Growth Management and Public Transit in the State of Florida: Meaning and Application at the Local Level

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GROWTH MANAGEMENT AND PUBLIC TRANSPORT IN THE STATE OF FLORIDA

Meaning and Application at the Local Level

Prepared for:

Florida Department of Transportation
and
The Central Florida Regional Transportation Authority
d.b.a. LYNX

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Growth Management and Public Transit in the State of Florida
Meaning and Application at the Local Level

PREFACE

The Center for Urban Transportation Research (CUTR) is under contract with the Florida Department of Transportation to provide on-site and short term technical support to Florida's transit agencies. This brief report, *Growth Management and Public Transit in the State of Florida, Meaning and Application at the Local Level*, was developed at the request of the Central Florida Regional Transportation Authority (CFRTA), d.b.a. LYNX.

SUMMARY OF ISSUES

The major issues discussed in this report include:

- How growth management in Florida works, including the relationship between state level agencies, local governments, metropolitan planning organizations, and transit providers;

- The role transit agencies play in growth management at the local level and how agencies should best coordinate the planning for operating and capital needs with the local comprehensive planning process;

- Growth management guidelines that can be used by transit agency staff members to assist them with the process; and

- How transit agencies can educate local elected officials and encourage them to establish local policies that support public transportation.

REPORT OUTLINE

Chapter one of this report will summarize Florida's growth management law, the Local Government Comprehensive Planning and Land Development Regulation Act and the Growth Policy Act of 1999 and will describe the growth management process in the state. The relationship between local, regional, and state planning efforts and activities will also be discussed. Also provided is a discussion of how transit planning efforts fit into the growth management and transportation planning hierarchy established within Florida.

Chapter two will identify the role transit agencies play in the local planning process and will discuss how they can benefit through close coordination and participation in that process. Transit and Smart Growth Guidelines for Transit Agencies and Local...
Policymakers will be developed that will discuss how transit staff can educate and persuade local elected officials to establish policies and procedures that support public transit within their community.

OTHER ACTIVITIES

CUTR staff will present this material at upcoming FTA functions, i.e., annual and mid-year conferences. A Microsoft PowerPoint presentation summarizing this report will be developed and distributed, upon request, to Florida's transit agencies.
CHAPTER 1
GROWTH MANAGEMENT IN FLORIDA

INTRODUCTION

In the State of Florida, growth management represents a systematic approach to planning that encourages the creation and proliferation of "sustainable communities" and "pedestrian friendly" environments. Within this context, public transit should be central to the transportation networks envisioned by this idea. Recent changes in Florida's omnibus growth management laws have shifted the focus of transportation impacts and the mitigation of those impacts to alternative transportation modes, including public transit. However, Florida's transit agencies must involve themselves in the growth management process within their communities and understand that process in order to fully benefit from the opportunities that become available to them.

In order to effectively discuss the growth management process in the State of Florida, its application at the local level and the implications for public transit in the state, it is important to understand the history of growth management in the state. It is also important to define the relationship between each level of the growth management or comprehensive planning process; the way in which plans are developed, adopted, and amended; and some of the central themes to growth management such as "concurrency," the establishment of "levels of service" (LOS) standards, and their success (or failure) in limiting "urban sprawl." The primary sources of information included in this paper are Chapter 163, Florida Statutes, Chapter 9J-5, Florida Administrative Code, the Florida Transportation Plan, Transit 2020, Chapter 186, Florida Statutes, Chapter 339, Florida Statutes, and the federal Transportation Equity Act for the 21st Century Act (TEA-21). Also included in this paper is information obtained from summaries of relevant growth management issues and various staff reports and memoranda prepared by the Florida Department of Transportation, Transit Office and Office of Policy Planning, and the Florida Department of Community Affairs, Division of Community Planning. (Important terms will be written in bold typeface the first time they are presented.)

HISTORY

The history of growth management in the State of Florida began with the Environmental Land and Water Management Act of 1972. The purpose of the act was to utilize and strengthen the existing role, processes, and powers of local governments in the establishment and implementation of comprehensive planning programs to guide and control future development. Growth management gained additional momentum in the mid-1970s with the passage of the Local Government Comprehensive Planning Act in 1975. This act required each city and county government in Florida to prepare and adopt a local comprehensive plan that addressed land use, traffic circulation, recreation, conservation, intergovernmental coordination and other important issues.
The most important aspect of the act was the requirement that all development be consistent with the local comprehensive plans.

In 1984, the passage of the State and Regional Planning Act furthered the growth management effort in the state by establishing a framework for preparing and adopting the state comprehensive plan, the state agency functional plans, and the comprehensive regional policy plans. Florida now had an integrated comprehensive planning network comprised of local government comprehensive plans, regional, and state plans required to be internally consistent and consistent between each level within the hierarchy of the network.

In 1985, the State of Florida Legislature passed the most progressive piece of growth management legislation in the state and perhaps, in the nation. The Local Government Comprehensive Planning and Land Development Regulation Act, codified within Chapter 163, Florida Statutes (F.S.), significantly changed the 1975 planning law. This act requires each city and county to prepare and adopt a local comprehensive plan containing mandatory elements, including future land use, traffic circulation, recreation, conservation, housing, and intergovernmental coordination (subsequent amendments have changed the mandatory and optional elements of the comprehensive plans). The plans must be consistent with and further the State Comprehensive Plan and the strategic regional policy plan of the area. By limiting the ability of a local government to alter or “amend” the plan after it was adopted the act provided strength to the comprehensive planning process.

Central to the growth management theme of the act is the fight against urban sprawl. Specific features include: expanding the state’s role in overseeing growth management requirements; requiring that all goals, objectives, and policies, as well as traffic circulation and land use maps be supported by and based on specific data and analysis; mandating that local governments set forth how they intend to provide for and pay for the infrastructure needed for anticipated growth; mandating that “public facilities and services needed to support development be available concurrent with the impacts of such development;” requiring that citizens are given a clear and prominent role in the development of local plans and some power to enforce compliance with the adopted plan; and requiring that land development regulations that implement the plan be adopted and enforced by local governments.

