

**METROPOLITAN PLANNING ORGANIZATION BOARD
EXECUTIVE COMMITTEE**

**New Date
Tuesday
Oct, 11**

2:00p.m. October 11, 2016
Cape Coral Public Works Building
815 Nicholas Pkwy E, Cape Coral, FL
Green Room/A200



AGENDA

Call to Order

Roll Call

New Business

1. Public Comments on New Business Items
2. Update on the 2016 Sales Tax Referendums in other Florida Communities and Committee Discussion on Transportation Needs (Don Scott)
3. Update and Discussion on the Notice of Proposed Rulemaking for MPO Coordination and Planning Area Reform (Don Scott)
4. Review of the new MPO Website (Johnny Limbaugh)
5. Update on FDOT Staff Changes and Requests (Don Scott)
6. MPO Projects Update (Don Scott)

Other Business

7. Public Comments on Items Not on the Agenda
8. Announcements
9. Information and Distribution Items

Adjournment

* Action Items + May Require Action

All meetings of the Lee County Metropolitan Planning Organization (MPO) are open to the public. In accordance with the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting should contact Mr. Johnny Limbaugh at the Lee MPO 48 hours prior to the meeting by calling (239) 330-2242; if you are hearing or speech impaired call (800) 955-8770 Voice / (800) 955-8771 TDD. Or, e-mail jlimbaugh@leempo.com.

The MPO's planning process is conducted in accordance with Title VI of the Civil Rights Act of 1964 and related statutes. Any person or beneficiary who believes he has been discriminated against because of race, color, religion, sex, age, national origin, disability, or familial status may file a complaint with the Lee County MPO Title VI Coordinator Johnny Limbaugh at (293) 330-2242 or by writing him at P.O. Box 150045, Cape Coral, Florida 33915-0045.

UPDATE ON THE 2016 SALES TAX REFERENDUMS IN OTHER FLORIDA COMMUNITIES

DISCUSSION ITEM:

Staff will report on the status of the transportation related ballot measures that are currently being discussed/worked on in other communities in Florida. Staff will also provide additional information on these ballot measures at the meeting:

- **Broward County** – There are two separate measures that will be on the November ballot, one is for .5 percent sales tax for the County that will be used for transportation projects, enhanced bus service, light rail, traffic signal timing over thirty years. The other is for .5 percent sales tax for the Cities that will be split by population for twenty years that will be used to buy land, City Hall construction, fire trucks, improve drainage and repave roads. The final ten years will be shared with the County receiving forty percent (for a total of 70%) of the revenues with the Cities splitting 20% for the last ten years. This is expected to raise \$12.6 billion over thirty years but both sales tax referendums have to pass or both fail.

The Broward MPO has developed a website describing the issues, providing project information, educational videos etc. and it is located at www.apennyatwork.com

- **Duval County** – Extension and repurposing of the current infrastructure sales tax to cover pension costs. The extension proposes .5 percent to pay down a pension deficit of \$2.7 billion which could go through 2060. This ballot measure was approved on August 30th with 65% voting for it.
- **Marion County** – Sales tax referendum for public safety equipment and transportation capital and road rehabilitation projects. This ballot measure was approved in March (55% voting for it) and it is projected to raise \$166 million over four years.
- **Hillsborough County** – The County Commission voted 4-3 to reject putting a thirty year .5% sales tax on the ballot for transportation infrastructure this year.
- **Palm Beach** – Working on a ten year 1% sales tax increase to be used on infrastructure split between the School Board, County and the Cities. This is projected to raise \$2.7 billion over a decade with 20% of the funding going to the Cities, 30% to the County and 50% to the School Board. The funding will be used for parks, road resurfacing, drainage improvements, bridges, pathways, lighting, buildings and low income housing improvements. The School Board is working on a list of projects and costs after pressure on the media requesting transparency.

- **Highlands County** – A .5 percent sales tax referendum was approved on August 30th election by a vote of 60% to 40%. This referendum was for schools and it will be used for capital projects including school construction and renovations, vehicles, technology etc. The sales tax is for a twenty year period.

UPDATE AND DISCUSSION ON THE FHWA/FTA NOTICE OF PROPOSED RULEMAKING FOR MPO COORDINATION AND PLANNING AREA REFORM

RECOMMENDED ACTION: Review and provide input on the re-opened FHWA/FTA Notice of Proposed rulemaking for MPO coordination and planning area reform.

