



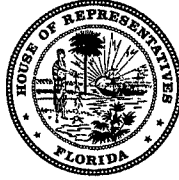
The Florida House of Representatives
Economic Development & Community Affairs Policy Council
Military & Local Affairs Policy Committee
Roads, Bridges & Ports Policy Committee

Larry Cretul
Speaker

Dorothy L. Hukill, Chair
Gary Aubuchon, Chair

November 5, 2009
212 Knott Building
8:00 AM – 10:00AM

MEETING PACKET



The Florida House of Representatives
Economic Development & Community Affairs Policy Council
Military & Local Affairs Policy Committee
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AGENDA

November 5, 2009
212 Knott Building (Webster Hall)
8:00 AM – 10:00 AM

- I. Opening Comments by the Co-Chairs
- II. Legislative History & Background, Barbara Hoagland,
Staff Director, Military & Local Affairs Policy Committee
- III. Agency Presentation
Secretary Tom Pelham, Department of Community Affairs
Assistant Secretary Debbie Hunt, Department of
Transportation
- IV. Panel Discussion
Commissioner Paula Delaney, Alachua County
Janet Bowman, Nature Conservancy
T.J. Fish, Executive Director, Lake Sumter MPO
Roger Neiswender, Transportation Director, City of Orlando
David Powell, Hopping, Green and Sams
- V. Closing Remarks



WORKSHOP ON MOBILITY ISSUES

LEGISLATIVE HISTORY & BACKGROUND

Joint Meeting of the Military & Local Affairs
Policy Committee and the Roads, Bridges & Ports
Policy Committee

November 5, 2009

TRANSPORTATION CONCURRENCY

- ▣ **Public facilities and services shall be available concurrent with the impacts of such development**
- ▣ **Implementing Concurrency**
- ▣ **Concurrency Options for Transportation**
 - Time – Long-term concurrency management plan
 - Place – Transportation concurrency exception areas
 - Mode – Multimodal districts
 - Cost – Proportionate fair share

2009 LEGISLATIVE ACTION REGARDING MOBILITY (SB 360/Ch. 2009-96, Laws of Florida)

- Transportation Concurrency Exception Areas (TCEAs) in Dense Urban Land Areas
 - Local governments with designated TCEAs must adopt land use and transportation strategies to support and fund mobility within the exception area
 - Two (2) years provided to adopt strategies
 - Sanctions may be imposed for failure to adopt
- Joint Report and Recommendations on Mobility Fee Methodology Study

3

LEGISLATIVE FINDINGS RELATED TO STUDY

- Existing transportation concurrency system has not addressed transportation needs
- Current system:
 - Complex
 - Inequitable
 - Lacks uniformity among jurisdictions
 - Too focused on roadways to the detriment of desired land use patterns and transportation alternatives
 - Prevents the attainment of important growth management goals

4

LEGISLATIVE DIRECTION

- Evaluate and consider implementation of a mobility fee to replace existing transportation system
- Fee should:
 - Provide for mobility needs
 - Ensure development mitigates its impacts
 - Be fairly distributed among entities
 - Promote compact, mixed-use, and energy-efficient development

LEGISLATIVE DIRECTION – MOBILITY FEE REPORT AND RECOMMENDATIONS

- DCA and DOT will submit a joint report and recommendations by December 1, 2009, that will include:
 - Recommended legislation
 - Implementation plan that assumes the replacement of existing local government adopted and implemented transportation concurrency systems
 - Economic analysis of implementation
 - Activities necessary to implement the fee
 - Potential costs and benefits to state, local and private sectors
-

~~may maintain the exemption if the developer is continuing the application process in good faith or the development is approved.~~

~~(h) This subsection does not limit or modify the rights of any person to complete any development that has been authorized as a development of regional impact pursuant to this chapter.~~

~~(i) This subsection does not apply to areas:~~

~~1. Within the boundary of any area of critical state concern designated pursuant to s. 380.05;~~

~~2. Within the boundary of the Wekiva Study Area as described in s. 369.316; or~~



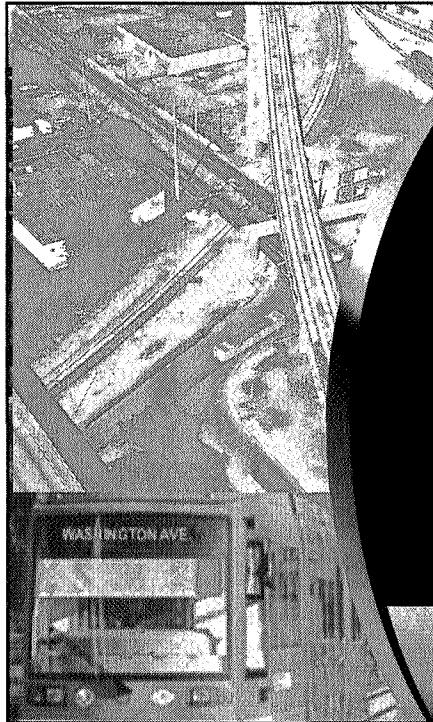
~~3. Within 2 miles of the boundary of the Everglades Protection Area as described in s. 373.4592(2).~~