THE FLORIDA GROWTH MANAGEMENT HIERARCHY

State Comprehensive Plan

The State Comprehensive Plan provides “long range guidance for the orderly social, economic, and physical growth” of Florida. There are 26 goals on a wide range of topics, including natural resources, land use, and agriculture with corresponding policies established to help meet those goals. The state plan is to be implemented
through each of the state agencies' functional plans and the comprehensive regional policy plans (now referred to as "strategic regional policy plans").

State Agency Functional Plans

Section 186.021, Florida Statutes (F.S.), establishes the requirement for each of Florida's state agencies to prepare a functional plan. State agency functional plans are intended to reflect each state agency's programs that support and further the goals and policies of the state comprehensive plan. It is also intended that these plans drive the annual budget requests of each of the state agencies. Agency functional plans must be consistent with the State Comprehensive Plan. The Florida Transportation Plan (FTP) is the state agency functional plan for the Department of Transportation.

The 2020 Florida Transportation Plan

The Florida Transportation Plan (FTP) is a statewide transportation plan developed by the Florida Department of Transportation that documents long and short range transportation goals and objectives within the broader framework of the State Comprehensive Plan, as well as other state, and federal mandates. "The Florida Transportation Plan shall consider the needs of the entire state transportation system and examine the use of all modes of transportation to effectively and efficiently meet such needs..." (§ 339.155(1), Florida Statutes). This plan, as well as the individual elements of the plan, guide the policies that direct the establishment of the Department's annual Work Program, including expenditures for public transportation projects and programs. The Short Range Component also serves as the annual performance report for the Department. The transit element of this FTP is Transit 2020: Florida's Strategic Plan for Public Transportation.

Transit 2020: Florida's Strategic Plan for Public Transportation

Transit 2020 was developed by the Florida Department of Transportation in cooperation with and with the assistance of state and local government agencies, public transit providers, community leaders, and the general public. Transit 2020 provides the policy framework that ties the state's public transportation goals and objectives into the FDOT's annual budget requests and the 5-Year Work Program. The purpose of the plan is "...to support the development of a transit system that provides Floridians and visitors with an effective, efficient and customer-friendly transit service in a transit-friendly environment..." (Transit 2020, September 1998).

The three critical subject or "issue" areas defined in the plan include transit service, funding and planning/policy. The plan identifies a goal, and a series of objectives, strategies and tasks for each of the issue areas establishing the direction for transit in Florida.
Strategic Regional Policy Plans

Section 186.507, Florida Statutes, establishes the requirement for each of Florida's regional planning councils to prepare a strategic regional policy plan (SRPP) and specifies the required elements of the plan. Each of the SRPPs must contain regional goals and policies that address affordable housing, economic development, emergency preparedness, natural resources of regional significance, and regional transportation. **Regional plans must be consistent with the state comprehensive plan.** The Executive Office of the Governor, by rule, establishes the minimum criteria to be addressed in each SRPP and a uniform format for each. This plan provides data for local governments and the private sector, addresses a broad range of regional resources and infrastructure needs, establishes the basis for Developments of Regional Impact (DRI) reviews, and can be used by local governments in developing their comprehensive plans.

Local Government Comprehensive Plans

Chapter 9J-5, Florida Administrative Code (F.A.C.), establishes the minimum criteria for the preparation, review, and determination of compliance of comprehensive plans and plan amendments pursuant to the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Part II, F.S.

On or before July 1, 1991, all units of local government in Florida developed a comprehensive plan consistent with the minimum criteria established in Chapter 9J-5, F.A.C. Each comprehensive plan was originally required to address, at a minimum, the following elements: future land use; traffic circulation; sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge; conservation; recreation and open space; housing; intergovernmental coordination; and capital improvements. For those local governments in coastal areas, a coastal management area was required. Each municipality with populations greater than 50,000 and counties with populations greater than 75,000 were to prepare a traffic circulation element and a mass transit element either as part of the traffic circulation element or separate. In 1994, the Local Government Comprehensive Planning and Land Development Regulation act was amended requiring local governments located within the urban area of a metropolitan planning organization (MPO) to prepare a transportation element. Section 9J-5.019, F.A.C. establishes the minimum criteria for the transportation element of the comprehensive plan.

The purpose of the transportation element of the comprehensive plan is to effectively plan for a multi-modal transportation system that places emphasis on public transportation systems (§ 9J-5.019 F.A.C.). **All transportation elements prepared within the urban area of an MPO must be consistent with and be coordinated with the long range transportation plan of that MPO.**
Process for Adoption of Comprehensive Plan or Plan Amendment

Immediately following a formal public hearing held in accordance with § 163.3184(15) F.S., a completed proposed comprehensive plan or plan amendment is sent to the state land planning agency (the Department of Community Affairs), the appropriate regional planning council for the area, the water management district, the Department of Environmental Protection, and the Department of Transportation for review and determination of compliance with the SCP, the appropriate SRPP, and Rule 9J-5. In the case of plan amendments, all amendments must be consolidated into a single submission for each of the two plan amendment adoption dates during the calendar year. If the amendment is a result of an evaluation and appraisal report (EAR), the submission must also contain the original copy of the EAR.

Any comments received by the agencies reviewing the plan, the public, or any other division of government are provided to the local government in writing by the state land planning agency. The local government has 120 days following the receipt of comments to either adopt or adopt with changes the proposed comprehensive plan or plan amendment(s). Comprehensive plans or plan amendments must be adopted through the course of a public hearing. The local government must then transmit the final approved comprehensive plan or amendment to the state land planning agency and the appropriate regional planning council within 10 days of adoption.

