



Moving beyond Transportation Concurrency: A Path Forward for Lee County

BikeWalkLee
November 12, 2012

Overview

The overarching goals articulated by the Lee County's EAR for the Horizon 2035 Comp Plan update are to create proactive policies that focus on a countywide integrated land use and transportation vision, eliminate suburban sprawl by incentivizing in-fill, mixed use, transit-oriented development, walkable/bikeable neighborhoods, and complete streets. The result is intended to be sustainable land uses that support a balanced multi-modal transportation system.

There is strong community support for these goals and the need to change the county's direction and policies in order to achieve this vision. To move in this direction, the County faces a series of policy decisions. These include whether to opt out of transportation concurrency, decide what to replace it with, and identify a process to implement a new policy.

This paper makes the case for why transportation concurrency should be rescinded now and why a multi-modal mobility plan and fee system, which includes a Level of Service (LOS) replacement methodology, should be phased in as its replacement by 2015. This is the best tool for incentivizing a coordinated land use and transportation system in support of the EAR's vision. Taking a two-step phased approach is one of the ways other communities around Florida are implementing the new statute.

This paper proposes that transportation concurrency be rescinded now (as staff recommends) and, 1) that the draft Transportation Element should be further revised to remove the LOS methodology (which retains the current LOS for automobiles), 2) that a replacement methodology be developed that incorporates a multi-modal mobility plan and mobility fee, 3) that since the MPO and the County both require a methodology for planning and prioritizing transportation projects, a replacement planning tool should serve both entities, 4) that a joint MPO/Lee County process be instituted for developing a LOS replacement methodology, and 5) that the element should incorporate interim measures to cover the time period prior to implementing a new policy. Once the mobility fee system is developed, it will replace the current road impact fees.

One of the best ways to design the path forward is to look at how other communities around Florida are implementing these new statutory provisions. BikeWalkLee researched and interviewed eight communities in Florida that have rescinded transportation concurrency to find out what they've replaced it with and the process for getting there.¹ These findings and other research are the basis for this paper.

¹ Appendix A details what we've learned from those eight communities.

Why Rescind Transportation Concurrency
Background on Concurrency

Below is a brief summary of concurrency that describes its original intent and its unintended consequence of promoting sprawl.

"In 1985 the State of Florida adopted what is commonly known as the Growth Management Act, which required the establishment of Comprehensive Plans for Florida's cities and counties. These plans were to provide a policy roadmap for future growth for each city or county government.

The act mandated the establishment of a local concurrency management system (CMS) to ensure that adequate public facilities such as roads, sewers, potable water, drainage, solid waste, and parks and recreation facilities would be available concurrent with the impacts created by new development.²

While the act provided a framework under which local governments could regulate and respond to the new infrastructure demands generated by growth, as well as providing the regulatory tool known as "concurrency" and later, fair-share or proportionate fair-share assessments, transportation concurrency also has led to urban sprawl and discouragement of urban infill and redevelopment. Where projects could not obtain transportation concurrency closer to urbanized areas due to inadequate roadway capacity, land owners chose in many cases to develop green-field sites removed from the urbanized area, where roadway capacity was freely available. This has helped foster reliance on the personal automobile for most daily trips while simultaneously stifling potential private investment in multimodal transportation alternatives, and perhaps has suppressed or weakened pursuit of policies aimed at more robust development of multimodal alternatives to the movement of people and goods through their communities.

Additionally, during the 25-year span that the act has been in place, much discussion and debate has ensued about the fundamental inequity of a system that freely distributes roadway capacity to all who apply until the maximum roadway volume is reached, placing the financial burden of roadway improvement on the developer unfortunate enough to arrive last to the roadway. In some instances, local governments have elected to adopt impact fees so that all development contributes financially to the costs of building, rebuilding or maintaining roads; unfortunately, this practice primarily focuses on expanding roadway capacity and not implementing multimodal solutions to future transportation needs.

During 2009, in response to the growing frustrations with this inequity, the faltering economy, and with the mounting awareness that the single-mode focus of the transportation concurrency management system was promoting urban sprawl, the Florida Legislature amended the Growth Management Act by passing the Community Renewal Act (Senate Bill 360). This legislation (which has since been repealed) removed state-mandated transportation concurrency requirements in areas defined as Dense Urban Land Areas (DULAs) by designating these areas as Transportation Concurrency Exception Areas (TCEAs)."³

² The act also established a requirement for a financially feasible five-year capital improvements program to address facilities improvements.

³ *Excerpts from City of Jacksonville Beach Mobility Plan, August 2010, by RS & H Consulting Firm.*

In 2011, the Florida Legislature again amended the Growth Management Act, making sweeping changes. Transportation, public schools, and parks and recreation became optional for concurrency and allowed local governments to rescind them without state review. The Legislature found that the existing transportation concurrency procedures were too complex, lacked uniformity, concentrated on infrastructure rather than desired land use and transportation alternatives, and often frustrated growth management goals.

Impact of Concurrency on Lee County

Consistent with the experiences of other Florida jurisdictions, the concurrency system has also driven sprawl in Lee County. In Lee County, new developments are often so large that they don't "get a pass" by moving to the outskirts because the existing rural roads will fail with the traffic added by their development. The current transportation concurrency system demands that Lee County force developers to mitigate their impacts, which often means building more and wider roads and inducing sprawl. There are also issues of equity, since the developer only pays their proportionate share of those roads, not the full cost.

