

FLORIDA TRANSPORTATION COMMISSION

MINUTES OF MARCH 8, 2005

MEETING NUMBER 148

The one hundred and forty-eighth meeting of the Florida Transportation Commission was held Tuesday, March 8, 2005 at the Florida Department of Transportation Auditorium, 605 Suwannee Street, Tallahassee, Florida. Chairman Durden called the meeting to order at 8:30 a.m.

ATTENDANCE

Members in attendance were: Commissioners Earl Durden, Jim Holton, Janet Watermeier, Sidney Calloway, Heidi Eddins, Marcos Marchena and Gaspar Lazzara. Absent: Commissioner David Straz.

MINUTES

Minutes of the January 5, 2005 and February 9, 2005 Commission Meetings were approved.

CHAIRMAN'S REPORT

Chairman Durden reported on the following:

- **Commissioner Eddins** reported on the Performance Measures Workshop held yesterday. They plan to take action in May as to the proposed performance measures.
- **Commissioner Watermeier** gave an update on the progress of the FTP (Florida Transportation Plan). Chairman Durden and Commissioner Watermeier attended the second meeting of the Long-Range Strategic Plan. It was a very diverse group with good input. The cities, counties, environmental community and different types of business organizations were well represented. Guidelines were agreed on. Now the groups are meeting by teleconference on a weekly basis. A two day session is scheduled again in June. Hopefully, it will be completed by September and presented to the Commission.
- **Commissioner Holton** reported that he attended a Town Hall meeting with Congressman Don Young last month that was very productive. Folks from the Tampa Bay area were able to discuss some of their transportation issues. District Seven and Commissioner Holton discussed their position on the House bill and will discuss it again with Congressman Young this week in Washington. **Chairman Durden** explained that the Commission will be visiting Washington this week to discuss the TEA-21 Reauthorization bill with the Florida Congressional Delegation.

LEGISLATIVE UPDATE

Sally Patrenos gave the legislative update.

UPDATE ON THE SHORT-RANGE COMPONENT OF THE FLORIDA TRANSPORTATION PLAN (FTP)

Ysela Llorc, Assistant Secretary, Intermodal Systems Development, gave an update on the FTP.

Chairman Durden was very concerned about the number of annual deaths on Florida highways. **Commissioner Eddins** said that the Performance Measures subgroup that is focusing on safety is also going to take a look at this issue to try to get a better understanding as to why the numbers are so high. The subgroup is going to look at the motorcycle helmet law, seatbelt law, etc. **Commissioner Marchena** stated that it's easy to look to operator error in respect to these situations, but he hopes that the Commission never rests on the controlled variable. The Commission needs to continue to work very hard to figure out what else can be done to improve safety on our highways.

Commissioner Calloway said he thinks that one of the things the Commission can take some confidence in, is that the Department, for the most part, can deliver and does deliver a safe transportation system. What he heard is that, it is those external factors that we somewhat try to hold ourselves accountable for. But fundamentally he doesn't think it is something we should be doing in holding the Department accountable. Particularly, in the absence of the Commission making recommendations that get to the heart of those external factors that need to be better managed. For example, we may need legislation on things like mandatory laws for motorcycle helmets and seat belts. Those are some things that we, as a Commission, probably should be addressing as recommendations, because it is clear that it does impact safety and it is clear that the Department looks at these issues day after day and the same thing comes up.

Chairman Durden agrees and said that we need to develop the data to see what the problem is. He doesn't believe that it is a FDOT problem. It is a Florida problem, a state problem. It may be enforcement, it may be education, but whatever it is, we need to accumulate the data so we can determine what it is and then go forward with a recommendation. He believes the performance measures subgroup is working on that.

Please refer to the Florida Transportation Commission website (www.ftc.state.fl.us) under "Presentations Made Before the Commission at Commission Meetings" to view this presentation.

STATEWIDE PUBLIC HEARING: DEPARTMENT'S TENTATIVE WORK PROGRAM FOR 2005/06-2009/10

(Please refer to the Review of Department of Transportation Tentative Work Program FY 2005/06 – 2009/10 Report for detailed information at www.ftc.state.fl.us).