Once the state land planning agency has received the adopted comprehensive plan or plan amendment, they have 45 days (30 days if under a compliance agreement) to review the plan or plan amendment and determine if it is in compliance with Chapter 163, F.S. During this time, the state land planning agency must file a notice of intent to find that the plan or plan amendment is in or not in compliance.

Development of Land Development Regulations

Within one year of the adoption of a local government's comprehensive plan, each county and municipality are to adopt or amend and enforce land development regulations (LDRs) that are consistent with and implement the adopted comprehensive plan. At a minimum, LDRs must regulate the subdivision of land within the local government's jurisdiction; regulate the use of land and water and ensure the compatibility of those uses with adjacent lands; provide for the protection of potable water wellfields; regulate flood prone areas and provide for drainage and stormwater management; ensure the protection of environmentally sensitive areas; regulate signage; provide that public facilities and services meet or exceed the levels of service established in the comprehensive plan and that development orders and permits are issued consistent with the concurrency management system established for the jurisdiction; and ensure safe and convenient onsite vehicular and pedestrian traffic flow. Land development regulations are reviewed by the state land planning agency to
ensure their consistency with the adopted plan. Standards for the review of land development regulation are provided in §9J-5.022, F.A.C.

**Evaluation and Appraisal**

Chapter 163, F.S. provides that the planning process be continuous and ongoing. Each local government that submits a comprehensive plan must adopt an evaluation and appraisal report (EAR) once every seven (7) years that assesses the progress of the local government in implementing the comprehensive plan. Changes in state, regional, and local planning and growth management policies should be addressed, as well as local trends and changing conditions within the physical and socio-economic environments of the community. Changes in development patterns, population growth, annexations or other physical aspects must also be addressed. The success in meeting the established goals, objectives and policies of the original plan must be examined and discussed. If there has been a shift in the major issues facing the community, it must also be discussed. Any actions or corrective measures necessary to address new issues or adequately correct existing issues must also be identified.

The final result of the evaluation and appraisal process is the development of a formal comprehensive plan update that is reviewed by the land planning agency for conformance with the minimum criteria established in §163.3191, F.S. and §9J-5.0053, F.A.C. If found to be in compliance, the local government must adopt the report consistent with the phased schedule for EAR adoption established by the state land planning agency. The local government must then amend the comprehensive plan based on the recommendations made in the EAR.

**Public Participation**

It was the intent of the legislature that the public have the opportunity to participate in the comprehensive planning process to the "fullest extent possible." Chapter 163, F.S. requires that all local planning agencies and local government units adopt procedures to provide effective public participation in the comprehensive planning process and to provide real property owners notice of all "official activity" that would regulate the use of their property.

Local governments must provide a "broad dissemination" of any proposals that would impact property owners, and provide opportunities for written comments, public hearings, open discussions, communication programs, and information services. The local government must also establish policies and procedures that allow for the full consideration and response to public comments.
Concurrency

It was the intent of the Florida Legislature that public facilities and services needed to support Florida's burgeoning growth be available "concurrent" with or at the same time as the impacts of developments occur. In order to ensure a consistent and effective way of tracking concurrency within a local jurisdiction, each local government is required to establish a concurrency management system.

The primary purpose of a concurrency management system is to "establish an ongoing mechanism which ensures that public facilities and services needed to support development are available concurrent with the impacts of such development." (§ 9J-5.0055 F.A.C.). Concurrency management systems developed by local governments must include a requirement that the local government maintain adopted levels of service standards for sanitary sewer, solid waste, drainage, potable water, parks and recreation, mass transit (if applicable), and roads and public transit (as required by § 9J-5.019(4)(c)1., effective in March 1994). The system must also include a requirement that the local government's capital improvement element establish a financially feasible plan that provides for the achievement and maintenance of the established level of service standards adopted by that community.

Level of Service Standards

A "level of service," as defined by § 9J-5.003(61), F.A.C., is "...an indicator of the extent or degree of service provided by or proposed to be provided by a facility based on and related to the operational characteristics of the facility." In local comprehensive plans, the level of service indicates the capacity of the facility per unit of demand. All levels of local government are required to establish level of service standards for public facilities within their jurisdictions pursuant to § 163.3202(2)(g), F.S. Development orders and permits are to be issued based on the conformance with established levels of service standards. Developments that would result in a reduction of the established level of service standard for the affected public facilities would not be issued a permit, or would have to successfully negotiate mitigation strategies in order to secure a development permit.

Transportation Concurrency Management Areas (TCMAs)

TCMAs are compact geographic areas within an existing road network where multiple, viable alternative travel paths or modes are available for common trips (§ 163.3180, F.S.). An areawide level of service standard may be established for the area by the local government based upon an analysis that justifies the areawide level of service, identifies how urban infill and redevelopment will be promoted, and how mobility will be accomplished within the area (§ 163.3180(7)). "The purpose of this optional alternative transportation concurrency approach is to promote infill development or redevelopment
within selected sections of an urban area in a manner that supports the provision of more efficient mobility alternatives, including public transit" (§ 9J-5.0055(5)).

Areawide levels of service and maximum service volumes must be identified in the policies of the local government's comprehensive plan. The comprehensive plan must also contain specific objectives and policies that identify actions and programs the local government will undertake to promote infill development and redevelopment.

Transportation Concurrency Exception Areas

Transportation Concurrency Exception Areas (TCEAs) is another concurrency option approach that was established to reduce the adverse impacts transportation concurrency may have on an urban infill area and to assist the local government in meeting other goals and policies of the State Comprehensive Plan, including promoting public transportation. Under limited circumstances, it allows exceptions to the transportation concurrency requirement in these specifically defined areas.

