness	Average ratio of shortest walkable distance from outlaying nodes to designated nodes versus straight line distance between the same points.

Community Element	*Indicator*	*Definition*
Travel (Continued)	Effective Walking Area	Ratio of land area reachable within ¼ mile walk from designated nodes versus total net land area of ¼ mile radius walking shed.
	External Walking Accessibilities	Percent of key destinations within 15 minute walk time from designated nodes.
	Bicycle Network Coverage	Ratio of bicycle route miles versus total street centerline miles.
	External Bicycle Accessibilities	Percent of key destinations within 15 minute travel time via bicycle from designated nodes.
	Walk/Bike Travel	Percent of all person trips made by walk/bike.
	Transit-oriented Residential Density	Average number of dwellings per net residential acre within ¼ mile walk of transit stops.
	Transit-oriented Employment Density	Average number of employees per net nonresidential acre within ¼ mile walk of transit stops.
	Transit Service Density	Miles of transit routes multiplied by number of transit vehicles on routes each day, divided by total acres.
	External Transit Accessibilities	Percent of key destinations within 15 minutes travel time via transit from designated nodes.
Infrastructure	Residential Water Use	Water consumed for residential purposes.
	Residential Solid Waste Generation	Solid waste generated residentially.
	Residential Recycling	Percent of total residential waste recycled.

Recommendation #6

The Florida Legislature shall establish prioritized programs, techniques and mechanisms to provide appropriate incentives for the use of the "***Smart Communities***" process.

Recommended Action	Explanatory Information
These incentives should consider the following at a minimum:	
1. Plans found in compliance with these provisions and adhere to agreed-upon criteria in the implementation of their plans, should be deemed to comply and therefore exempt from currently defined transportation concurrency management requirements.	This concept recognizes ***"Smart Community"*** plans, if done in accordance with the elements and practices discussed herein will achieve a balanced sustainable development pattern over time. The existing practice of evaluating transportation facilities at any particular point in time places the focus on roadway mobility as opposed to balanced community building. Use of Community Indicators better evaluates the implementation of a community development plan. In the short term, traditional levels of concurrency measurement may indicate that a particular roadway link may fail while in the long run the community is moving toward sustainability and use of multiple transportation modes.
2. Increasing the DRI thresholds by 50%.	
3. Priority treatment of State and Federal community resources including brownfield restoration, transportation enhancement, congestion mitigation air quality, scenic byways, historic preservation, education grants, transportation, local planning grants, alternative energy, and other community-based programs that should be coordinated and focused.	Existing state grant programs and Federal programs subject to state block grant or other state discretionary funding should be prioritized at the regional level to provide both financial and technical support for local communities to implement their vision of a ***"Smart Community"***. There are a variety of federal and state initiatives, such as brownfield restoration, transportation enhancement, congestion mitigation air quality, scenic byways, historic preservation, education grants, transportation, local planning grants, alternative energy, and other community-based programs that should be coordinated and focused so that a strength of resources are made available to local governments to fulfill the capital and planning needs to implement the community vision. Federal policies governing such programs should be integrated with state policy to ensure streamlined administration and coordination.

Recommended Action	Explanatory Information
4. A regionally administered funding mechanism should be created to coordinate state technical and financial resources to stimulate and promote local government efforts to implement effective community design projects within the regional context.	A regionally administered funding mechanism should be created to coordinate state technical and financial resources to stimulate and promote local government efforts to implement effective community design projects within the regional context. Such a "regional policy incentive" would support local projects that promote regional goals, such as urban infill, community redevelopment, sustainable communities, comprehensive transit networks and compact urban design as alternatives to urban sprawl. Special emphasis should be given by such a program to the preservation of agricultural and environmentally sensitive land. The state's environmental land acquisition programs should be coordinated with this effort to preserve ecosystems and minimize excess consumption of open space. The mitigation of urban brownfield conditions and efforts to create developable urban sites should become part of the program. State government should provide programs and grants that create options for local governments which are cost effective. The decision to participate should rest solely with the local government. Statewide programs and grants should be distributed through a regional entity in order to foster coordination and insure consistency on region wide planning objectives.
5. Revise State agency administrative procedures to encourage good community design and sustainable community strategies.	State agencies should cooperatively expand existing demonstration projects and develop appropriate administrative procedures to apply urban design and sustainable community strategies. Where necessary, State agencies should be granted the statutory authority to deviate from established procedures when a local government has successfully completed the ***"Smart Communities"*** alternatives plan process.
6. A multi-disciplinary central resource center should be established by the appropriate state agencies to provide technical assistance and to coordinate state resources to assist local governments.	A multi-disciplinary central resource center should be established by the appropriate state agencies to provide technical assistance and to coordinate state resources to assist local governments in the planning, design, and implementation of ***"Smart Communities"***. The Local Government Resources Center should be staffed and funded by the affected state agencies to serve local governments. The Resource Center should assist in the coordination of state infrastructure investments to support local community efforts and assist local governments in expediting local grant applications to state agencies. The Resource Center should develop a computer-based data and information resource to assist local government planning.