Section 13. (1)(a) The Legislature finds that the existing transportation concurrency system has not adequately addressed the transportation needs of this state in an effective, predictable, and equitable manner and is not producing a sustainable transportation system for the state. The Legislature finds that the current system is complex, inequitable, lacks uniformity among jurisdictions, is too focused on roadways to the detriment of desired land use patterns and transportation alternatives, and frequently prevents the attainment of important growth management goals.

(b) The Legislature determines that the state shall evaluate and consider the implementation of a mobility fee to replace the existing transportation concurrency system. The mobility fee should be designed to provide for mobility needs, ensure that development provides mitigation for its impacts on the transportation system in approximate proportionality to those impacts, fairly distribute the fee among the governmental entities responsible for maintaining the impacted roadways, and promote compact, mixed-use, and energy-efficient development.

(2) The state land planning agency and the Department of Transportation shall continue their respective current mobility fee studies and develop and submit to the President of the Senate and the Speaker of the House of Representatives, no later than December 1, 2009, a final joint report on the mobility fee methodology study, complete with recommended legislation and a plan to implement the mobility fee as a replacement for the existing local government adopted and implemented transportation concurrency management systems. The final joint report shall also contain, but is not limited to, an economic analysis of implementation of the mobility fee, activities necessary to implement the fee, and potential costs and benefits at the state and local levels and to the private sector.

~~Section 14. (1) Except as provided in subsection (4), and in recognition of 2009 real estate market conditions, any permit issued by the Department of Environmental Protection or a water management district pursuant to part IV of chapter 373, Florida Statutes, that has an expiration date of September 1, 2008, through January 1, 2012, is extended and renewed for~~



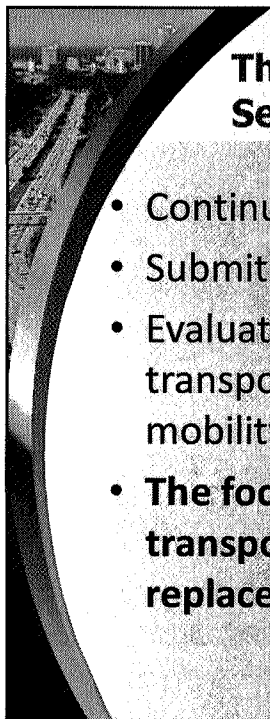
Mobility Fee Study

House Committee Meeting

November 5, 2009

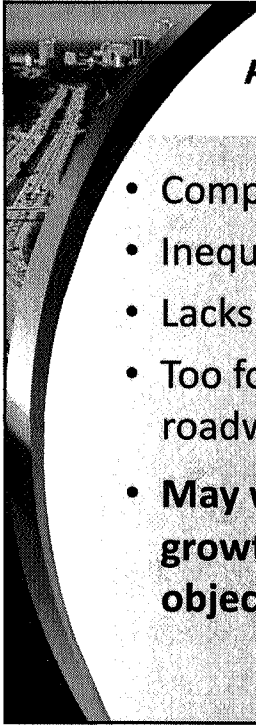
*Tom Pelham, Secretary,
Department of Community Affairs*

*Debbie Hunt, Assistant Secretary,
Florida Department of Transportation*



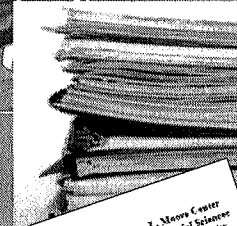
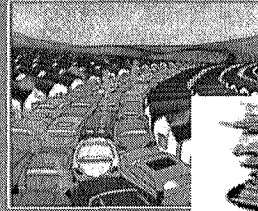
The Florida Community Renewal Act Senate Bill 360 – (2009)

- Continue respective mobility fee studies
- Submit Joint Report by December 1, 2009
- Evaluate and consider replacement of transportation concurrency systems with mobility fees
- **The focus is on replacement of transportation concurrency not a gas tax replacement**



The Florida Community Renewal Act *Problems with the Existing Concurrency Regulations*

- Complex
- Inequitable
- Lacks uniformity
- Too focused on roadways
- **May work against growth management objectives**



POLICY BRIEF

ISSUE #3:
Rethinking the Florida Transportation Concurrency Mandate
Tam Chapin, Greg Thompson, and Jeff Brown

DeVos L. Moore Center
College of Social Sciences
Florida State University
MARCH 2009