As with TCMAs, local governments must identify Transportation Concurrency Exception Areas within their comprehensive plans and must establish objectives and policies that identify level of service standards, service volumes, and identify activities or programs that will be undertaken by the local government to promote infill development and redevelopment. Specific requirements related to the delineation of these areas, and minimum thresholds for a variety of conditions are provided in § 9J-5.0055(6)(a), F.A.C. Local governments must also amend their comprehensive plans to provide guidelines and/or policies which specify programs that will address the transportation needs within the areas. Strategies which may be employed by local governments may include, but not be limited to: timing and staging plans; parking control and pricing policies; transportation demand management strategies; transportation system management programs; the availability of public transit; and the utilization of innovative financing tools for the provision of transportation services and facilities (§ 9J-5.0055(6)(c)).

Concurrency Exception - For Projects That Promote Public Transportation

Local governments have the authority to exempt projects from concurrency if they promote public transportation as defined in § 163.3164(28), Florida Statutes. The local government must establish, in the local comprehensive plan, guidelines and/or policies for the granting of the exception. The guidelines must demonstrate that consideration has been given to the impact of the project(s) on the Florida Interstate Highway System (FIHS) and must establish how the project(s) qualify as one that promotes public transportation.

GROWTH POLICY ACT OF 1999

The Growth Policy Act of 1999, codified in §163.2511 and §163.2526, Florida Statutes, declares that "...fiscally strong urban centers are beneficial to regional and state
economies and resources, are a method for the reduction of urban sprawl, and should be promoted by state, regional, and local governments." The intention of the 1999 Florida Legislature was to facilitate community revitalization through the creation of Urban Infill and Redevelopment Areas (Urban IRAs). The Growth Policy Act promotes fiscally strong urban centers which ultimately will benefit the regional economies and the state as a whole. In addition, it will serve as a tool to discourage future urban sprawl. The following section provides a summary of the important aspects of the Act:

- Authorizes counties and municipalities to designate urban infill and redevelopment areas;
- Establishes a process for the local designation and requires a plan for the infill area;
- Requires the Department of Community Affairs to give elevated priority to these areas in its grant application process;
- Creates a grant program to offer planning and project implementation assistance to local areas ($2.5 million available FY 2000);
- Provides exceptions to the transportation concurrency requirements, developments of regional impact substantial deviation thresholds, and limitations on the number of comprehensive plan amendments within certain types of developments within these areas;
- Exempts public transit facilities from the transportation concurrency provisions of Chapter 163, F.S. and Chapter 9J-5, F.A.C.;
- Defines “projects that promote public transportation” to include projects that are transit-oriented and designed to complement planned or existing public facilities in close proximity to the area;
- Allows local governments to set level of service standards for general lanes in urbanized areas (with the approval of the FDOT);
- Requires that local governments use professionally accepted techniques for measuring certain levels of service; and
- Allows for the establishment of multi-modal transportation districts.

Urban Infill and Redevelopment Areas (Urban IRAs)

Urban IRAs are areas designated by a local government where public facilities and services are available or are scheduled to be provided within five years of the
designation; the area, or neighborhoods within the area, suffer from pervasive poverty, unemployment or general distress (as defined by statute); the area has a proportion, greater than that of the average for the local government, of properties that are substandard, overcrowded, dilapidated, vacant or abandoned, or functionally obsolete; greater than 50 percent of the area is within 1/4 mile of an existing transit stop or a sufficient number of stops will be made available at the time of the designation; and the area either includes or is adjacent to community redevelopment areas, Brownfields, Enterprise Zones, or Main Street programs, or has been designated by the state or federal government as a redevelopment, revitalization, or infill area under the designation of an Empowerment Zone, an Enterprise Community, or Brownfield Showcase Community or similar designation.

Transit Implications of the Growth Policy Act of 1999

In general, the Growth Policy Act of 1999 provides significant benefits for public transit. The act encourages the development and redevelopment of areas currently served by transit and suggests design alternatives that are conducive to multi-modal transportation systems, particularly public transit. The act also supports and complements Transit 2020, the transit component of the Florida Transportation Plan, in the following areas:

- Improved transit access and level of service;
- The potential for additional transit funding through tax increment financing;
- Joint development opportunities with the private sector;
- The potential for transit oriented development or transit oriented design in the development or redevelopment of the area;
- The coordination of regional and local transit planning activities;
- The potential for dedicated local funds for transit investments;
- The promotion of contributions to transit by developers to achieve local government concurrency;
- The use of transit as a land development tool which focuses development; and
- The development of strategies and standards to better integrate transit, pedestrian, and bike modes into the state and local multi-modal planning process. (FDOT Transit Office, 6/99)

Local governments may designate an urban infill and redevelopment area for the purpose of targeting economic development, job creation, housing, transportation,
crime prevention, neighborhood revitalization and preservation, and land use incentives that encourage development or redevelopment within the urban core.

Local governments must develop plans that specifically describe infill and redevelopment objectives within those geographic areas. "Each plan developed must demonstrate the local government and the community's commitment to comprehensively address the problems within the area and identify activities and programs that will accomplish locally identified goals such as code enforcement; improved educational opportunities; crime reduction; neighborhood revitalization and preservation; the provision of infrastructure needs, including mass transit and multi-modal linkages; and mixed-use planning to promote multi-functional redevelopment to improve both the residential and commercial quality of life in the area" (§ 163.2517(3)).

The plan must also contain a package of financial or local government incentives that will be offered for new development, expansion of existing development, and redevelopment in the area. One example of the incentives that may be offered to developers include a reduction in transportation impact fees for development which encourages more use of public transit, pedestrian, and bicycle modes of transportation.

Any existing transportation concurrency exception areas or any relevant public transportation corridors designated by the metropolitan planning organization in the long range transportation plan or by the local government through the comprehensive plan must be identified and mapped. For those areas, local governments must describe how public transportation, pedestrian ways, and bikeways will be implemented as an alternative to increased automobile use.

Many of the potential transit benefits will require close coordination and cooperation between all of the affected agencies and a proactive approach by those agencies in achieving the specific objectives of the act.