At the August Executive Committee meeting, we reviewed the FHWA/FTA Notice of Proposed Rulemaking for MPO coordination and planning area reform and provided comments by the closing date. The changes that were proposed by this rule are listed below:

- Changes to the definition of Metropolitan Planning Area would clarify that it must include the entire urbanized area, plus the contiguous area forecast to become urbanized within the 20 year planning horizon.
 - In practice, Metropolitan Planning Area has been synonymous with the MPO boundary.
 - But in statute, the Metropolitan Planning Area is intended to be the entire urbanized area. In complex areas, the statute envisions there could be multiple MPOs within one metropolitan planning area.
- Governors and MPOs would determine whether multiple MPOs are warranted within a single Metropolitan Planning Area, based on the size and complexity of the area.
- Multiple MPOs within a metropolitan planning area would jointly develop planning products including a single metropolitan transportation plan, TIP, and performance targets.
- In order to improve State coordination with MPOs, States and MPOs would be required to maintain a current planning agreement, which would include a dispute resolution process, and would be required for coordination for analyses of areas within the metropolitan planning area.
- Metropolitan planning agreements must include coordination strategies and dispute resolution procedures between the States and the MPOs and, MPO to MPO for those sharing UZA boundaries.
- Planning data must be consistent between States and MPOs.

The Federal Highway Administration and the Federal Transit Administration have reopened the comment period to allow the opportunity to provide more detailed comments on two specific areas and those are listed below:

- Specific and detailed comments on the expected costs of implementing the proposed rule.
- Specific and detailed comments that contribute to the understanding of the impact of the proposed requirements for unified planning products where multiple MPOs serve the same urbanized area, potential exceptions that should be included in the final rule, and criteria for applying such exceptions.

The updated notification is **attached** and staff will provide additional information at the Committee meeting.



This document is scheduled to be published in the Federal Register on 09/23/2016 and available online at <https://federalregister.gov/d/2016-22907>, and on FDsys.gov

DEPARTMENT OF TRANSPORTATION

[4910-22-P]

Federal Highway Administration

23 CFR Part 450

Federal Transit Administration

49 CFR Part 613

[Docket No. FHWA-2016-0016; FHWA RIN 2125-AF68; FTA RIN 2132-AB28]

Metropolitan Planning Organization Coordination and Planning Area Reform

AGENCY: Federal Highway Administration (FHWA), Federal Transit Administration (FTA); U.S. Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM); reopening of comment period.

SUMMARY: The FHWA and FTA are reopening the comment period for the NPRM that was published on June 27, 2016, at 81 FR 41473, in order to receive additional public comment on targeted issues. The NPRM proposes revisions to the transportation planning regulations to promote more effective regional planning by States and metropolitan planning organizations (MPO). The original comment period closed on August 26, 2016. The FHWA and FTA received a number of requests to extend the comment period. The FHWA and FTA recognize that those interested in commenting on this important program may not have had the opportunity to provide comments and that the comment period should be reopened. Therefore, the comment period is being reopened.

DATES: Comments must be received on or before [INSERT DATE 30 DAYS AFTER

DATE OF PUBLICATION IN FEDERAL REGISTER].

ADDRESSES: Mail or hand deliver comments to: Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., Washington, DC 20590, or submit electronically at <http://www.regulations.gov>, or fax comments to (202) 493-2251. All comments should include the docket number that appears in the heading of this document. All comments received will be available for examination and copying at the above address from 9 a.m. to 5 p.m., ET, Monday through Friday, except Federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard or may print the acknowledgment page that appears after submitting comments electronically. Anyone is able to search the electronic form of all comments in any one of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, or labor union). You may review the DOT complete Privacy Act Statement in the Federal Register published on April 11, 2000 (65 FR 19477).

Electronic Access and Filing

This document and all comments received may be viewed online through the Federal eRulemaking portal at <http://www.regulations.gov>. The Web site is available 24 hours each day, 365 days each year. An electronic copy of this document may also be downloaded by accessing the Office of the Federal Register's home page at: <https://www.federalregister.gov> and the Government Publishing Office's Web site at: <http://www.gpo.gov>.