How Florida Communities Address the Concurrency Option

Local communities across Florida are taking advantage of this new local flexibility and authority to design a transportation system that works more effectively to meet the local vision and goals. To date, at least 13 jurisdictions (some counties, others municipalities) have rescinded transportation concurrency and are replacing it with a range of alternatives. These include mobility fees, developer agreements, impact fees, phasing in a replacement system, or nothing. To effect this policy change, local jurisdictions must amend their Comp Plans to remove the transportation concurrency provisions.

In many jurisdictions, the process is done in phases. In some cases, the first step has been to rescind transportation concurrency through a Comp Plan amendment, followed by the development of a replacement approach and subsequent Comp Plan amendment. Some jurisdictions, however, got a head start on mobility plans and mobility fees (due to the 2009 mobility plan legislation). Where mobility plans were in place when the 2011 legislation was enacted, they followed up with a rescission of concurrency in their Comp Plan. The point is that there are many pathways to rescinding concurrency. Lee County can learn from many of these varied approaches.

Lee County's Approach

In the Lee County 10/26/12 draft Transportation Element of the Comp Plan amendments, staff is recommending that transportation concurrency be eliminated. As outlined above, such a policy change will assist the county in implementing the vision and goals articulated in its 2011 EAR and address the suburban sprawl problems driven by transportation concurrency.

However, as other communities are learning, the system needs to be replaced (often occurring in phase II) with another set of policies that support an integrated land use and transportation system. This requires the transportation element to address what set of policies should take the place of transportation concurrency, and what other changes are needed. The fundamental issue that the transportation element must address is level of service standards (LOS) for transportation.

Level of Service (LOS) Standards Not Required

Based on the staff comment in the 10/26/12 draft of the transportation element, there is an assumption that LOS standards are still required.⁴ However, this is not the case.

Experts throughout Florida have determined that if a community opts out of transportation concurrency, no LOS standards are required.⁵ Only if the county were to retain transportation concurrency would it be required to continue LOS standards.

It is clear that local communities have the legal authority to replace, revise, or eliminate their current LOS standards once they opt out of transportation concurrency. This is a policy choice. It is essential that Lee County look at the full range of options identified as outlined below.

Lessons from Eight Florida Communities that have Rescinded Transportation Concurrency

Phone interviews were conducted by Darla Letourneau between Nov. 1-8, 2012 with the communities that have rescinded transportation concurrency to determine: 1) the process they went through, 2) what concurrency is being replaced with, 3) the status of transition to the new approach, 4) how they are dealing with LOS standards after transportation concurrency, and 5) lessons for Lee County.^{6 7}

There are four key lessons that should be learned from the experience of other communities in Florida. These are as follows:

1. Rescinding transportation concurrency is about local control. The state statute has given local governments new flexibility to design a transportation system that meets their local vision and goals. This is only if they opt out of transportation concurrency. The local communities consulted saw many advantages to repealing concurrency and few, if any, disadvantages. They strongly supported repeal. The shift in power inherent in opting out of concurrency will require new thinking, new programming and modeling, and a deepening of collaboration between jurisdictional DOTs and MPOs.
2. Developing a mobility plan is the best way to create the framework and tools needed to achieve multi-modal transportation goals and to integrate land use and transportation. It is the required first step in developing a mobility fee system.
3. A mobility fee system is the key to being able to integrate transportation and land use. It allows the county to incentivize infill, transit oriented development (TOD), traditional neighborhood development (TND), and mixed-use development. It also provides the flexibility to use the fees for investments in all modes of transportation.

⁴ "Regardless of whether Lee County opts to continue with transportation concurrency, Florida Statute 163.3177(3)(a), requires the county to establish levels of service criteria and provide adequate facilities to achieve the established LOS standards for transportation."

⁵ Stephen Smith and Bill Killingsworth (City of Jacksonville), Bill Mann (Jacksonville Beach), Doug McDowell (Nassau County), Steven Lachnicht and Jeff Hays (Alachua County), Marle Sanderson and Mike Escalante (Alachua MPO), Jim Edwards and Ali Atefi (Pasco County MPO), TJ Fish (Sumter County MPO), Cindy Jones (Citrus County), Bill Spikowski (Spikowski & Associates), David Depew (Morris-Depew), and Neal Montgomery (Pavese Law Firm).

⁶ The communities selected for interviews were selected based on their population and land use size. The following jurisdictions were contacted: City of Jacksonville, Jacksonville Beach, St. Augustine, Nassau County, Alachua County, Pasco County, Sumter County, and Citrus County.

⁷ See Appendix A for the detailed report from these eight community interviews.

4. The most pronounced successes and efficiencies are being realized in those areas that have developed coordinated mobility plans at the MPO level. These mobility plans reflect and support the Long-Range Transportation Plan.

Gaps in Lee County's Approach

The draft Transportation Element proposes that transportation concurrency be rescinded and that a multi-modal LOS approach be created. These are both laudable. However, the draft Element retains unchanged the current traditional road LOS standards, resulting in an approach that basically maintains the status quo. This is a problem because it focuses solely on moving more cars faster to address congestion. What is missing is a mobility plan and related mobility fee system that are necessary tools for accomplishing the vision of integrated land use and transportation planning and a multi-modal transportation system.

