Transportation Concurrency Forum

Lake-Sumter Community College – Leesburg Campus

Lake-Sumter MPO
Metropolitan Planning Organization

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What is Concurrency?

- Otherwise Known as an Adequate Public Facilities Ordinance.

- A growth management concept intended to ensure that necessary public facilities and services are available, concurrent with the impacts of new development, so that orderly development and growth can occur.

Is Concurrency Required?

- Concurrency in Florida is tied to provisions in the State Growth Management Act (§163, F.S.) requiring the adoption of level of service standards, elimination of existing service deficiencies, and provision of infrastructure to accommodate new growth reflected in the comprehensive plan.

Is Concurrency Required?

- Rule 9J-5.0055(3), F.A.C., sets forth minimum requirements for satisfying concurrency, and requires local governments to develop and implement a concurrency management system for that purpose. Specifically it states, “Every jurisdiction shall maintain a concurrency management system to ensure that public facilities and services to support development are available concurrent with the impact of development, consistent with the provisions of this Chapter.”

What If The Infrastructure is Not In Place?

- If adequate capacity is not available, then the developer must:
  - Provide the necessary facility or service improvements to proceed, or
  - Provide a monetary contribution toward such improvements, or
  - Wait until the local government provides the necessary improvements.

What Infrastructure Does Concurrency Monitor?

- Local governments are required to set forth a cost feasible Capital Improvements Element (CIE) to achieve and maintain adopted Level of Service standards for following services:
  - Sanitary Sewer
  - Solid Waste
  - Drainage
  - Potable Water
  - Parks and Recreation
  - Public Schools
  - Transportation Facilities

How Was Concurrency Impacted by Florida's Growth Management Legislation of 2005 (a.k.a. Senate Bill 360)?

- The legislation provides for a more effective concurrency approach through well-defined financial feasibility requirements for capital improvements schedules (CIS) and tightened timelines for concurrency.

- Concurrency, regarding transportation, is redefined, stating that facilities must be in place, or under actual construction, within 3 years after issuance of a building permit (previously certificate of occupancy).
  - Note that Local Government is Allowed to be More Restrictive (e.g. Construction 1 or 2 years after issuance of building permit)

How Was Concurrency Impacted by Florida's Growth Management Legislation of 2005 (a.k.a. Senate Bill 360)?

- New reporting requirements were implemented regarding the limitation on de minimis exceptions (impacts less than 1% of the service volume), not allowing such impacts to cumulate greater than 110% of the overall roadway service volume.

- Encourages coordination and consideration of common Level of Service standards and methodologies for multi-jurisdictional facilities.

What is a Concurrency Management System?

- Local governments are required to adopt and maintain levels of service on transportation facilities through a Concurrency Management System (CMS), per Chapter 163.3180, F.S. and 9J-5.0055 FAC.

- The CMS is a required prerequisite for the Proportionate Fair-Share Ordinance.

What is a Concurrency Management System?

- A Concurrency Management System forms a systematic process utilized by local governments to ensure that new development does not occur unless adequate infrastructure (such as public facilities) is in place to support growth; requirements for the CMS are found in Rule 9J-5.0055, Florida Administrative Code (F.A.C.).

- The CMS should be referenced in the local government's Comprehensive Plan & Land Development Regulations.

How Should Transportation Be Handled as Part of the CMS?

- A Transportation CMS (TCMS) should be developed to monitor impacts to the roadway network.

- In the future, as parameters become better defined, rail, transit and bicycle/pedestrian facilities should be integrated into the TCMS and monitored.
  - Intent of SB 360 to Encourage Multimodal Solutions

How Is a TCMS Developed?

- A TCMS is a continually updated database containing information about the roadway network.
- Statistics Generally Maintained in a TCMS:
  - **Roadways** – All roadways that carry significant volumes (usually collectors and above) should be Included
  - **Facility Types** – Is the roadway in an urban or rural area? Is the roadway a freeway, uninterrupted highway, arterial or collector?
  - **Traffic Counts** – What are the daily, PM peak hour, and/or PM peak hour directional traffic volumes on the roadways? These need to be updated annually to account for background traffic growth.

How Is a TCMS Developed?

- Statistics Generally Maintained in a TCMS:
  - **Level of Service Standards** – How well do we want the roadway to operate? In an urban area, LOS D or E may be acceptable. In a rural area, LOS B or C may be more appropriate.
  - **Service Volumes (at LOS Standard)** – What is the capacity of the roadway at the designated LOS Standard?
  - **De Minimis Exceptions** – How many de minimis exceptions (trips) have been made on each roadway (cannot exceed 110% of service volume)?
  - **Reserved/Committed Trips** from Previously Approved Development

What is a Reserved/Committed Trip?

- When developments receive concurrency approval, they reserve vehicle trips on the network. These trips should be considered on the roadway when the next concurrency study is submitted/reviewed.

- Reserved trips should span into neighboring jurisdictions, but usually are not, i.e., end at the municipal boundary.

How Do Roadway Improvements Get Funded?

Traditional Sources

- Impact Fees
- Sales Tax
- Fuel Tax
- Developer Agreements
- Local Sources
- State Sources
- Federal Sources

Newer Modern Sources

- Public-Private Partnerships
- Proportionate Share
- TRIP
- SIS
- SIB Loans
- User Fees

What is a Public Private Partnership (P3)?