Mobility Fee Studies

- DCA and FDOT with USF, Center for Urban Transportation Research (CUTR)
 - Initial phases completed in June 2009
 - Current work is in Phase 3 and scheduled to be completed in December 1, 2009
- UF, Center for Multimodal Solutions for Congestion Mitigation (CMS) – initially funded by FDOT, longer term research funded through FHWA is ongoing



Mobility Fee Stakeholders

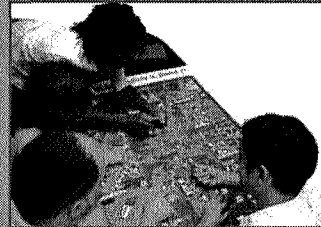
- **Formed by DCA and FDOT**
 - Met three times (Aug., Sept., Oct.)
 - Last meeting Nov. 9th (Tallahassee) 1-4pm
- **Presentations on local government alternative approaches used or planned**
- **Discussion on key issues:**
 - Nature of mobility fee (e.g. funding of transit)
 - Geographic scale for implementation
 - Fee calculation
 - Distribution of mobility fee



Stakeholder Comments

- Mobility fee: simple and transparent, no duplication of fees, everyone pays
- Local government: home rule, transit operations, local discretion
- Regional or countywide scale?
- Broader context of transportation funding
- Pilot projects

<http://www.dca.state.fl.us/fdcp/dcp>



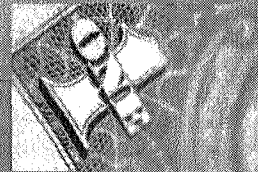
**Joint DCA/FDOT Report To Legislature by
December 1, 2009: *Evaluate a Mobility Fee to Replace the
Existing Concurrency Regulations***

Must include:



- Recommended legislation
- Implementation plan
- Economic analysis
- Activities to implement fee
- Costs/benefits analysis

**Mobility
Fee Should:**



- Provide for mobility
- Developments mitigate impacts
 - Proportional to those impacts
- Fairly distribute fee
- Promote compact, mixed-use and energy-efficient development

Mobility Fee Needs a Mobility Plan



Mobility fees are tied to land use and transportation plans.



- Land use and transportation are closely related
- Density and transit are linked
- Serve as cost basis for mobility fee
- At minimum county-wide
 - Option: regional mobility plan

Buckle up

ANY QUESTIONS?

More information on the Mobility Fee efforts of the Department of Community Affairs and Department of Transportation can be obtained from the Department of Community Affairs' website:

<http://www.dca.state.fl.us/fdcp/dcp/MobilityFees/index.cfm>

This website includes links to earlier studies and presentations.

Materials follow that have come from this site:

- Background Information
- Mobility Fee Stakeholders
- Stakeholder Meeting Summaries

Mobility Fees

Background Information

Senate Bill 360 (2009) requires the Department of Community Affairs and the Department of Transportation to continue their respective mobility fee methodology studies and no later than December 1, 2009, submit to the President of the Senate and the Speaker of the House of Representatives a final joint report on mobility fees. The report must contain recommended legislation and a plan to implement the mobility fee as a replacement for existing local government transportation concurrency management systems.

Mobility Fee Stakeholders

In advance of the passage of Senate Bill 360, the Department of Community Affairs and the Department of Transportation jointly formed a group of Mobility Fee Stakeholders to offer advice and input regarding the policy implications of their respective proposed mobility fee methodologies and their application. The group continues to lend its collective expertise to the ongoing research. The Department of Community Affairs/Department of Transportation Mobility Fee Stakeholders are:

- Lester Abberger, Florida Lobby Associates
- Richard A. Arkin, G.L. Homes
- Janet Bowman, The Nature Conservancy
- Ramond A. Chiaramonte, AICP, Hillsborough County Metropolitan Planning Organization
- John H. Classe, Jr., PBS&J
- The Honorable Paula M. DeLaney, Alachua County Board of County Commissioners
- Margaret Emblidge, AICP, Planning Consultant
- T. J. Fish, AICP, Lake-Sumter Metropolitan Planning Organization
- Honorable Art Graham, Jacksonville City Council
- Tim Hernandez, AICP, New Urban Communities
- Dave Hutchinson, Southwest Florida Regional Planning Council
- Tom E. Lewis, Jr., Esq., Maddox Horne Law Firm
- Jim Ley, Sarasota County Administrator
- The Honorable Mark Mustian, Tallahassee City Commission
- Charles Pattison, FAICP, 1000 Friends of Florida
- Honorable Linda Saul-Sena, Tampa City Council
- Honorable Katy Sorenson, Miami-Dade County Board of County Commissioners
- Patricia M. Steed, Central Florida Regional Planning Council
- Laura Turner, AICP, Laura Turner Planning Services
- Steve Webb, PE, KitsonBabcock, LLC

Source: Department of Community Affairs:
<http://www.dca.state.fl.us/fdcp/dcp/MobilityFees/index.cfm>

September 25, 2009 Stakeholder Meeting Summary

Welcome and Introductions

Secretary Pelham of the Department of Community Affairs (DCA) and Assistant Secretary Debbie Hunt of the Florida Department of Transportation (DOT) opened the meeting. The Secretaries asked for stakeholder introductions and thanked participants and interested parties for their continued involvement and interest in the process. The purpose of this meeting is to solicit stakeholder thoughts on five key issues in order to formulate workable concepts for consideration and to hear presentations on different perspectives on mobility fees.