Recommendations and the Path Forward

The following are recommendations for policies and processes for Lee County to incorporate in Comprehensive Plan amendments and the MPO LRTP:

1. The Transportation Element of the Comp Plan amendments should rescind transportation concurrency now, incorporate the policy goals for a replacement approach (to be incorporated into the Comp Plan by amendment at a later date), and outline a joint County and MPO collaborative process for developing its replacement.
2. The Transportation Element should reflect policy goals for a replacement system. These should include the following:
 - a. The development of a countywide mobility plan that would lay out the process to achieve a balanced multi-modal system.
 - b. A measurement tool that addresses "congestion" and "need" from a multi-modal perspective, not just automobile only LOS.
 - c. A mobility plan that integrates land use and transportation planning. This should be a countywide plan.
 - d. A mobility plan that addresses both capital investments and operating expenses.
 - e. A mobility fee. The fee is a key tool for implementing the land use component of the Comp Plan amendments. It will provide incentives for infill and redevelopment, TOD, and encourage sustainable growth patterns. The policy goals for the mobility fee should be predictable, fair, and efficient.
3. The Transportation Element should set up a collaborative process between the County and the Lee MPO. This is consistent with what several other counties in FL have done. In order to do this, the MPO and Lee County should work with consultants and experts to develop a concept paper, incorporate transit task force recommendations, establish performance measures, and work with an ad hoc team to develop a mobility plan and fee.

4. The Transportation Element should address an interim process. This is likely to be until the 2040 LRTP is adopted in 2015. To accomplish this, the element should assume that road impact fees will continue to be in place until replaced with mobility fee.⁸

In addition, the element could enhance the internal transportation planning and budgeting process immediately to be more multi-modal by implementing other policies in Comp Plan that emphasize things like corridor planning, context sensitive designs and complete streets, etc.

5. The Transportation Element should foreshadow and establish placeholders as needed for the a transportation concurrency replacement. There are a variety of alternatives to replace or change the LOS approach., as outlined in Appendix C.⁹ These include such options as developing a performance based system that modifies LOS methodology to incorporate a multi-modal perspective.

List of Appendices:

APPENDIX A: FL Communities: Transportation Concurrency & Implementation
(Darla Letourneau/BWL Phone Interviews with eight communities, Nov. 1-7, 2012)

APPENDIX B: Florida Communities that have Rescinded Concurrency

APPENDIX C: Detailed Options for Changing LOS Standards Approach

⁸ Nassau County put in place an LDC "interim Adequate Public Facilities Ordinance" while they wait to transition to new mobility fee. This requires developers to track trip data from all new developments to be used in determining future mobility fees.)

⁹ See Appendix C for additional details on amending the LOS standards.

APPENDIX A: FL Communities: Transportation Concurrency & Implementation

Darla Letourneau/BWL Phone Interviews with eight communities, Nov. 1-7, 2012

Eight Florida communities which have opted out of transportation concurrency were contacted to identify replacement programs. Questions asked were: what were they replacing concurrency with, the status of transition to the new approach, and how they are dealing with LOS standards after transportation concurrency. Below are the notes from those calls.

Jacksonville Area (North Florida TPO):

Four areas in the greater Jacksonville area were contacted -- --the City of Jacksonville, Jacksonville Beach, Nassau County, and the City of St. Augustine. All are part of the regional MPO, called North Florida TPO. The City of Jacksonville was the early leader in Florida in developing a mobility plan and concomitant fee structure, as originally required in the 2009 SB 360. Their plan and fee system is quite complicated, and while all the communities in the area were influenced by the Jacksonville model, each of the other three jurisdictions adapted the model to both simplify and make more relevant to their own communities.

City of Jacksonville/Duval County

Interviewed Stephen Smith, mobility fee expert and Bill Killingsworth the former Mobility Plan Director

Reference documents reviewed:

Jacksonville Mobility Plan--adopted July 21, 2011
2035 Mobility Plan PP presentation, Dec. 2010
Transportation Element of Comp Plan, July 2011

Facts about Jacksonville:

- Jacksonville is in Duval County and has a consolidated city/county government, which covers 840 square miles (similar in size to Lee County). The city's population is approx. 828,000.

History of Jacksonville's Mobility Plan

- Started with SB 360, which in 2009 required dense urban areas to develop a mobility plan. This bill has since been repealed.
- The city had just finished visioning plans for its six planning districts, and much of the land use planning visioning process translated directly to the Mobility Plan.
- To craft the Mobility Plan and get buy-in, they formed an ad hoc task force with representatives from the various planning areas, land use experts, transportation engineers, and citizens. The vetting process took nine months and this group also vetted the Comp Plan amendments.
- One of the major selling points for developers was that by working together to design this system they would be protected in a subsequent round of State Legislature issued changes. A key to achieving Mobility Plan final adoption was preliminary education. Killingsworth presented a PP for community dissemination during the Plan development process and conducted two workshops for Council

- This Mobility Plan included a new Mobility Fee structured around ‘mobility zones’ to support denser development in targeted areas by closely linking land use and transportation decision making. The comprehensive plan was amended to incorporate the mobility plan, dropping transportation concurrency.
- Jacksonville had had no road impact fees prior to the development of a Mobility Plan and Fee. Monies had been collected under a state required "proportionate share" system, which is no longer in effect.
- Upon adoption of the Mobility Plan in September 2011, the BoCC placed a one-year moratorium on collection of any fees. This moratorium has since expired and mobility fees are being collected.