**FEDERAL TRANSPORTATION PLANNING REQUIREMENTS**

On June 8, 1998, the Transportation Equity Act for the 21st Century (TEA-21) was signed into law. Similar to its predecessor, the Intermodal Surface Transportation Efficiency Act (ISTEA), TEA-21 requires that metropolitan planning organizations (MPOs) develop fiscally constrained long range regional transportation plans and short term transportation improvement programs (TIPs). These plans must be developed through a process that includes active public involvement and they must conform with the state air quality implementation plans.
Metropolitan Planning Organizations's Long Range Transportation Plans

The MPO's long range transportation planning process must consider projects and strategies that will:

(A) "support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;

(B) increase the safety and security of the transportation system for motorized and non-motorized users;

(C) increase the accessibility and mobility options available to people and for freight;

(D) protect and enhance the environment, promote energy conservation, and improve quality of life;

(E) enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;

(F) promote efficient system management and operation; and

(G) Emphasize the preservation of the existing transportation system."

(Title I, § 1203(1)(1), Transportation Equity Act for the 21st Century).

In the State of Florida, Chapter 339, F.S. defines and establishes the requirements for MPO long range plans in the state that further the federal requirements listed above. Section 339.175, F.S. provides that "...metropolitan planning organizations..., shall develop, in cooperation with the state and public transit operators, transportation plans and programs for metropolitan areas." As well as establishing identifying the seven planning criteria established under TEA-21, § 339.175(5)(c) also requires MPOs to consider the following six items:

- "The consistency of transportation planning with applicable federal, state, and local energy conservation programs, goals, and objectives;

- The likely effect of transportation policy decisions on land use and development and the consistency of transportation plans and programs with all applicable short-term and long-term land use and development plans;
Section 339.175(6), F.S., specifies the minimum criteria for all MPO long range transportation plans and includes the requirement that long range transportation plans be consistent, to the maximum extent feasible, with future land use elements and the goals, objectives, and policies of the approved local government comprehensive plans of the local governments located within the MPO's jurisdiction. In addition, the existing approved long range transportation plan must be considered by local governments in the development of the transportation elements in local government comprehensive plans and any amendments to those plans.

Transportation Improvement Programs

Section 339.175(7), F.S. establishes the requirement that MPOs develop a transportation improvement program (TIP), consistent with federal transportation law. The TIP includes projects and project phases recommended for implementation during the first fiscal year and the four subsequent years of the improvement program that are to be funded with state and/or federal funds. Specifically, it requires that each MPO develop a TIP in cooperation with the state and affected public transportation operators. It further requires that through the development of the TIP, the public, affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties have reasonable opportunity to comment on the TIP. TIPs are updated annually.

TIPs are used to initiate federally aided transportation facilities and improvements, as well as other transportation facilities and improvements including transit, rail, aviation, spaceport, and port facilities to be funded from the State Transportation Trust Fund, administered by the FDOT. As with the MPO long range transportation plan, the TIP must be consistent, to the maximum extent feasible, with the approved local government comprehensive plans of the local governments within the MPO's jurisdiction.
metropolitan area. The Department of Community Affairs reviews each TIP for consistency with those comprehensive plans.

Public Transportation and the MPO Planning Process

Chapter 339, F.S. establishes the transit agency’s role in the MPO planning process, consistent with federal law requiring transportation planning activities to consider multimodal transportation options for urban transportation networks. The following citations were taken from Chapter 339, F.S. supporting the participation and consideration of transit within the MPO planning process.

- Each MPO must appoint a technical advisory committee whose membership must contain a representative from the public transit authority or agency providing transit services within the MPO boundary (§ 339.175(5)(e), F.S.).

- In developing the long range transportation plan, emphasis must be placed on those transportation facilities that serve national, statewide, or regional functions, and must consider the goals established in the Florida Transportation Plan, [and Transit 2020] as provided in § 339.155, Florida Statutes.

- The long range plan must assess capital investment and other measures necessary to ensure the preservation of the existing transportation system including the requirements for the operation, maintenance, modernization, and rehabilitation of public transportation facilities (§ 339.175(6)(c)(1)).

- Each MPO must develop the transportation improvement program in cooperation with the state and affected public transportation operators (§ 339.175(7), F.S.).

- The TIP must, at a minimum, indicate how the improvements are consistent, to the maximum extent feasible, with affected public transit development plans (TDPs) (§ 339.175(7)(c)(7), F.S.).

- Each MPO shall maintain a written agreement, with the operators of public transportation systems, including transit systems, describing the means by which activities will be coordinated and specifying how public transit and commuter rail planning and programming will be part of the comprehensive planned development of the metropolitan area (§ 339.175(9), F.S.).

LOCAL TRANSIT PLANNING EFFORTS

At the federal level, TEA-21 and its predecessor, ISTEA, is an attempt to level the playing field for transit and highways. At the state level, the Florida Department of Transportation has consistently expressed a strong commitment to intermodal solutions to transportation problems and has been at the forefront of state departments of transportation in supporting public transit.
In the State of Florida, all transit agencies who are eligible to receive funding from the Federal Transit Administration's Section 5307 and/or Section 5313 programs are also eligible to receive Public Transit Block Grant funds from the FDOT. All systems that receive these funds are required to prepare Transit Development Plans (TDPs). TDPs are locally adopted, short-range (five-year) transit planning documents that assess the need for transit services in a local area; establish local transit policies, consistent with the local government comprehensive plans of the area; identify existing services and proposed service improvements; estimate the capital and operating costs of transit services; identify existing and potential funding sources; and establish a staged implementation plan. The specific minimum requirements for the preparation and adoption of TDPs are contained in Chapter 14-73, Florida Administrative Code (F.A.C).