The meeting was held in Tallahassee's Central Office of DOT and connected via video conference in 9 remote DOT district office locations throughout Florida. Palm Beach County also participated via audio only. The final meeting of Stakeholders will be a face to face meeting scheduled for November 9, 2009.

Developer's Perspective

David Powell from the law firm of Hopping, Green and Sams provided a developer's perspective of mobility planning. Mr. Powell stressed his many years of involvement in growth management including as a member of the Transportation and Land Use Study Committee, which formulated the initial proportionate share mitigation options for mixed use developments in transportation concurrency. Mr. Powell made the following observations and comments:

- Concurrency started out with high expectations but became strictly a fund raising mechanism.
- Both developers and governments, feel "burned" by existing concurrency regulations.
- The goals of any new fees and regulations should be,
 1. Simple to use
 2. Transparent to how it was calculated
 3. There should be no duplication of fees already paid
 4. That everyone pays who develops
 5. Need to be usage sensitive ie. VMT or PMT
- Since this is a very wide reaching new potential strategy pilot programs need to be instituted.
- Pilot programs would be ideal to catch the unintended consequences?
 - Unintended consequences are the reason that the original concurrency management regulations have not served us well. These pilot programs need to be combined with legal research and may take several years to complete.
 - The reason for giving sufficient time for pilot programs is to try and prevent the unintended consequences that have been the major criticism of the existing concurrency regulations.

- Also suggested is that we have a range of pilot programs (Regional, countywide, large and small communities).
- We need further legal analysis in regards to how this mobility fee and mobility planning would impact,
 - Dual rational nexus
 - The constitutionality of a utility fee that could be used for the operations of multi-modal and transit systems.

Mr. Powell's presentation was followed by questions from Stakeholders. During the question and answer period these were some of the important issues raised.

- That the expectation of developers is that mobility fees are a replacement for the existing concurrency regulations. Mr. Powell did acknowledge mobility fees cannot replace the entire planning system.
- Perhaps the current level of service standards are unrealistic and focus too much on the single occupant vehicle and the peak hour. Maybe we live we more congestion.
- Developer's intent is to "pay and go" regardless of level of service and funding.
- Pay and go does not close the gap on funding mobility needs. Inadequacy of funding stems from lack of political will and/or local governments constraints on funding for system needs.

Local Government's Perspective

Two presenters provided the local government's perspective on mobility planning. Susan Trevarthen of the law firm of Weiss Serota provided the City's perspective on behalf of the Florida League of Cities and Wayne Tedder of Leon County provided the County's perspective on behalf of the Florida Association of Counties. During this segment we also heard a brief report from Charles Gauthier of DCA, and Brad Thoburn of DOT on input on mobility planning they had received from the annual Florida Association of Counties and the Florida League of Cities meetings they had participated in.

The City perspective by Susan Trevarthen included the following observations and comments:

- Local government is being financially squeezed and their fees are the last bastion of authority to be able to keep up with their infrastructure needs.
- Cities would not like to see that the mobility fee takes away their ability to institute fees and undermine home rule. For example those municipalities that have adopted alternative systems should not be pre-empted from continuing their existing systems.
- They understand that operating expenses are an important part of multi-modal transportation system. Transit operation and maintenance should not to be ignored, look at Broward County transit example.
- Also supported concept of pilot communities to test and understand implications of concepts being proposed.

- No simple one size fits all solution is recommended. Allow for local discretion based on local circumstances, where different approaches might be needed for built up communities, island communities, rural, suburban and urban areas.
- Also pleased with video format of meetings and encouraged continued involvement of interested parties through this format.

The County Representative by Wayne Tedder included the following observations and comments:

- Transportation and land use can't be separated
- Forty percent of many of the communities commuters come from surrounding areas
- Fees will never achieve the ability to fund full needs
- The mobility fee system should have simplicity and reliability and should tie land use with its mobility strategy.
- The regional proposal is best because much of the impact of transportation is not confined to the local government.
- We should learn from existing local governments using similar tools and not "reinvent the wheel". The City of Tallahassee is using a concept "significant benefit areas" to help fund needed transportation for growth from new developments.