Mobility Plan & LOS

- Officials in Jacksonville interpreted the 2011 Growth Management legislation that enabled opting out of transportation concurrency as also allowing them to drop or revise LOS standards.
- To meet the functions previously addressed by LOS the city completed an assessment of all the roads, sidewalks, bikeways, transit facilities, etc. and did GIS overlay analysis, determined the cost of needed improvements, and used these inputs to prioritize their projects list.
- The multi-modal improvement project list was prioritized based on evaluation criteria, such as magnitude of deficiency mitigated, existing capacity deficiency, multi-modal or intermodal connectivity, and transit accessibility.
- The comp plan transportation element reflects the replacement of the traditional LOS with the FDOT multimodal Q/LOS system, establishing a Q/LOS value for each mode of transportation that is weighted by location and needs within individual mobility zones. This approach focuses on a qualitative measure describing operational conditions within a traffic stream.
- The city is divided into a total of 10 mobility zones, each with its own prioritized transportation project list to be funded by mobility fees -- a VMT-based fee structure assigns weighted values for each identified development zone. Mobility Fees, which are to support all modes of transportation, bike/ped/transit and roads, were derived from the calculated expenditures anticipated in developing/improving infrastructure and systems from their current status (2009) to need levels identified in the 2030 LRTP.
- The mobility fee is applied to a defined geographic area (one of the 10 mobility zones) which ensures a rational relationship between the transportation improvement to which the mobility fee is applied and the location of the development.
- The new Mobility Plan distributes transportation system costs more equitably to all developers. This Mobility Plan’s zone structure is a primary tool in directing future land-use by establishing location-based incentives/disincentives. Six mobility zones were established: Central Business District, Urban Priority Area, Urban Area, Suburban Area, and Rural area. The further out the development, the greater the number of VMTs generated and the higher the mobility fee. Urban infill and redevelopment which generate very few VMTs would face few if any fees and are thereby strongly encouraged through this model.
- The plan is designed to measure results against the long range goal of reducing vehicle miles traveled. They are collecting data and will evaluate the Plan's progress in the first 5 years of meeting this goal.
- Suggestion made in transitioning from impact fee to mobility fee structure--be sure to have transition provisions in codes so that the existing money "in the bank" from road impact fees or proportionate share can be shifted over to the mobility fee "pot" so it can be spent for the new plan.

Policy Implications

They described their Mobility Plan as providing the following 5 benefits:

1. incentivizes infill and redevelopment
2. incentivizes quality growth
3. guides the market
4. focuses on the future
5. predictable, fair, efficient

Jacksonville Beach

Interviewed Bill Mann, Sr. Planner

Facts about Jacksonville Beach:

- Population 24,000
- Part of North FL TPO

Reference Documents Reviewed:

City of Jacksonville Beach Mobility Plan, by RS & H, August 2010

Transportation Element of Comp Plan (redline version showing changes with transportation concurrency), 4/11

Mobility Fee and LOS

- As early as 2007 the city began exploring ways to prevent problems presented by transportation concurrency requirements, as these requirements discouraged desired development and redevelopment projects.
- Jacksonville Beach, after opting out of concurrency requirements, hired a consultant to develop a simplified mobility plan modeled upon and complementary to others within the North FL TPO.
- As in Jacksonville/Duval County, there had been no prior road impact fees, with monies collected under "proportionate share" requirements.
- Fee structures were based upon an MPO estimating model of number of potential new trips within the city and estimated VMTs. Fee reduction adjustments were made for TOD and multimodal facilities.
- A Comp Plan amendment was generated to reflect elimination of transportation concurrency and a detailing of multi-modal transportation system requirements, and mobility plan and fee structures, establishing these as a means of incentivizing desired types of development in identified locations. This fee system will be operational once it has been completely incorporated within the land development codes.
- Although opting out of transportation concurrency, the city of Jacksonville Beach did not drop their LOS standards for roads, however, the minimum level of service these roads is D or E. No LOS standards were set for other modes.

Nassau County

Interviewed Doug McDowell, Strategic Planner in the Growth Management Department

Reference documents reviewed:

County website: Mobility Plan and Fee task force documents Nassau County: Impact Fee & Concurrency Task Force PP (10/3/11)
Summary of Task Force Guiding Principles (3/19/12)
Nassau Mobility Plan Update (8/20/12)
Interim Adequate Public Facilities Ordinance (?/2012)

Facts about Nassau County

- Part of the North FL TPO and located just north of greater Jacksonville area.
- Population--approx. 73,000, and 726 sq. miles
- Seat: Fernandina Beach
- The three very small municipalities within this county rely heavily on the MPO staff. .

Action on Transportation Concurrency

- Nassau County had previously imposed a road impact fee that was in a moratorium.
- They have amended their comp plan, removing transportation concurrency. Are currently in the process of developing a mobility plan and fee structure, but have taken an intermediate step of passing an Interim Adequate Public Facilities Ordinance. This requires tracking trip data from all new developments to be used in determining future mobility fees.

Mobility Plan

- Prior to the passage of the 2011 Growth Management Act, the county, recognizing the growth management problems with transportation concurrency, had established a Concurrency Task Force to evaluate the existing impact fee system and review alternative programs and funding sources. The task force had representatives from the development community, government, and citizens.
- Nassau has proposed a zoned mobility plan and fee structure that, again, incentivizes development in urban areas with a focus on multimodal transportation. Existing LOS standards remain, as they have not yet adopted the multi-modal LOS developed by the City of Jacksonville. Nassau has adopted Jacksonville's VMT-based approach to mobility planning with significant incentive in the form of credits to be given for development, redevelopment or infill in urban areas that supports multimodal transport.
- Total long-range funding needs were based on the 10 and 20 year plans for anticipated transportation improvements. A monetary unit value was assigned to the VMTs that would be generated from expected development, with all proceeds supporting all modes of transportation improvement. These evaluation methodologies are very similar to those adopted by Jacksonville, however, without the "ground truthing" component of a detailed baseline infrastructure assessment and overlay.