- Contractual agreements formed between a public agency and private sector entity that expand the private sector's role in public transportation projects where they had previously been restricted to performance on a fee for service basis.

- A successful option in addressing funding shortages for transportation projects, currently being utilized by the transportation industry to meet Florida's highway transportation needs.

What is the Transportation Regional Incentive Program (TRIP)?

- Florida’s Growth Management Legislation of 2005, as part of a major initiative to improve growth management planning and funding, included the creation of this new program to help accomplish that objective.

- TRIP was created to improve regionally significant transportation facilities in "regional transportation areas".

What is the Transportation Regional Incentive Program (TRIP)?

- The Florida Department of Transportation (FDOT) will pay for 50 percent of project costs, or up to 50 percent of the nonfederal share of project costs for public transportation facility projects. It requires a 50% local match.

- In-kind matches, such as right of way donations and private funds made available to the regional partners, are also allowed as part of the local match.

Additional Transportation Concurrency Tools?

- Transportation Concurrency Exception Areas (TCEA)
- Transportation Concurrency Management Areas (TCMA)
- Multimodal Transportation Districts (MMTD)
- Long Term Concurrency Management System

What is a Transportation Concurrency Exception Area (TCEA)?

- Section 163.3180, F.S., offers alternatives to strict adherence to transportation concurrency.

- The TCEA designation allows local governments to reduce barriers to infill and redevelopment, and the incentive for urban sprawl, by allowing development to proceed notwithstanding a failure to meet transportation concurrency.

- Requires a community commitment to pursue an alternative transportation system and urban forms that will reduce single occupant vehicle trips and automobile use.

What is a Transportation Concurrency Exception Area (TCEA)?

- Local government comprehensive plans must support and fund mobility strategies that promote the purpose of the concurrency exception.
- These strategies must address urban design, land use mix, and network connectivity within the TCEA.
- Local governments must consult with FDOT prior to the designation of TCEAs to assess any impact a TCEA may have on the SIS, as well as to develop plans in cooperation with FDOT to mitigate any impact.

What is a Transportation Concurrency Management Area (TCMA)?

- Like the TCEA, the TCMA is also designed to promote infill development and redevelopment.

- A TCMA “must be a compact geographic area with an existing network of roads where multiple, viable alternative travel paths or modes are available for common trips” (Section 163.3180(7), F.S.).

What is a Transportation Concurrency Management Area (TCMA)?

- The TCMA allows an LOS standard to be applied areawide rather than on individual road segments.

- Local governments must consult with FDOT prior to the designation of TCMAs to assess any impact a TCMA may have on the SIS.

What is a Multimodal Transportation District (MMTD)?

- The MMTD is an area where primary priority is placed on “assuring a safe, comfortable, and attractive pedestrian environment, with convenient interconnection to transit” (Section 163.3180(15)(a), F.S.).

- Communities must incorporate community design features that reduce vehicular usage while supporting an integrated multimodal transportation system.

What is a Multimodal Transportation District (MMTD)?

- Common elements include the presence of mixed-use activity centers, connectivity of streets and land uses, transit-friendly design features, and accessibility to alternative modes of transportation.
- Multimodal transportation districts (MMTDs) must include level of service standards for bicycles, pedestrians, and transit as well as roads.
- Local governments must consult with FDOT prior to the designation of MMTDs to assess any impact a MMTD may have on the SIS.

What is a Long Term Transportation Concurrency Management System?

- Local government may adopt, as a part of its comprehensive plan, a long-term transportation concurrency management system, with a planning period of up to 10 years, for specially designated districts or areas where significant backlogs exist.

- The plan may include interim level-of-service standards on certain facilities and shall rely on the local government's schedule of capital improvements for up to 10 years as a basis for issuing development orders that authorize commencement of construction in these designated districts or areas.

What is a Long Term Transportation Concurrency Management System?

- The concurrency management system must be designed to correct existing deficiencies and set priorities for addressing backlogged facilities.

- The concurrency management system must be financially feasible and consistent with other portions of the adopted local plan, including the future land use map.

Concurrency Connects to Funding

- Concurrency management through adopted Levels of Service = Quality of Life
- Without enforcing concurrency, there is no opportunity for Proportionate Share agreements.
- With limited funds for transportation projects, managing the capacity we have left is no imperative

Status of Funding

- Since 2004, construction costs for FDOT and county road projects have more than doubled.
- Real estate price increases have dramatically affected ROW costs
- FDOT construction costs for US 441 in Lake County have risen from $13-16 million per mile to estimates of $25 million per mile for new projects.

Dwindling Funding Sources

- Gas taxes without indexing become less effective over time.
- Lake County's sales tax for capital projects is split three ways among cities, the county and the school district
- Transportation impact fees are not keeping pace with costs… plus, collections are down.

How will Concurrency Help?

- By enforcing concurrency, the growing backlog could be kept from metastasizing.
- Once the growing backlog is stopped, we can begin focusing funds toward the projects that have been delayed due to funding shortages.
- Making it work requires a level of cooperation and coordination like our region has never seen.

Are We Up to the Challenge?

2007 could be the year that we get a handle on transportation.

Questions?

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