Report on input from Florida Association of Counties/Florida League of Cities Meetings

Charles Gauthier and Brad Thoburn provided a brief summary of the input they received at the Florida Association of Counties and Florida League of Cities meetings. Much of the input that they received at these meetings with local governments, showed a concern for what they believe a mobility fee might do to them. Some of the concerns is that this new process might limit local governments control of the timing of development, infringe on home rule, limit their ability to collect fees and the relationship of mobility fees to impact fees, and the concern with funding of transit operation and maintenance.

Alachua County's Mobility Planning

Jonathan Paul of Alachua County presented the county's proposal to change its existing concurrency regulations to a broader mobility plan. Within this plan is recognition of the need to tie transportation development at greater densities with improved transit service. One new concept which should be noted that new developments will be the need to fund transit operations for a certain amount of time after their development is operational.

Stakeholder Recommendations

During this segment, Stakeholders discussed five questions posed by the DCA and DOT for discussion during the September 25th meeting of Stakeholders. These questions covered the nature, scale, calculation, distribution and structure of mobility fees.

1. Nature of Mobility Fees

- What is the nature of a mobility fee?
 - Does it fund all transportation needs?

- Does it fund only the new development share?
- Does it replace a portion of local Impact Fees?
- Does it fund transit capital and operations?

In discussing the nature of the proposed mobility fee below are some comments provided by the Stakeholders:

- Transportation operations for multi-modal and transit is critical to the success of any mobility system
- There are some in the local government community that feel that this is going to be a standard state mandated fee and that we need to make it clear that that is not the direction we are headed. We need to make clear that this proposed mobility fee plan is just one other possible funding mechanism.
- That this should be in place of the impact fees that are currently instituted and not a double charge.
- Cities and Counties do not want to have their ability to create fees taken away from them.
- That a mobility plan really has portions of the transportation element of a comprehensive plan, as well as portions of the land use elements.
- More questions on what this actually means in terms of replacing concurrency.

2. Scale of Mobility Fees

- What is the geographical scale at which the mobility fee should be implemented?
 - Municipal
 - County
 - Other - Metropolitan Planning Organization, Regional Transportation Authority, etc.
- Is the scale the same statewide?

In discussing the scale of proposed mobility fees in Florida below are some of the comments provided by Stakeholders:

- County should be the minimum scale of a mobility fee.
- There was some support for a regional system
- MPOs should be considered minimums for any large urban area
- Rural areas should consider multi-county regions

3. Calculation of Mobility Fees

- How should the fee be calculated?

In discussing the calculation of proposed mobility fees in Florida below are some of the comments provided by Stakeholders:

- This fee needs to be transparent in the way it was calculated
- Essentially, if a new development is close to the town center and encourages shorter commutes and/or greater transit usage, the fees should be lower
- It should encourage interconnected communities and neighborhoods
- The fee needs to be location based but also factored on good growth management strategies

4. Distribution of Mobility Fees

- How should the fee be distributed among the agencies with transportation maintenance authority?
 - Local, County, State

In discussing the distribution of proposed mobility fees in Florida below are some of the comments provided by Stakeholders:

- Should we consider that the fee be collected locally and then distributed regionally?

5. Structure of Mobility Fees

- With a mobility fee, what complementary strategies would promote compact, energy efficient development patterns and alternative modes of transportation?

In discussing the structure of proposed mobility fees in Florida below are some of the comments provided by Stakeholders:

- We need to create better guidance on urban service areas
- There should be expedited permitting for desirable developments that follow the land use plan and the mobility plan.
- More transit and other multi-modal options should be funded by local government.

Closing Comments, Next Steps

Secretary Pelham and Assistant Secretary Hunt mentioned that the next meeting of Stakeholders will review CUTR's preliminary concepts for a mobility fee system in Florida and will include a discussion of replacement of transportation concurrency. The next meeting of Stakeholders will be Friday, October 9, 2009, from 12:00 noon to 4:00 pm via video conference using Department of Transportation headquarters and district offices. The Secretaries thanked participants and interested parties for their continued involvement in the process and the meeting was adjourned.

August 14, 2009 Stakeholder Meeting Summary

Welcome and Introductions

Secretary Pelham of the Department of Community Affairs (DCA) opened the meeting. The meeting focus is the importance of Stakeholder participation and feedback to the agencies in fulfilling their legislative requirements. Assistant Secretary Debbie Hunt of Department of Transportation (DOT) thanked Stakeholders and Interested Parties for participating in this face to face meeting of Stakeholders. She also thanked those who participated in the survey about the design and implementation of mobility fees in Florida.