City of St. Augustine

Interviewed Mark Knight

Facts about St. Augustine

- City population of 13,000
- They are part of the North FL TPO

Background

- St. Augustine is a completely built out city with many historical district restrictions and constrained right of ways.

Action on Transportation Concurrency

- With the change in the Growth Management Act in June 2011, St. Augustine opted out of concurrency.
- To date, they have retained LOS standards. Since most of their roads are constrained, roadway expansion is not possible in this community, so LOS has little impact. St. Augustine has no impact fees nor are they planning any in the future and have no need of participation in a mobility fee structure.

Central Florida Jurisdictions:

The remaining four counties I called were located generally in Central Florida and are not part of a regional MPO nor do they have any other organizational ties. Of these four, two counties--Alachua and Pasco--have been state leaders in developing and implementing Mobility Plans under the 2009 Growth Management legislation that encouraged mobility plans. That early work, prior to the 2011 legislation allowing local jurisdictions to opt out of transportation concurrency, meant that they had already moved beyond concurrency and serve as models for others in the state who want to transition to a new system. The other two counties contacted were Sumter and Citrus.

Alachua County

Interviewed Steven Lachnicht, Director of Growth Management
Jeff Hays, Transportation Coordinator, within the same department

Reference documents reviewed:

- Ordinance 11-03 (4/12/11) re: concurrency management
- Mobility--Multi-Modal Transportation Mitigation: Final Report, 4/12/11
- Comp Plan 2011-2030, transportation element, 4/5/11

Facts about Alachua County:

- Gainesville is the single largest city, with 45% of the county's population
- Another 45% of the population lives in unincorporated portions of the county, and remaining 10% in eight small municipalities.
- The MPO is actually only part of Alachua County (primarily Gainesville & only urban)

Background

- When the economic downturn hit, Alachua County saw it as an opportunity to change the way they were doing transportation and land use planning. The existing approach was resulting in suburban sprawl and building infrastructure that in the long term would prove too costly to maintain. Recognizing that solutions other than new or widened roads were needed to address both congestion and problems with sprawl, they embarked on a three-year process of developing their mobility plan.
- Alachua County was the Florida model for developing a mobility plan beginning in 2009, with support from DCA. FDOT was not particularly involved and didn't interfere since DCA was taking the lead.
- Their Mobility Plan and mobility fee system, called "mitigation rate", essentially replaces transportation concurrency within Urban Growth Boundary areas, while concurrency and traditional impact fees remain in the rural portions of the County; however these areas are currently not experiencing development.

- The Mobility Plan integrates land use and transportation planning and serves as the basis for the mobility fee, which was designed as a tool to promote compact, mixed-use developments and a transportation system that focuses on the provision of mobility by multiple modes of travel.
- All transportation planning is done within the department of Growth Management with an interdepartmental team that includes bike/ped and transit representatives.
- TND and TOD developments can pay much less than through traditional impact fees. (see discussion below.)
- The Mobility Plan and rates structures have been incorporated into the comp plan, within three Elements: Future Land Use Element, Transportation Mobility Element, and Capital Improvements Element.
- The goal is to have future transportation planning be ‘Plan based and driven’ as opposed to ‘Demand driven’.
- There is a focus on completing a roadway grid network and connectivity between neighborhoods.

Action on Transportation Concurrency

- They developed their mobility plan before transportation concurrency was optional, but under the old rules, they had created an urban area that was exempt from transportation concurrency. They have not officially removed transportation concurrency from their Comp Plan but plan to do some "clean up" amendment soon so there's no confusion.
- This is the reason that they are not acknowledged as having rescinded transportation concurrency, but for all practical purposes, they have.

LOS & Growth Management

- Their perspective on LOS was that it was tied to transportation concurrency, and once that was gone, having LOS was just informational for developers. They questioned why any jurisdiction would continue transportation concurrency now that it's not required. Not to anyone's benefit and had negative impacts.
- What happened in past was that locals set the LOS standards too high and they couldn't afford to build all the new/expanded road capacity that standards required, so they ended up constantly lowering the standards through comp plan amendments.
- They choose not to throw out LOS, but to define it in a very different way--- area-wide (as opposed to segmental) standards and multi-modal standards. They wanted to have standards that could be used to indicate to developers the degrees of required mitigation.

Alachua County's Planning Approach

- They began with a major overhaul of their land use plan, identifying desired locations for Transit Oriented Development (TOD), and mixed-use compact infill and redevelopment.
- After a thorough roadway assessment revealing that most were at capacity, they recognized the need for a move away from an arterial system to a broader road grid integrated with land-use changes and significant mode shift. Extending a policy that had already existed within the City of Gainesville; no roads were to be expanded beyond four-lanes (now incorporated in the County's transportation element).
- They introduce policies to augment a street grid providing multiple congestion-relieving options for local trips, this street grid however does not include assuming responsibility for relieving congestion on interstate I - 75. They now utilize an area-wide LOS assessment wherein all north-

south road capacities are averaged and correlated with all east-west road capacities in determining overall need. Roadways are assessed on an area-wide basis and no longer in a segmented fashion; an approach now being adopted by the City of Jacksonville and Pasco County.