Recommended Action	Explanatory Information
7. State agencies should cooperatively develop and make available model land use and urban design codes and "best practices" to provide a ready resource of information to local governments.	State agencies should cooperatively develop and make available model land use and urban design codes and "best practices" to provide a ready resource of information to local governments. The model codes and "best practices" guides should be developed in coordination with the cities and counties developers lending institutions, land use and transportation planning professionals, and urban design experts.
8. A simplified, expedited permitting process should be implemented.	A simplified, expedited permitting process should be devised that offers a meaningful incentive to developers to create sustainable communities. Streamlined permitting processes and special fee considerations, supported by appropriate local visions, goals, policies, and objectives, would provide incentives for developers to demonstrate the economic viability of innovative urban design projects to financial institutions. Local and state governments should give priority consideration to communities and projects that support sustainability. Once the ***"Smart Communities"*** policies and rules are in place the government should play an active role in reducing the cost of development by the provision of requisite infrastructure and keeping administrative costs minimal. The benefits provided under this scenario would stimulate active participation from the private sector and create a synergy favorable to sustainable development.
9. The State should provide matching planning and technology grants on a one-for-one basis for local governments and RPC's to undertake this process.	The State should provide matching grants on a one-for-one basis for local governments to undertake planning for ***"Smart Communities"***. The State should also provide funding and/or technical assistance to Regional Planning Councils and local governments for the implementation of Geographic Information Systems and training programs as to how to conduct a successful visioning process to enhance planning.
10. A higher priority for state infrastructure funding. Priority for funding under the following existing programs (at a minimum):	Where and how state agencies invest their capital dollars can shape a community for better or for worse. Participation in the ***"Smart Communities"*** alternative should be rewarded by a higher priority for state infrastructure funding. State resources should focus on local communities that demonstrate a commitment to plan for compact growth, the preservation of natural resources, and efficient delivery of urban services. This principle should be incorporated by changes to laws affecting all state agencies - from Transportation to Corrections - so that the state's planning and fiscal resources support state goals and policies in a meaningful way.
a. Florida Affordable Housing Corporation Guarantee Fund	

Recommended Action	Explanatory Information
b. TANIF (Department of Labor) Welfare to Work program	
c. Florida Communities Trust — Preservation 2000	
d. Florida Department of Transportation State Infrastructure Bank	The state bank would provide low-interest, secured loans to local and state (and possibly private developers) to advance construction projects to support sustainable development. The goal of the bank is to encourage local communities, private developers, and lending institutions to plan, design, market, and build residential and commercial development that supports state goals, such as traditional neighborhood design, urban infill, and downtown redevelopment. Under Florida law, local governments can "loan" FDOT funds to advance highway projects. The United States Department of Transportation's State Infrastructure Bank (SIB) program underway in Florida provides loans to advance construction on projects such as commuter rail and turnpike expansion. Such a fund would be self-sustaining and act as a stimulus to encourage lending institutions to finance sustainable development projects.
e. Florida Department of Environmental Protection Sewer/Water Revolving Fund	
f. Department of Community Affairs Community Development Block Grant Small County Infrastructure Fund (54 small counties)	
g. Enterprise Florida Funding programs	

Appendix D: Background on Transportation Financing

Current revenue sources for transportation system improvements consist primarily of fuel taxes, motor vehicle license (registration) fees, tolls and federal aid. Only state fuel taxes are adjusted to inflation.

Since a transportation project usually takes several years to complete from design to construction, the Florida Department of Transportation (FDOT) has been given statutory authority to commit funds based on projected cash needs and estimated cash receipts. This allows the department to provide faster delivery of transportation projects while maintaining adequate cash to provide contract payments as they occur. This "commitment" ability is possible since the FDOT funding base relies on special taxes, such as the federal, state and local taxes on highway fuels, which can be reasonably forecast. The ability of FDOT to design and construct highways, airports, and transit facilities depends almost entirely on the amount of funds raised by these special taxes.