The Orlando Urban Area Office of DOT District 5 was connected to the meeting via video conference. The next two meetings of Stakeholders (September 25, 2009 and October 9, 2009) will be by video conference and the last meeting of Stakeholders will be a final face to face meeting (November 9, 2009).

Secretary Pelham asked for Stakeholder introductions and noted that some Stakeholders were unable to attend the meeting.

Review of SB 360: Mobility Fee Requirements

Assistant Secretary Debbie Hunt emphasized the need for agreement in moving forward to implement the direction of statute. She reviewed statutory requirements for the Mobility Fee Report to the Florida Legislature based on the following summary provided at the meeting.

Senate Bill 360, Chapter 2009-96, Laws of Florida, directs the state to evaluate and consider the implementation of a mobility fee to replace the existing transportation concurrency system.

The mobility fee should be designed to

- Provide for Mobility Needs
- Ensure that development provides mitigation for its impacts on the transportation system in approximate proportionality to those impacts
- Fairly distribute the fee among governmental entities responsible for maintaining the impacted roadways
- Promote compact, mixed-use, and energy-efficient development

By December 1, 2009, the DCA and DOT are directed to submit the following to the President of the Senate and the Speaker of the House of Representatives:

- Final Joint Report on Mobility Fee Methodology Study
- Recommended Legislation
- Plan to implement the mobility fee as a replacement for existing local government adopted and implemented transportation concurrency management systems
- Economic Analysis of Implementation
- Necessary Activities to Implement the Mobility Fee
- Potential Costs & Benefits to State/Local/Private Sector

A copy of Chapter 2009-96, Laws of Florida, Section 13, is available on the DCA webpage on mobility fees: <http://www.dca.state.fl.us/fdcp/dcp/MobilityFees/index.cfm>

Review of CUTR Concept

John Taylor of DOT presented a power point presentation and overview of CUTR's working concept for mobility fees in Florida. Mr. Taylor's presentation covered background problems with concurrency, SB

360 direction to agencies to study the issue, and provided an overview of 6 steps proposed by CUTR to developing a mobility fee. Mr. Taylor summarized the two options proposed by CUTR –, but stressed there may be more options from simplistic to complex. He stressed that the most critical step is to develop the mobility plan. This could create a framework for replacing the transportation concurrency system in Florida.

John Taylor's presentation is available on the DCA webpage on mobility fees:

<http://www.dca.state.fl.us/fdcp/dcp/MobilityFees/index.cfm>

Charles Gauthier of DCA provided comments regarding the institutional structure for implementing mobility fees. Mr. Gauthier discussed the weekly meetings of the CUTR working group. Mr. Gauthier mentioned that the institutional structure that seems to work best is at the County/MPO level which puts a premium on coordinating land use and transportation planning. The Alachua working concept proposed by CUTR relies heavily on the MPO plan. Mobility fees are an implementation tool of the *planning for mobility* – defining the planning components is extremely important. SB 360 created DULAs and removed state mandated transportation concurrency and required mobility planning within the DULAs. These new requirements need to dovetail with any recommendations developed for mobility fees in Florida.

Survey Results: Opinions About the Design and Implementation of a Mobility Fee

Terry Kraft of DOT presented a power point presentation of the survey results. The survey period closed on August 14, 2009 the day of the Stakeholder Meeting. The preliminary findings presented at the meeting were based on the results through August 12, 2009. The Mobility Fee Stakeholders surveyed are 20 individuals that were selected by DOT and DCA to assist the agencies with activities involving mobility fee studies and report recommendations. Interested Parties surveyed include those that have expressed an interest to the agencies in mobility fees and include some DOT staff. The survey consisted of 5 questions, and responses were grouped into themes for each of 4 questions. The 5th question asked respondents to provide their contact information, if they would like someone from DCA or DOT to contact them regarding their comments or concerns.

As of August 12, 2009, 7 Stakeholders and 55 Interested Parties had responded to the survey. A handout of the responses received on the survey was provided to participants at the meeting. New responses received as of August 24, 2009 are included in a revised handout and is shown as underlined text. The new total responses are 8 Stakeholders and 71 Interested Parties.

Terry Kraft's handout and presentation is available on the DCA web page on mobility fees at the following internet address: <http://www.dca.state.fl.us/fdcp/dcp/MobilityFees/index.cfm>

Stakeholders Discussion

Secretary Pelham asked Stakeholders to provide comments or raise issues for discussion. Secretary Pelham emphasized the importance of the report including a plan for implementation of mobility fees

including: addressing the timing, phasing or staging of new requirements, and the need to look at other requirements, such as implementing HB 697 and the 2 year requirement for mobility planning within Dense Urban Land Areas. Secretary Pelham also stressed the need for input from local governments and the development community and suggested that spokesmen from each make presentations at the September Stakeholder Meeting. In closing, the Secretary pointed out that the Florida Legislature identified deficiencies in the current system and it would be inadvisable to develop a new system with these same deficiencies.