Consistency with Local Government Comprehensive Plans

Section 341.071(1), F.S. provides that "[w]here there is an approved local government comprehensive plan in the political subdivision or political subdivisions in which the public transportation system is located, each public transit provider shall establish public transportation development plans consistent with approved local government comprehensive plans." Transit development plans can establish the basis for coordination of transportation planning efforts by stating the priorities for the transit agency. The strategic aspects of the TDP process can provide a missing piece to the puzzle of how transit fits into the larger transportation network in metropolitan areas and ultimately will be used to provide input in the update of local plans, including the local comprehensive plans and the MPO's long range transportation plan.
CHAPTER TWO
STRATEGIES FOR SUCCESSFUL INTEGRATION OF TRANSIT INTO THE GROWTH MANAGEMENT PROCESS

TRANSIT AGENCY INVOLVEMENT

As growth management legislation in Florida has evolved, it is clear that multimodalism has become an important factor for consideration in effective planning, funding, and compliance. However, growth management is not explicit, but directive. The extent to which transit is integrated into each local comprehensive plan and supporting land development regulations is discretionary. Therefore, the greatest burden for coordination is on the transit agency. Each transit agency needs to be directly involved in the local growth management process by voicing its desires, concerns, and goals for transit in the community. Continuous communication is the only way to effectuate coordination. This means that even after a plan is updated or an issue is resolved, it is important to maintain a presence and involvement in the ongoing process of managing growth.

In the Community

Perhaps one of the most important things that a transit agency can do to ensure coordination into the growth management process is to be actively involved in the community. This builds consensus and allows the transit agency to take advantage of the additional support.

It usually takes little effort for the transit agency to be involved with local social service agencies/programs and certain community groups. This is because the people served by these agencies or groups are typically transit-dependent and seek to be involved. Some of these groups might include: the United Way, the elderly and disabled communities, Welfare-to-Work agencies, boys and girls clubs, etc. Since these people rely on public transportation, they are willing to provide assistance in building awareness and, hopefully, getting better service.

Large employers are often amenable to coordination with transit agencies. A transit agency can meet with large employers to discuss transportation needs and provide possible alternatives. One possibility is to allow flex time for employees using the
transit system. Another potential is to provide premium parking spaces for those who take advantage of car or vanpooling. In larger urban areas, parking problems may create an opportunity for transit involvement. If an employer provides a parking stipend, it could be reduced to an amount equal to the cost of a monthly bus pass, thereby encouraging use of the transit system.

These employer-based efforts create a positive influence on local politicians who recognize the importance of their effect on concurrency and, ultimately, plan consistency and evaluation.

**With Local Governments**

Every governmental entity that is affected by public transportation is well aware of the local transit agency. By design, some governments (or sections thereof) are more involved with the transit agency, such as the Florida Department of Transportation (FDOT), the metropolitan planning organization (MPO), and the regional planning council. Often, local governments fail to recognize the importance of the transit agency in their decision-making and planning process, and include transit in their plans as a service only for those who have to use it.

Transit agencies should take the lead in making local officials aware of issues, goals, and concerns. Since local representatives sit on the transit board, it is logical for them to advise players within their local governments and to assist in pertinent application. It is also important for the transit agency to work closely with the FDOT, the MPO (if applicable) and the regional planning council. The more coordination of agencies working together, the more likely transit becomes incorporated into the plans and policies of each.

The FDOT, the MPO and the regional planning council work on a broader scale than the transit agency, so it is beneficial to keep a close working relationship with them. This way, they can support the transit agency and provide assistance when local governments are developing plans, policies and regulations. It is also politically beneficial, as they are the decision-makers for approving transit projects and funding decisions.
Having a planner on staff is a good way for the transit agency to maintain involvement in the local government planning process. The planner could be placed on all pertinent mailing lists, be an active participant in local meetings, and request to be a part of any advisory groups. This would keep both the local government(s) and transit agency apprised of developments and potential changes. Information sharing can then be used to effectuate coordination.

OPPORTUNITIES FOR COORDINATION

There are many opportunities that the transit agency can use to further coordination efforts between agencies. This may be as general as attending local government public hearings or as involved as becoming a part of the local government development review process. The extent to which a transit agency avails itself of the opportunities is directly related to the extent to which transit is incorporated into the growth management process.

Legislative Actions

The first chapter summarized Florida’s Growth Management Act and describes the incorporation of transit planning. What follows is an identification of the specific areas of growth management in which transit agencies need to be actively involved in order to further the plans and goals of local transit.

Comprehensive Plan. Every local government is required to prepare a comprehensive plan which specifies how they will accommodate growth for ten years in the future. Every municipality with a population of greater than 50,000, and every county with a population of more than 75,000 must include a mass transit element to the comprehensive plan. This provides an opportunity for the transit agency to coordinate with the local government(s).

Land Development Regulations (LDRs) are the vehicle for implementing the comprehensive plan (§163.3202(1), F.S.). LDRs contain detailed regulations for development. While it is important for transit agencies to coordinate with local governments during the comprehensive plan and update process, it is equally important to coordinate during development and update of LDRs. Aggressive coordination during these processes will ensure that future development will, at least, accommodate mass transit.
Concurrency means that public facilities (roads, water, sewer, solid waste, drainage, parks and recreation, and mass transit) must have the capacity to serve new development. Section 163.3180(1)(b), F.S., affords local governments the option of using special level-of-service techniques in multimodal areas. This would allow more capacity for public facilities, which means more ability to develop. Transit agencies within governments exercising this option have additional leverage for coordination.

Local governments also have the option of designating multimodal transportation districts in their comprehensive plans (§163.3180(15)(a), F.S.). These districts make pedestrian and transit movement a priority, and vehicle movement secondary. Designation of a multimodal district is a concurrency strategy, but also requires specific design elements to support its integration into the transportation system. Essentially, this would be a transit-oriented development district, where the focus of movement in the community is on pedestrians and transit. This provides the optimum circumstance for coordination.