Mark Reichert briefly described the process of the hearing. This review will be in three parts; first the overview of the Work Program; second compliance with laws and policies and third, public comment.

Overview/Programs Implemented

Mr. Reichert briefed the Commission on the report. This Work Program covers the period of July 1, 2005 through June 30, 2010. The Tentative Work Program totals \$29.8 billion, \$3.1 billion larger than last year's. \$24.9 billion is planned in Product and Product Support. The Tentative Work Program includes \$3.1 billion for public transportation. The Work Program will add 1,068 additional lane miles to the highway system; it will resurface 13,404 lane miles of existing state roadway; it will repair 1,012 FDOT maintained bridges and replace 25 FDOT maintained bridges. There are 7,775 projects in this Work Program and 22,365 project phases.

The Department's policy is to allocate 75 percent of discretionary capacity funds to the Strategic Intermodal System (SIS). To lessen the impact on the arterial road system, the Department does not plan to fully implement this policy until FY 2014/15. By the end of this Tentative Work Program period (FY 2009/10) the Department has programmed 65 percent of discretionary capacity funds on SIS projects.

There is a comparison of last year's tentative and this year's tentative work programs. As already mentioned, the total program amount is \$29.8 billion, an 11.81% increase over last year. The decrease in the "other" category resulted from shifting TOP dollars into construction, right of way and public transportation.

Financial Soundness

Assistant Secretary Clary briefed the Commission on the Financial Soundness of the Work Program. Mr. Clary went over the statutory requirements of the Work Program. The Department agrees with the Commission's staff findings.

Each District Secretary and the Executive Director of the Turnpike Enterprise gave a brief presentation to the Commission on projects scheduled in the Tentative Work Program as it relates to their area.

Stability of Project Schedules

Mark Reichert briefly reviewed the stability of the Work Program. He found that 91.2 percent of the project phases experienced no change in schedule or were advanced to an earlier fiscal year. The Department's objective is 80 percent. 7.2 percent of project phases were deferred to a later fiscal year or moved out and 1.6 percent of project phases were deleted.

Linkage with Long Range Goals and Short Range Objectives

Mr. Reichert briefly reviewed the linkage of the Work Program with long-range goals and short-range objectives of the Florida Transportation Plan. The Department met four of the five short-range objectives. The one short range objective not met covers discretionary capacity funding from the Strategic Intermodal System. The Department has planned not to meet this objective until FY 2014/15 in order to lessen the impact of shifting program funds away from the arterial road system.

Production Capacity

Mr. Reichert stated that he concluded that the preliminary engineering consultant funding levels are higher in each year of the Tentative than in the Adopted Work Program for a total net increase of \$457.3 million. Therefore, resources should be adequate to produce the Tentative Work Program.

Compliance with Approved Local Government Comprehensive Plans

Mr. Reichert stated the Department of Community Affairs (DCA) reviews the Tentative Work Program and provides to the Commission a list of those projects in the Work Program, which are inconsistent with approved local government comprehensive plans. DCA identified seven (7) projects that are inconsistent with comprehensive plans. However, in its letter to the Commission, DCA stated that these projects are not anticipated to adversely impact the surrounding communities or regions. The Department is working towards resolving the issues.

Metropolitan Planning Organization Objections & Requests

Mr. Reichert stated the Metropolitan Planning Organizations (MPO's) or boards of county commissioners may file an objection to any project rescheduled or deleted from the Work Program that was included in their Transportation Improvement Plan. They can also request further consideration of any specific project not included or not adequately addressed in the district work program. The District Secretary is required to review the requests and forward copies to the Secretary and Commission. Staff found there was one (1) objection filed and twelve (12) comments and requests from five planning organizations for further consideration of projects. Staff verified that the districts reviewed and acknowledged all comments and requests submitted and are satisfied the issues were adequately addressed.