FOR FURTHER INFORMATION CONTACT: For FHWA: Mr. Harlan W. Miller, Planning Oversight and Stewardship Team (HEPP-10), (202) 366-0847; or Ms. Janet Myers, Office of the Chief Counsel (HCC-30), (202) 366-2019. For FTA: Ms. Sherry Riklin, Office of Planning and Environment, (202) 366-5407; Mr. Dwayne Weeks, Office of Planning and Environment, (202) 493-0316; or Mr. Christopher Hall, Office of Chief Counsel, (202) 366-5218. Both agencies are located at 1200 New Jersey Avenue, SE., Washington, DC 20590. Office hours are from 8 a.m. to 4:30 p.m., ET for FHWA, and 9 a.m. to 5:30 p.m., ET for FTA, Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

On June 27, 2016, the FHWA and FTA published a proposed rule to revise the transportation planning regulations to promote more effective regional planning by States and MPOs. See 81 FR 41473. The goal of the proposed revisions is to promote unified planning products for each urbanized area, even if there are multiple MPOs designated within that urbanized area. Specifically, the NPRM proposed that MPOs would develop a single metropolitan transportation plan, a single transportation improvement program (TIP), and a jointly established set of performance targets for the entire urbanized area and contiguous area expected to become urbanized within a 20-year forecast period for the transportation plan. If multiple MPOs are designated within that urbanized area, they would jointly prepare these unified planning products. To accomplish this, the proposed

revisions would clarify that the metropolitan planning area (MPA) must include the entire urbanized area and contiguous area expected to become urbanized within 20 years.

As discussed in the NPRM, these proposed revisions would better align the planning regulations with statutory provisions concerning the establishment of MPA boundaries and the designation of MPOs. This includes the statutory requirement for the MPA to include an urbanized area in its entirety together with the contiguous area expected to become urbanized within 20 years, and the exception provision to allow more than one MPO to serve a single MPA if warranted by the size and complexity of the MPA. This return to the original legislative intent is in alignment with the findings of the draft report *Beyond Traffic: Trends and Choices 2045*. *Beyond Traffic* was released by the Department in February 2015. It examines the long-term and emerging trends affecting our Nation's transportation system and the implications of those trends. It describes how demographic and economic trends, as well as changes in technology, governance, and our climate, will increase the importance of our metropolitan regions in making decisions that cross State, political, socioeconomic, and often transportation planning lines. By 2045, the population is anticipated to increase by 70 million people, with most of that growth occurring in metropolitan areas.

The rulemaking would establish clearer operating procedures, and reinstate certain coordination and decisionmaking requirements for situations where there is more than one MPO serving an MPA. The proposed rule would require unified planning products for the MPA, including jointly established performance targets within an MPA, and a single metropolitan transportation plan and TIP for the entire MPA in order to

result in planning products that reflect the regional needs of the entire urbanized area. These unified planning products would be jointly developed by the multiple MPOs in such MPAs where more than one MPO is designated.

The FHWA and FTA propose to phase in implementation of these proposed coordination requirements and the proposed requirements for MPA boundary and MPO boundaries agreements over 2 years.

Additional Public Comments Sought on Specific Issues

The FHWA and FTA are reopening the comment period in order to receive public comment on certain issues raised in the NPRM. Specifically, the FHWA and FTA are looking for specific and detailed comments that contribute to the understanding of the impact of the proposed requirements for unified planning products where multiple MPOs serve the same urbanized area, potential exceptions that should be included in the final rule, and criteria for applying such exceptions. The FHWA and FTA also seek specific and detailed comments on the expected costs of implementing the proposed rule. The FHWA and FTA are seeking comments specific to these issues as we decide whether to finalize any provisions within the scope of the NPRM. Previously submitted comments should not be resubmitted.

The original comment period for the NPRM closed on August 26, 2016. The FHWA and FTA ask commenters to focus on the specific issues open for public comment, as discussed in the above paragraph. Other comments will be considered to the extent practicable. To allow time for interested parties to submit comments on the

targeted issues highlighted above, the comment period is being reopened until [INSERT DATE 30 DAYS AFTER PUBLICATION IN THE FEDERAL REGISTER].

Issued in Washington D.C. on September 19th, 2016, under authority delegated in 49 CFR 1.85 and 1.91:

Gregory G. Nadeau
Administrator
Federal Highway Administration

Carolyn Flowers
Acting Administrator
Federal Transit Administration

[FR Doc. 2016-22907 Filed: 9/22/2016 8:45 am; Publication Date: 9/23/2016]

REVIEW OF THE NEW MPO WEBSITE

DISCUSSION ITEM:

Staff will provide an overview of the new MPO website that will be launched within the next two weeks.

REVIEW OF THE NEW MPO WEBSITE

DISCUSSION ITEM:

Staff will provide an update on recent and upcoming FDOT staff changes that has an impact on our local office and the reoccurring issue of who is responsible for maintaining planned multi-use pathways along State roads.

MPO PROJECTS UPDATE

DISCUSSION ITEM:

The MPO staff will give an update on the current projects that include the TIGER project, the Cape Coral Bicycle Pedestrian Master Plan study and the Round-a-bout study.