One effective means for coordination is through the Development of Regional Impact (DRI) process. A DRI is defined in §380.06(1) of the Florida Statutes, as "any development which, because of its character, magnitude, or location, would have a substantial effect upon the health, safety, or welfare of citizens of more than one county." Because of its potential effects, many agencies are involved in reviewing the plan, including the FDOT, RPC, MPO (if applicable), water management district(s), Florida Fish and Game Commission, Army Corp of Engineers, Department of Environmental Protection, local governments, transit agency (if applicable), and any other source the RPC deems appropriate. This comprehensive review results in incorporating each agency's recommendations into conditions for a development order (DO), which the local government issues. To ensure implementation, the DRI must file an annual report which includes an assessment of compliance with each individual condition in the DO.

Transit Development Plans (TDPs) must be completed by the transit agency and updated every year, outlining a five-year plan for the transit system. Information from the TDP is incorporated into the Long Range Transportation Plan, and ultimately, operating and capital improvements paid for via the Transportation Improvement Program (see below).
Long Range Transportation Plans (LRTPs) are required by all MPOs. These are strategic plans that demonstrate how the transportation system will be able to provide for growth in the next 20 years. The transportation system includes roads, mass transit, ports, airports, and rail. The main difference between comprehensive plans and LRTPs is that the latter must include a demonstration of financial feasibility. It must show anticipated revenues, costs, and needs. In non-attainment areas, the LRTP must also demonstrate how improved air quality will be accomplished. Very often, MPOs rely upon mass transit (mainly buses) for this purpose.

Transportation Improvement Program (TIP) is completed annually by all MPOs, charting how the budget will be spent. This is important to transit agencies, since the majority of grant funding for transit systems filters through the state and U.S. DOT, and must be accounted for in the TIP.

Local Options

Several techniques employ coordination efforts which require good communication and negotiation skills. They can be used in conjunction with the growth management process, and again, create more presence of the transit agency. Some of the following techniques can also be somewhat time-consuming in order to bring about the desired results. Often, the transit agency is also the local government, and thereby has the authority to implement many of these techniques.

Some of these techniques are regulatory, dictating requirements. They are created by adoption or ordinance, and are written and applied as specified. As such, they can only be implemented by local governments. Other techniques are negotiable, providing a benefit to all parties involved.

Mapping. Transit service areas (including potential areas for expansion of transit) can be shown on a map. This is a simple way to identify affected properties. Those properties within the designated service area would be subject to transit review and possible regulations at the time of development. Simple identification of a transit area gives developers and landowners notice of potential obligations.
Zoning is the division of land into districts with each district having its distinct regulations prescribing how the land may be used, and how development may occur. Zoning may be applied in a variety of ways.

- Transit Overlay District. Identified properties are assigned a standard special zoning district (commercial, residential, etc.) with transit controls being assigned in addition. The property and any improvements thereon are subject to both the standard zoning regulations and the overlay restrictions that accommodate transit. These may address any number of issues relating to transit, e.g. pedestrian circulation, transit stop(s) if the development is over a certain size, on-site accessibility, etc.

- Conditional Zoning (most commonly, Planned Unit Development) is the imposition of specific restrictions upon the landowner as a condition of the realization of the benefit of rezoning. It permits use of particular property subject to conditions not generally applicable to land similarly zoned. As applied herein, certain thresholds or identified properties within the transit area would be subject to additional review before approval for development is granted.

Land Development Regulations (LDRs). Accommodations for transit can be incorporated into land development regulations. This would specify when and how transit standards would be applied. LDRs dictate what new development must do in order to receive a Certificate of Occupancy.

Incentives. In exchange for public amenities and design that furthers public transportation, developers can be allowed to relax other requirements. Local governments may:

- Grant increased density or greater floor area ratio
- Lower parking requirements
- Decrease impact fees
- Reduce trip generation rates
- Reduce taxes
- Allow greater flexibility in mitigation

Transit agencies may work with the local governments or directly with property owners or managers in providing incentives such as permitting free advertising on buses or shelters.
Development Agreements. Trade-offs between public benefits and development incentives should be legally recorded in a way that assures each party will follow through. Development agreements usually run with the use of the land; however, they can also run with the land, binding each successive owner. Agreements ensure that the terms for development are clear and followed by all parties. (See §163.3227, Florida Statutes, for requirements of a development agreement.)

Joint Development Agreements specify how public and private developers will each contribute to the development of strategic projects, and hinge on the public and private sectors each performing on schedule. These agreements are particularly important with regard to redevelopment efforts. For instance, a business or property owner agrees to install awnings, lighting and landscaping improvements, and the city commits to improve the arterial, construct sidewalks, and consolidate driveways. Joint efforts are a good way for local governments to demonstrate their commitment to transit and their willingness to assist in retrofitting for the benefit of the community.

An Intergovernmental Agreement is a binding contract creating legal rights and obligations between parties. It is the mutual consent and obligation to unite in a common purpose. This is the ultimate means of intergovernmental coordination, as it is legally binding and specific in its terms of the desired course of action. Intergovernmental agreements work best when responsibilities, financial obligations, and procedures for review and management are detailed. This is particularly important in a transit area serving multiple jurisdictions. It ensures that all of the affected governments are working together.

Joint Planning Agreements are an effective way to get local governments to join together for the purpose of achieving planning objectives across municipal or unincorporated boundaries. This option is rarely used, but can be exercised for joint participation in the preparation and adoption of the comprehensive plan, land development regulations or any other relevant planning purpose. (See §163.3171, F.S.) Local governments may jointly exercise powers pursuant to public hearing and subsequent formal adoption of the joint agreement.

A Resolution is the formal expression of an opinion or the will of an official body. A resolution publicly declares the unilateral position of a governing body on a given policy at a point in time. A resolution in support of transit may serve as an initial step toward a
more formal and legally binding coordination mechanism. However, resolutions are not legally binding and are subject to change, particularly when members of the elected body change.