Some of the comments/issues raised by Stakeholders include:

Mobility fees from new development will not be sufficient to address transportation funding needs for mobility. Expanding local option taxes is one example of additional revenues that can be tapped into for funding mobility needs and transit.

Special districts are given bonding authority; however, municipalities do not have the same flexibility.

Additional local options for transportation funding, especially related to transit operation and maintenance, need to be investigated.

Technical working group has interpreted mobility fee requirement as replacing concurrency and thus directly relating to "new development" – this is not adequate to address all needs for mobility.

Transportation mobility is a state priority.

Revenue proposals to support and fund mobility is not beyond the purview of the report, including funding for alternate modes. The report should not ignore the funding issue being raised and other revenue proposals need to be investigated.

Any proposals for mobility fees to be structured as impact fees will be subject to rational nexus limitations.

Unfunded backlogs are also part of the transportation funding needs for mobility.

The report should address mobility planning and how it differs from MPO needs planning. MPO funding is not sufficient to provide for mobility and current plans do not adequately address all modes.

Transportation concurrency is a coordinated process for mobility planning not a mobility fee. The mobility fee is a means to fund and support mobility. A common definition of mobility fees needs to be included and how is it different from impact fees.

Is the goal for mobility fees in Florida to replace concurrency, or to replace proportionate share mitigation and impact fees?

Immediate priority for mobility fees are the DULA areas where transportation concurrency is being eliminated.

CUTR is developing a working definition of mobility fees.

Mobility fees are separate from funding backlog.

Regarding the institutional structure, MPOs leading the mobility planning would be difficult for local governments given their land use authority.

On the other hand, in counties like Polk with 23 municipalities, you will need an intergovernmental structure to fully implement mobility fees across jurisdictions.

An example is the Memorandum of Understanding between District 1, Polk TPO, Polk County and local governments to share transportation decision-making.

There are two distinct groups in implementing mobility fees in Florida. The first is the DULA areas where the statute now requires mobility planning within 2 years, and second, everyone else. Recommend the first phase of implementation be the DULAs and 2nd phase of implementation be everyone else. Assisting TCEAs in mobility planning should be a priority.

Transportation is regional - the planning for these facilities can't work at the individual level.

Relying on the needs plan of MPO is difficult when the planning horizons of MPOs and local government comprehensive plans are not the same. There is a need to synchronize these planning timeframes.

A tiered approach to the fee is recommended, part of the fee would be for the regional system and another piece of the fee would go to local system needs.

The tiered fee system should be used as a mechanism to guide growth – promoting infill development, establishing minimum densities, discouraging sprawling development – these goals may not be consistent with rational nexus.

The costs for mobility based on current land use patterns may be very costly; need to start with land use scenarios that provide incentives for developing where we want to and encouraging the type of development we want (transit oriented development, affordable housing, target industries and other economic development). Focus on land use in mobility planning.

A developer may want the option of building a transportation improvement. How often and when will the mobility fee be required to be updated?

Does the maintenance of level of service standards remain? The current requirement in Rule 9J-5 is to maintain a safe, adequate transportation system. How do you do this without level of service standards for transportation facilities?

We need a statewide system that avoids the criticisms of the existing concurrency management system with greater emphasis on regional mobility.

Implementation consistency, every plan should cover not less than the MPO and be countywide.

Rural areas don't have the expertise to develop mobility plans. Technical assistance for rural areas will be required. How realistic is it for rural areas to address other modes?

Para transit service is very costly in rural areas.

Will the report recommend VMT or some other measure of travel as the metric for measurement of mobility fees?

The impact on rural counties is a concern. The report should allow credit for economic development projects which is a counter to the policy about higher fees in rural areas because of higher VMT.

A number of stakeholder raised issues with concurrency management systems about the following: backlog, vested trips, internal capture, definition of de minimis impact and how will this be addressed under a new mobility fee system.

Closing Comments, Next Steps

Secretary Pelham and Assistant Secretary Hunt closed the meeting. The next meeting of Stakeholders will be Friday, September 25, 2009, 1:00 to 4:00pm via video conference using Department of Transportation headquarters and district offices.

To keep interested parties abreast of Mobility Fee activities of DOT and DCA, the Department of Community Affairs has created a webpage for information on **Mobility Fees**, see <http://www.dca.state.fl.us/fdcp/dcp/MobilityFees/index.cfm>. The website has been updated to include new information and presentations from the Mobility Fee Stakeholder Meetings.

DCA/DOT MOBILITY FEE STAKEHOLDERS

June 18, 2009

2:00 p.m. - 5:00 p.m.