- Alachua developed its own LOS standard for transit, as well as its own LOS for bike & ped, determining that the FDOT model was not a good fit for either and required more data collection and analysis than they thought necessary to reach their goals. They determined that they had insufficient densities to accommodate the FDOT transit LOS model and are focusing on BRT within limited zones, starting with the caveat “if we get land uses to support it”. Currently, there is TOD investment along the I-75 -- City of Gainesville boundary. They would like to grow their transit system from that which is successful at the University core, extending BRT lines as they attract greater ridership, including what are considered ‘choice riders’, those who have other transportation options.
- The mobility plan and fee structure is viewed as a significant land-use management tool to orient growth towards designated TOD areas. While VMT data is used in their model, the fee itself is "one size fits all" vs. mileage variability from the core (the Jacksonville & Pasco County approaches). The reason is that their area is more homogeneous and essentially urban vs. the great distances in Jacksonville & Pasco County. The mobility fee rates differ by type of development; commercial, residential, etc., as opposed to location. The mobility plan also established "tax increment districts" and the mobility fees assessed in that district are used for services in that district.
- Alachua developed its own mobility plan and fee structure rather than adopting that from Jacksonville, which they found to be more complicated than their needs required, however like most other mobility plan structures it covers both capital and operational costs for multimodal systems.
- The county's 2011 Mobility report reflected a substantial savings to developers with this new ‘Mitigation Rate’ structure, of 50% - 75% below that of traditional road impact fees, as addressing capacity through a variety of alternative options is less expensive than building new road, and incentives built into the mobility plan reward TOD growth with substantial reductions in fee assessments.
- First adopted April 15, 2011, the mobility plan and mitigation rate is being phased in over a three year period, with 1/3, 1/3, 1/3 increments of payments.
- The County is continuing to work on the development of performance measurements, so the current Mobility Plan is not based on a performance measurement system.
- Note: the recent defeat of a sales tax ballot initiative. It had started as a one cent sales tax increase; however the BoCC reduced it to ¾ of a cent to be used for road paving only, after severing multimodal options from the original proposal. This would have essentially been funding for more of the same, and was rejected by voters. New initiatives are being developed.

Gainesville/Alachua Co. MPO

Interviewed Marle Sanderson, MPO Director

Mike Escalante, Sr. Transportation Planner

Reference Documents:

- Multimodal Level of Service Report--Yr. 2011 AADT; Congestion Management Process, Sept. 28, 2012

Background on the MPO:

- The MPO covers just the urbanized area of Gainesville (i.e., smaller than Alachua County)
- The MPO is housed in the RPC (Like Lee MPO used to be)
- Prioritizations for funding and development of the cost feasibility plan are now based upon a project's compliance with both the comprehensive and mobility plans. In developing their cost feasible plan, they use the model, however, the projects that receive funding prioritization are those that reflect a unification of land use and mobility plan goals.

Background on County's Mobility Plan

- Prior to the mobility plan, the county never collected any impact fees, so they've always had a shortage of funds to do transportation projects. Currently, the county is not collecting enough money to resurface the roads they have now. In fact, he said that in the past 10 years, there has been no roadway expansion with local funds.
- At the same time, the mobility fee is intended to raise funds for expansion and new capacity, raising funds for the first time from developers. With the economic downturn, not much has been collected, but it will be when the recovery arrives.
- The Gainesville transit system (connected to the University) has been well supported at the federal level by FTA (\$50 M). In addition, the University is now collecting transit fees from students.
- The MPO has a multimodal LOS model, tracking the county's multi-modal LOS and mobility plan. They use the FDOT 2009 Q/LOS Handbook. They now prioritize projects through their congestion management plan.

Pasco County

Conference call interview with Jim Edwards, MPO Director; and Sr. Engineer, Ali Atefi.

Reference Documents:

Pasco County PP: Linking Transportation Financing to Economic Development & Smart Growth (2012?)
Pasco County 2025 Comp Plan, Transportation Element (revised 4/29/10)

Facts about Pasco County:

- Population of 500,000
- Six incorporated cities, with less than 10% of total population--90% of population in unincorporated county
- They are a bedroom community to Tampa Bay & St. Pete area, with about half the residents employed outside of the county.
- The Pasco County MPO is a countywide MPO
- In terms of organizational arrangement, the MPO staff is embedded in the county organization, as part of the Growth Management/Planning Department, lending itself to integration of county & MPO planning efforts

Background

- Pasco County's mobility planning process began in 2007/08, around the time of the economic downturn.
- The trigger to change their system came from several related developments:
 - The transportation concurrency system was encouraging sprawl & inhibiting the type of development they wanted

- They wanted to shift from being a bedroom community to Tampa & St. Pete and attract certain types of employers and developments, esp. office complexes, so they could keep more residents working within the county
- They had the highest road impact fees in region and when they saw other communities having moratoriums placed on their impact fees, they wanted to take action to replace the current impact fee with something that would incentivize desired types and location of development.
- They made these changes during required impact fee updates. They are using the mobility fee as an economic development marketing tool.