**Memorandum of Understanding (MOU)** is an effective way to clearly document the role of each agency in helping to implement a plan. An MOU sets forth goals, objectives, actions, deadlines and funding responsibilities. This is not a contract to perform; it is merely a mutual understanding concurrence of what needs to be done, and should be followed up with an contract or agreement for implementation.

**Policies** are general guiding principles by which agency affairs are managed. In simple terms, policies provide direction regarding how to accomplish goals. Every agency, public and private, has policies that dictate the course of action. At the very least, there should be a policy that requires every permit application to be reviewed to determine if the property is within the mapped transit district. If so, the transit agency would be involved in the review process.

**IDEAS FOR COORDINATION**

Below are a couple of ideas for fostering coordination between transit and growth management. The first is a relatively simple process that could prove to be very effective, depending upon the leadership and membership of the group. The second is more difficult, requiring legislative action.

**Transit Coalitions**

*Transit coalitions* are becoming popular all over the country (Wisconsin, California, Pennsylvania, Washington, Virginia, Florida, and Kansas, to name a few). A coalition is a collection of groups joined together for a common purpose, directly or indirectly serving the particular and varying interests of each group. Transit coalitions serve as an advocacy group and can assist in lobbying efforts. They are usually well organized and can assist in:

- promoting transit at the federal, state, and local levels
- marketing new services and programs (such as the federal commuter benefit)
- increasing awareness of transit's role in welfare reform
• getting more financial support
• being an important voice in linking transit with growth management

The American Public Transportation Association (APTA) promotes local transit coalitions by offering grants of up to $5,000, to be used for public information, advocacy efforts, and/or activities associated with forming a coalition. APTA also serves as an information clearinghouse to assist those desiring to form a transit coalition.

**Joint Exercise of Powers**

A central challenge of coordinating transit is the separation of authority over transit, transportation, and development issues. One solution is to consolidate authority under a single entity. In 1949, the California legislature enacted a statute called the Joint Exercise of Powers Act for that purpose. The Act enables two or more agencies to combine powers under a joint authority. The resulting authority has access to any of the powers of the representative agencies. Therefore, an authority established to manage regional transit could become a special purpose public entity with the powers of transit, transportation and land use planning, implementation, and operations. This type of authority offers powers to local public and private entities, independence, and a high degree of permanence. A written agreement governs operations and specifies the terms and conditions for decision-making. (A few other states that have adopted similar laws enabling joint exercise of powers are Minnesota, Oregon and Arizona.)

Florida allows joint exercise of powers under a joint planning agreement, for the purpose of growth management planning. (See Opportunities for Coordination, Local Options, above, and §163.3171, F.S.) This could be beneficial for binding transit and local governments together, but would only work if the transit agency is part of the local government, and not under a separate authority. A joint exercise of powers law, as indicated above, would allow any and all public agencies to joint together for one purpose. This might result in an authority made up of representatives from FDOT, the local transit agency, local governments, and state programs or agencies (such as Welfare-to-Work, Commission for the Transportation Disadvantaged, Department of Children and Families, etc.) This would be a powerful tool toward sincere coordination.
REVISIONS TO CHAPTER 163, F.S.

Changes could be made in Chapter 163, F.S. that would further encourage coordination between transit and local government(s). Incorporating "transit" or "transit agency," where applicable, recognizes that aspect of growth management which may otherwise be forgotten. Specific mention of transit would also require local governments to address same, and would require the Department of Community Affairs (DCA) to review plans and regulations for transit considerations.

In the intergovernmental coordination element, §163.3177(6)(h), F.S. the phrase "school boards and other units of local government providing services but not having regulatory authority over the use of land" brings to mind public facilities such as water, sewer, electric, and roads. Transit may not even be considered in this element. The following additions could be made (additions indicated in italics):

1. An intergovernmental coordination element showing ... guidelines to be used in the accomplishment of coordination of the adopted comprehensive plan with the plans of school boards, transit agencies, and other units of local governments providing services but not having regulatory authority over the use of land ....

2. The intergovernmental coordination element shall further state principles and guidelines to be used in the accomplishment of coordination of the adopted comprehensive plan with the plans of school boards, transit agencies, and other units of local government providing facilities and services but not having regulatory authority of the use of land.

Just as public schools are addressed separately under intergovernmental coordination (§163.3177(6)(h)1 and 2, F.S.) and as a required element of the comprehensive plan (§163.3177(12), F.S.), transit agencies should be included in the intergovernmental coordination element, as the transportation and mass transit elements (§163.3177(5)(i) and (j), F.S.) do not address coordination.
Chapter 163, F.S. recognizes and encourages the use of “innovative planning and development strategies.” Section 163.3177(11)(b), F.S. acknowledges innovation with regard to “a planning process which allows for land use efficiencies within existing urban areas.” Again, as a reminder to both the local government and the DCA, the following addition could be made (indicated in italics):

... creative land use planning techniques, which may include, but not be limited to, urban villages, new towns, transit development districts, satellite communities ...."

In the same way, transit could be specifically mentioned in Section 163.3202, F.S., Land Development Regulations, subparagraph (3):

... innovative land development regulations which include provisions such as transfer of development rights, transit overlay districts, incentive and exclusionary zoning, ....

Transit could also be incorporated as a required provision of land development regulations, where applicable. This would assist in protecting the affected transit system from development conflicts. Possible language might include a new subparagraph to Section 163.3202(2), F.S.:

(i) Ensure accommodations for transit and transit accessibility, where applicable.

As mentioned previously, another way to encourage coordination under Florida’s Growth Management Act would be to approve law that authorizes joint exercise of powers, or by expanding the powers for joint agreements (§163.3171, F.S.). (See discussion under Innovative Means for Coordination, above.)

CONCLUSION

With so many groups and agencies influencing the growth management process, and the practical problems that arise, coordination is a continuing challenge. No single method is sufficient enough to fulfill coordination goals. It requires a combination of methods, each serving a separate function in the process. However, the greatest
there may be pages missing