Meeting Summary

1. Welcome and Introductions

Secretary Tom Pelham, *Department of Community Affairs (DCA)*

Assistant Secretary Debbie Hunt, *Department of Transportation (DOT)*

Assistant Secretary Debbie Hunt, DOT welcomed participants to DOT offices throughout Florida. Secretary Tom Pelham, DCA opened the meeting of the DCA/DOT Mobility Fee Stakeholders Meeting – the first of stakeholders meeting to occur since passage of SB 360. Secretary Pelham briefly described responsibilities of DCA/DOT in SB 360 that requires DOT/DCA to complete mobility fee studies and make recommendations to Florida Legislature by December 1, 2009. <<See attached sheet for a list of attendees>>

2. Overview of CUTR Phase I and Phase 2 Report

Karen Seggerman and Kristine Williams, *Center for Urban Transportation Research (CUTR), University of South Florida*

Charles Gauthier, *DCA*

Charles Gauthier, DCA provided an overview of the CUTR study which began over a year ago prior to passage of SB360. CUTR Phase 1 evaluated Mobility Fee options. CUTR Phase 2 applied working concepts to Alachua County. The objective of CUTR study was to develop a mobility fee that correlates to vehicle miles traveled (VMT), encourages development in areas planned for growth and is mode neutral. Karen Seggerman of CUTR further explained the methodology and working concepts.

Highlights

- CUTR studied various options for instituting mobility fees.
- Developed working concept using a modified impact fee approach using FSUTMS to calculate the vehicle miles traveled (VMT) specially related to proposed development. Walked through methodology steps.
- County and regional structures have the ability to facilitate an equitable administration of a mobility fee, and there are still questions to be answered.
- Cost basis for fee is a countywide or regional mobility plan.
- Presented two options for calculating fee: average (or fixed rate), and location-based (or variable rate).
- April through June of 2009 CUTR “ran the numbers” for Alachua County in order to see if the technical challenges in developing the application were reasonable.
- The mobility plan required of TCEA exempt areas under the new statute dovetails well with the requirements of 2008 legislation on climate change which requires local plans to reduce greenhouse gas emissions.

3. Overview of University of Florida (UF) Progress to Date

John Taylor, *DOT*

John Taylor, DOT provided an overview of the UF Study on Mobility Fees. UF’s role is to find better ways to measure the VMT impacts of different development types. UF used the Southeast Florida Travel Survey to begin the research on the relationship between land use and VMT.

Highlights

- FSUTMS, the transportation modeling tool used throughout the state, can be used for estimating VMT. Enhancements may be necessary in the future..

- Mobility fees can be instituted even in areas not currently using FSUTMS models.
- DOT will continue to work with DCA/CUTR throughout Phase 3 to refine the methodology, and will work with DCA to develop and complete joint report by December 1, 2009.
- UF study will become useful as we refine measurements of VMT based on land use types.

4. Stakeholder and Attendee Input

Stakeholders and attendees were given the opportunity to raise questions and issues regarding the Mobility Fee and CUTR's reports. As expected, many of the issues raised cannot be "answered" and will frame the discussion at follow-up meetings. Attached is a list of questions raised during the meeting. Below is a summary of the major issues raised.

Major Issues

- How to "price" a community's mobility plan or mobility fees where transit is a major factor in the future plans and funding.
- Comparison of costs using the current system compared to costs using a mobility fee.
- Developing the "Cost Basis" for Mobility Plans will require much coordination and negotiation.
- Education and technical assistance will be needed to develop Mobility Plans.
 - These may be very different than MPO "Needs" Plans or costing the projects so that all road links meet a certain LOS.
- How to take into account Internal Capture, Community Capture, and trip reductions for transit oriented developments.
- How the mobility fee tie into existing impact fees, if in fact they do. Are they separate, or somehow tied into the overall fee?
- How to handle access improvements near the site at the time of project construction. Developments may still need individual site impact analysis and access improvements to be funded separately.
- What methods will be used for distribution and expenditure of the mobility fee.
- How to apply the mobility fee to the varying sizes and characteristics of urban areas across the state.

5. Mobility Fee Provision of SB 360

There was a brief discussion about the impact of the new SB 360 statutory changes on the ongoing work to develop mobility fees for Florida.

6. Closing Comments

Secretary Tom Pelham, DCA

Assistant Secretary Debbie Hunt, DOT

Secretary Pelham and Assistant Secretary Hunt thanked stakeholders and attendees for their questions/comments. Secretary Pelham stated that the stakeholders will have an opportunity to meet before final report is due to Florida Legislature. Assistant Secretary Hunt stated that the agencies will look for the best mix of remote and face-to-face meetings to facilitate this effort. Secretary Pelham and Assistant Secretary Debbie Hunt concluded the meeting and thanked stakeholders and other attendees for their questions/comments and continued involvement.