The theory behind these special taxes is simple: the users of the transportation system should help pay for it. Each time gas is purchased for a car, truck, or RV; a plane ticket is bought; an automobile is rented, leased or purchased; taxes are paid that help fund federal, state and local transportation projects.

In 1932, the United States government began charging a one cent per gallon fuel tax which eventually led to additional taxes and other important fund raising legislation. The Federal-Aid Highway Act of 1956 launched the national Interstate Highway System and was the largest United States public works program ever undertaken. Not only did the act plan for a massive interstate highway system, but more importantly, it provided the means to pay for construction of the system by establishing the Federal Highway Trust Fund.

The trust fund is an important tool that finances federal-aid highway projects. Through fuel and other taxes, states pay dollars into the fund, and at a later date, get funds paid back to them by the federal government. Combining federal, state and local option taxes on gasoline and diesel fuels, the Florida motorist now pays an average tax of 46.3 cents per gallon for gasoline and 51.5 cents per gallon for diesel, depending on the county in which the purchase is made.

Federal Taxes

Today, the federal tax for highway fuels purchased in Florida amounts to 18.4 cents per gallon on gasoline and 24.4 cents per gallon on diesel fuel. Federal excise and heavy truck use taxes are those which are charged for various commodities such as truck tires, sale of trucks over 55,000 pounds, certain trailers, lubrication oils and a small portion from highway fuels. In addition to fuel and excise taxes, federal revenues also come from aviation taxes, which are comprised of fuel, air cargo, ticket and international departure taxes. The Transportation Equity Act for the 21st Century (TEA21), enacted in the summer of 1998, guarantees Florida at least an 86 percent return on contributions made to the Federal Highway Trust Fund. About 19 percent of Florida's

total transportation revenue in fiscal year 1997/98 came from federal reimbursements as a result of federal taxes and fees.

State Taxes

Fuel taxes, motor vehicle fees, and aviation fuel taxes contributed nearly 46 percent of Florida's Transportation revenues in FY 1997/98. Turnpike operations, for the most part, are self-financed from toll revenues and bond sales backed by future toll proceeds. In 1921, Florida began charging a one-cent per gallon fuel tax. Since that time, the state imposed tax for fuel has increased to its current 18.0 cents per gallon. Of that amount, four cents are distributed to local governments. Of the remaining 14.0 cents, 12.7 cents is distributed to FDOT for transportation projects. The remainder (1.3 cents) is allocated to general revenues and other trust funds. General obligation bond financing also pays an important role in addressing Florida's total transportation financial needs. These bonds are used to purchase land for road projects and to finance bridge construction.

Local Option Taxes

As a result of population growth and inflation in the early 1960's and 1970's, new demands placed on local governments were greater than their ability to raise capital for local transportation projects. Therefore, in the early 1970's, Counties were authorized by the legislature to "piggy-back" or add to the State's tax on highway fuels. Today, local governments are authorized to collect another 12 cents per gallon at the pump, which may be spent on local or state transportation projects.

Innovative Financing

In order to stretch its dollars, FDOT is supplementing its revenues by using more innovative financing techniques. With legislative approval, the department has implemented aggressive turnpike expansion, and has established a toll facilities revolving trust fund. In addition, it has creatively used general obligation and revenue bond financing for road construction, and improvements to bridges, airports and seaports.

Transportation Equity Act for the 21st Century

The Transportation Equity Act for the 21st Century (TEA-21) continues the directions established by the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) and, as indicated, is programmed to return more dollars to Florida. Highlights of the plan that affect funding are that it: a.) Guarantees that Highway Trust Fund revenues are spent on transportation improvements; b.) Improves funding equity for donor states by guaranteeing each state at least 90.5 percent (based upon formula programs) of its percentage share of contributions to the Highway Trust Fund; c.) Continues to fund transportation enhancement activities; d.) Continues the federal transit programs with significant funding increases; e.) Creates a new

innovative financing program for large infrastructure projects; and f.) Expands programs for research and deployment of intelligent transportation systems.

State Infrastructure Bank

TEA-21 establishes a new State Infrastructure Bank (SIB) pilot program which four States (including Florida) are authorized to enter into cooperative agreements with the Secretary to set up infrastructure revolving funds eligible to be capitalized with Federal transportation funds authorized for the FY 1998-2003 period.