The driving force behind the plan was to develop a fee structure as a tool to incentivize sustainable growth patterns, vs. developing a multi-modal transportation system. This is intended to support financing of particular types of development, although a mobility plan and fee structure alone is an insufficient tool to incentivize desired growth patterns, as these are strongly influenced by market forces and lending practices. The Mobility Plan champion in Pasco County is David Goldstein, the Assistant County Attorney. He is an attorney who practices planning and is on the cutting edge in FL.

Process for development mobility plan & fees

- The MPO staff took the lead on initiating the process by setting up a task team of staff from various organizations and funding a mobility plan concept study by a consultant, Tindale Oliver. The concept study was intended to identify the parameters and provide the foundation of the development of a mobility plan and fee.
- This concept study was presented to the MPO Board and they provided guidance on the parameters for the plan.
- As part of the initial scope of the project, they explored other revenue funding sources, not just impact fees, as they were looking for a way to finance some of their operations and maintenance costs.
- In conjunction with the MPO efforts, the County administration established a stakeholder group to be involved in the analysis, development of options, and recommendations for the plan.
- The MPO staff played the role of conduit between the MPO Board and the county staff during the development of the mobility plan, i.e., it played out in both arenas fairly seamlessly, which was probably facilitated by the fact that the MPO staff is embedded in the County's Planning Department.
- The development of the mobility fee started with the LRTP cost feasible plan as the embodiment of the mobility plan, i.e., they assumed that this was the plan for needed transportation improvements (vs. developing a separate Mobility Plan with a different mix of transportation facilities and then incorporating it into the LRTP).
- Once the Mobility Plan and fee system were developed, it was transmitted to the BoCC, which was responsible for incorporating it into the Comp Plan amendments, then passing ordinances, etc.
- While the mobility fee is only applicable to the unincorporated areas (not the small cities in the county), given that they were part of the development of the mobility plan through their membership on the MPO Board, they may come on board later, and incentives to do so have been included.

Other Revenue Sources for local transportation projects

- Although not part of the mobility fee structure, Tax Increment Financing (TIF) was established as another tool to encourage desired development.
- Although the amount of funds collected from this TIF tool, is small, it is the "foot in the door" for the longer term discussion of how to finance operations and maintenance.
- They have a weak transit system and said they didn't see an opportunity for funding a more robust transit system.

Features of their mobility plan system

- Like road impact fees, monies from mobility fees can only be spent on capital expenditures (vs. operational costs) but can now be used on multi-modal transportation projects (estimate is that 7-8% of costs are non-road).
- Their fee system is consumption-based, i.e., developers are going to pay the same fee based on trip generation, trip length, and VMTs. They also use different construction cost factors in urban/suburban and rural areas.
- It is based on a geographically tiered growth management and mobility strategy (different zones).
- The county will use this fee structure to encourage and incentivize growth, particularly TOD, in urban areas, while discouraging greenfield and rural development. The revenue stream from mobility fees will be slow to come in--maybe four years before they benefits, but it's a long term solution.

LOS Issues

- When they used the LRTP as the proxy for the contents of the multi-modal plan, they didn't change anything in the LRTP model.
- They are only using a road LOS and didn't develop or consider multi-modal LOS standards.
- However, they did change their road LOS approach when they opted out of transportation concurrency and amended their transportation element.
- They have now established different road LOS standards for urban, rural, and suburban areas; and they also have different standards by the type of development, such as TOD and TND.
- When they proposed to change the LOS standards on rural roads from minimum grade of "D" to "C", the rural communities fought it (they wanted more flexibility), so the standards were maintained at level "D".

Action on Transportation Concurrency

- The Comp Plan has been amended to rescind transportation concurrency
- Other significant changes that have been incorporated into their transportation element:
 - No county road will be more than six lanes; development of other modes will be pursued to address congestion.
 - The transportation element now requires traffic studies for rezoning requests that require comp plan amendments.
- Developers have bought into the new mobility fee approach, seeing it as more equitable and predictable. Another feature put into the design that developers like is an "opt out" provision which says that if a developer is not happy with the mobility fee to be charged, they can go back to the road impact fee level. They have three years to make that decision.
- Although multimodal system development was not their primary goal, the mobility fee funds can be used on transit, bike/ped, as well as road, capital expenditure costs.

Sumter County

Interviewed MPO Director, TJ Fish & Pam Richardson

Facts about Sumter/Lake MPO

- MPO covers both Lake and Sumter counties, with overall population of 400,000.
- Sumter has 5 municipalities--all small. The largest is The Villages. Their towns are small & compact & very defined.
- This MPO was created in 2004 and is independent

Action on Transportation Concurrency

- The 2011 state law change that made concurrency optional provided an opportunity for locals to address sprawl.
- Lake County opted to keep concurrency while Sumter opted out of concurrency.

Lake County

- They chose not to make a change in concurrency, having just completed a major comp plan update, they decline to reopen any issues. This County also has had a moratorium on its road impact fees for the past three years; however no new development has been generated.

Sumter County

- Sumter amended its Comp Plan last year to remove concurrency. Now they are in the process of updating this comp plan and adding the congestion management process that will replace the concurrency that was removed last year.
- Many of their roads are constrained so they have to accept congestion because it helps land use and transit.
- With the ending of concurrency Sumter has gotten rid of the traditional LOS. The MPO gives them a report saying, here's the condition of the roads, here are the impacts of potential development, and here are some potential mitigations.
- Instead of concurrency, Sumter is using a congestion management system to identify specific areas and problems that need to be fixed.
- Sumter never suspended their impact fees, and The Villages have continued to collect impact fees.