County Transportation Programs

Mr. Reichert stated the County Incentive Grant Program (CIGP) provides grants to counties to improve a transportation facility located on the State Highway System or relieves traffic congestion on the State Highway System. The Small County Outreach Program (SCOP) assists county governments in resurfacing or reconstructing county roads or in constructing capacity or safety improvements to county roads. There is also a Small County Road Assistance Program (SCRAP) to assist small county governments in resurfacing or reconstructing county roads. Beginning on July 1, 2006, the service charge that had been collected on the proceeds from the local option fuel tax will no longer be assessed. The increased revenue derived from this action will be deposited in the STTF to fund the County Incentive Grant Program and the Small County Outreach Program. The Department has programmed \$206.4 million for the County Incentive Grant Program and \$51.6 million for the Small County Outreach Program. The Department has also programmed \$25 million per year for the Small County Road Assistance Program.

Strategic Intermodal System Funding

Mr. Reichert stated that the Department is required to allocate a minimum of \$60 million each year. We found the Tentative Work Program plans to commit more than the amount required totaling approximately \$522.5 million over the five years. This analysis includes only those projects in the work program that have been programmed with the SIS fund code. It does not include projects that are on the SIS and being funded through other work program funds.

Florida Intrastate Highway System Funding

Mr. Reichert stated the Department's minimum allocation to the FIHS is based on the FY 2003/04 allocation of \$450 million adjusted annually by the change in the Consumer Price Index. Our review shows that the Tentative plans to commit far in excess of the amounts required by statute totaling approximately \$6.5 billion over the five years. This does not include Turnpike or local funds.

Public Transportation Funding

Mr. Reichert stated a minimum of 15% of all state revenues deposited into the State Transportation Trust Fund shall be committed annually for public transportation projects. 18.2% of state transportation funds are programmed in this Tentative Work Program.

Fund Distribution

Mr. Reichert stated that the law requires funds for new construction be programmed based on equal parts of population and motor fuel tax collections. Funds for resurfacing, bridge repair and rehabilitation and many public transit projects, and other programs with quantitative needs assessments must be programmed based on the results of these needs assessments. Funds for public transit block grants are programmed by grant application and Turnpike funds distributed to South Florida must equal at least 90% of the net toll collections attributed to users of the turnpike system in South Florida. Staff concluded that funds allocated to each district were in fact allocated according to statutory requirements and the Tentative Work Program is planned so that the Department exceeds the level of commitments necessary to meet the 90% statutory requirement for Turnpike commitments in South Florida.

State Comprehensive Enhanced Transportation System Tax Distribution

Mr. Reichert stated State Comprehensive Enhanced Transportation System Tax Funds (SCETS) are to be distributed for projects in the district in which the tax proceeds are collected and, to the maximum extent feasible, in the county where collected. Staff is satisfied that SCETS tax proceeds were allocated to each district according to statutory requirements and, to the maximum extent feasible, were programmed in the county where collected.

Compliance With Other Applicable Laws and Policies

Mr. Reichert stated the law directs the Commission to conduct the evaluation of the Tentative Work Program for compliance with applicable laws and Department policies. To help verify this compliance, Commission staff asks a series of questions keyed to Tentative Work Program development requirements. The Appendix provides a copy of the questions along with the Department's responses.

Mr. Reichert stated that with the exception of public comment, the Commission staff is confident the Tentative Work Program for FY 2005/06 through 2009/10 is in compliance with applicable state laws and Departmental policies.

Mr. Reichert stated the law also requires that the Commission as part of this public hearing on the tentative work program hear all comments offered by the public. In addition, although not required by statute we feel an important function of the public hearing is to identify projects that have been added, advanced, deferred, moved out, or deleted from the tentative work program after the public hearings were conducted in the districts.

Mr. Reichert extended his gratitude to the Work Program and Financial Development Offices staff for their partnership with this Tentative Work Program and Brian Caskey for his assistance with the presentations.

Commissioner Watermeier moved for adoption of the Tentative Work Program Review. Commissioner Calloway seconded. The Tentative Work Program Review was approved.

PUBLIC COMMENTS

There were no public comments.

The meeting adjourned at 11:00 a.m.

MINUTES APPROVED _____ AS READ _____ AS AMENDED

THIS 25th DAY OF MAY 2005

CHAIRMAN

NOTE: If further detail of these proceedings is required, please contact Commission staff at 850-414-4105 or write to 605 Suwannee Street, Mail Station 09, Tallahassee, Florida 32399-0450. Meetings of the Florida Transportation Commission are recorded on video and audiotape.