The new SIB program gives states the capacity to increase the efficiency of their transportation investment and significantly leverage Federal resources by attracting non-Federal public and private investment. It allows greater flexibility by allowing other types of project assistance in addition to the traditional reimbursable grant.

SIB's provide various forms of non-grant assistance to eligible projects, including below market rate subordinate loans, interest rate buy-downs on third party loans and guarantees other forms of credit enhancement. Projects eligible for SIB assistance include highway and transit capital projects eligible under Title 23 and chapter 53 of Title 49, as well as other surface transportation projects designated by the Secretary.

SIB's give all levels of local government the ability to stretch both State and Federal dollars. The primary benefits include: a.) Flexible project financing (innovative funding techniques -- loans and credit options); b.) "Recycling" of funds (repaid loans "recycled" for future projects); c.) Accelerated completion of projects (allows projects to start sooner and assemble financial package); d.) Increased State and/or local investment (financial and technical assistance); e.) Attract private investment (lowers financial risk, create stronger market for bonds)

IDENTIFYING CURRENT FUNDING SHORTFALLS

The members of the Committee recognized that many of the issues in this report are exacerbated by the serious lack of funds to build an interconnecting multi-modal transportation system. Information from the Florida Department of Transportation (FDOT), the Florida Transportation Commission, and the Center for Urban Transportation Research (CUTR) estimates a transportation funding shortfall of over $50 billion through 2010.

FDOT is currently reassessing the estimated $22 billion shortfall for Florida's Intrastate Highway System (FIHS) which, under current funding, will be improved by only 23 percent through 2010. The federal and state highways not in the FIHS are estimated to need an additional $8 billion. FDOT has used FDOT maps to highlight those sections of the FIHS which have no identified funding source through 2010.

CUTR has projected a funding need of at least $11.4 billion through 2010 for local governments. Transportation improvements for cities and counties include highway maintenance and capacity improvements as well as buses and light rail systems. Projecting operation and maintenance costs for fixed light rail systems is difficult. Funding for operation and maintenance comes primarily from local revenues and a small amount from FDOT. Because the bus fair box accounts for less than 15 percent of the cost of operations and maintenance of bus systems, cities and counties must look for other funding sources. The FDOT, by law, contributes 14.3 percent of the Florida Highway Trust Fund to public transportation. That includes ports and funds allocated to high speed rail.

The remainder of the over $50 billion transportation funding shortfall comes from the needs of Florida's 14 designated deepwater ports and 19 commercial airports. Through 2010, airports project a shortfall of $6 billion and ports $2.5 billion.

This huge transportation funding shortfall can be attributed to a number of factors. The state gas tax remained at 4 cents from 1943 to 1983 and was increased just 1.5 cents in 1983. During the same period, Florida's population grew from 2.7 million in 1950 to 14.5 million in 1998. Tourism in 1950 was 1.1 million and will exceed 47 million in 1998. These two staggering increases have caused "miles of travel" on Florida's highways to double the national average since 1960. From 1980 to 1995 the demand (total vehicle miles traveled) on state roads increased 83 percent, while the supply increased only 18 percent. Over the next 15 years, vehicle miles traveled will increase an estimated 58 percent, while supply will increase an estimated 10 percent. Demand will outpace supply by almost a six-to-one margin.

Even with a 4 cent increase in the state gas tax in 1990 by the Florida Legislature, transportation demands exceed funding. The additional 4-cents was tied to the Consumer Price Index and the state sales tax on gasoline was increased from 5 percent to 6 percent. The net result is that the state gas tax is now 14-cents.

The failure to properly project future transportation demand coupled with 47 years of under funding transportation needs, account for part of the highway congestion. The multitude of local transportation organizations (MPOs, seaport, airport, transit, expressway authorities and regional planning councils) have not planned together to design an integrated, interconnected, and cost effective transportation system.

The Florida Transportation Commission is planning to ask FDOT to identify what capacity to the FIHS could be advanced with additional funding. The Florida Transportation Commission and Floridians for Better Transportation are seeking an increase in transportation funding of $1 billion by 2004/2005. With the additional funding from the 1998 Transportation Efficiency Act for the 21st Century (TEA-21) and $1 billion in new funds by 2004/2005, the over $50 billion transportation funding shortfall could be reduced by 34 percent or down to as much as $33.3 billion.