Mobility Fees/LOS

- Staff director's approach from the beginning has been on planning of land use and transportation, not transportation model-driven; therefore, LOS is not used.
- He develops the land use plan first, then runs the transportation model as a reality check.
- They have a very focused list of prioritized transportation projects for funding, rather than a long "wish list". They have achieved consensus around this prioritized list, which seems to be attractive to FDOT, resulting in the MPO getting twice "their fair share" from state funds because the state knows that there is agreement among the communities for funding these projects.
- Sumter County has a policy of no widening beyond 4 lanes on county roads.

Other Comments/Suggestions

- Within MPO there are three distinctive geographical areas with different cultures, so a task force, charged with development of transportation project list, was formed for each area.

- The focus of their plan is on economic development.
- MPO serves as an unbiased forum through which city and county can negotiate and collaborate.
- The director's approach is for the MPO to drive the planning process, having cities do land use to fit the plan, so MPO is pushing alternative land use vs. reacting to the Comp Plans. The MPO isn't dictating...just tying it together in a way that works.

Citrus County

Interviewed Cindy Jones-County Transportation Planner

Facts about Citrus County

- population of 140,000
- County seat is Inverness, other small city is Crystal City

Action on Transportation Concurrency

- In Dec. 2011, they eliminated transportation concurrency and then amended their Comp Plan to eliminate it in both traffic element and land element. They also eliminated parks concurrency.
- They did not replace it with anything. They decided to retain the current LOS standards in their transportation element.
- They have been watching Pasco County and their mobility plan & fee system, and may develop something like that in the future.
- They had road impact fees in place for some time, but they were "suspended" for one year. These fees are now back in place , as saw little to no permitting increase as a result of suspension.

APPENDIX B: Florida Communities that have Rescinded Concurrency

CONCURRENCY – 163.3180: RESCISSIONS

Local Government	Adopted Amendment Date	Type Rescinded	Replaced With
Bushnell	2/9/2012	Transportation	Developer Agreements
Cinco Bayou		Schools; Transportation	
Citrus County	9/27/2011	Parks; Transportation	Developer Agreements; Gas Tax; Impact Fees
Jacksonville Beach	12/19/2011	Transportation	Mobility Fee
Longboat Key		Transportation	
Marion County	12/13/2011	Parks	
Mary Esther		Schools	
Miami Springs		Parks; Transportation	
Nassau County	2/13/2011	Transportation	Impact Fees
Pasco County		Transportation	Mobility Fee
St. Augustine	6/27/2011	Transportation	Grants & Revolving Loan Funds
Sumter County	12/13/2011	Schools; Parks; Transportation	Developer Agreements
Tavares	10/19/2011	Schools; Parks; Transportation	Impact Fees
Wildwood		Schools; Transportation	Developer Agreements

22



Presentation by Dr. David Depew of Morris-Depew, Inc., and attorney Neale Montgomery of Pavese Law Firm at Oct. 26, 2012 APA Seminar.

APPENDIX C: Detailed Options for Changing LOS Standards Approach

The Transportation Element should address the range of options for a transportation concurrency replacement that joint Lee County and Lee MPO could consider. There are a variety of ways that LOS could be amended to address LOS. These include a performance based system that modifies LOS methodology to incorporate a multi-modal perspective. Below are options based primarily on interviews with eight Florida communities:

1. No LOS tool--replace with performance-based system and bottom-up planning about transportation needs, and incorporate the results into a congestion management plan that is part of LRTP, which is also reflected in Comp Plan & Transportation element. (Sumter County)
2. Have a blended performance-based system with LOS system, similar to Jacksonville's, with robust multi-modal LOS with variable geographic and development type applications, and evaluate projects based on multiple criteria, such as magnitude of deficiency mitigated, existing capacity deficiency, multi-modal or intermodal connectivity, and transit accessibility.
3. Modify LOS methodology in a number of ways (list not mutually exclusive--most of these were done in various combinations):
4. Develop a multi-modal LOS system
5. Create own LOS standards for transit & bike/ped
6. Includes way Alachua Co. did their transit LOS, defined by what they were trying to accomplish and with caveat of "if we get land uses to support it".
7. Bike/ped can be based on gap between facilities that exist compared to the master plan; and/or can count actual usage and find ways to measure latent demand.
8. Adopt FDOT's Q/LOS multi-modal standards
9. Apply those uniformly or weight them by location and needs within individual mobility zone (Jacksonville approach)
10. Modify road LOS in various ways:
 - a. Establish area-wide LOS standards vs. road segment. For example, Alachua County took all the north-south roads and averaged their capacity, and the same for east-wide roads...so in determining if LOS had been met, it was for the whole area (north-south; or east-west), not an LOS for a road.
 - b. Broaden measurement of road LOS from just peak time/peak hour to longer average timeframe, etc. (see national experts, such as Toth)
 - c. Reduce the LOS standards (D & F), so that fewer roads are considered "failing" and requiring some action (Pasco Co., St. Augustine)
11. Apply the existing road LOS or new multi-modal LOS standard in different ways by geographic area
12. Jacksonville set up 10 mobility zones, each with its own weighted values
13. Other communities had variable standards based on geographical area, such as urban, suburban, rural
14. Apply existing road LOS or new multi-modal LOS standard in different ways depending on type of development, such as commercial, residential, TOD, TND etc. (Pasco Co.)