



MEMORANDUM

AGENDA ITEM #8c)1

DATE: JANUARY 4, 2010
TO: COUNCIL MEMBERS
FROM: STAFF
SUBJECT: LEGISLATIVE UPDATE - MOBILITY STUDY

Senate Bill 360, the Community Renewal Act, required the Florida Departments of Community Affairs and Transportation to submit to the President of the Senate and the Speaker of the House of Representatives a joint report the mobility fee methodology study. The Report would also contain recommended legislation and a plan to implement the mobility fee as a replacement for the existing local government adopted and implemented transportation concurrency management systems. The final joint Report must also contain, but is not limited to, an economic analysis of implementation of the mobility fee, activities necessary to implement the fee, and potential costs and benefits at the state and local levels and to the private sector.

The Report, entitled *Joint Report on the Mobility Fee Methodology Study*, was submitted on December 1, 2009. It was developed by DCA and FDOT with input from a Stakeholders Working Group and a Technical Working Group. The members of the groups are listed in Appendix A and B, respectively.

The Report defines a mobility fee as “a charge on all new development to provide mitigation for its impact on the transportation system. However, a mobility fee is not a substitute for site related improvements for safety, access and internal circulation, which may still be required under local land development regulations.” The Report also provides a partial overview of transportation needs versus available revenue. The Report notes that the 2035 *Strategic intermodal System Multimodal Unfunded Needs Plan*, which was adopted in 2006 by FDOT, identified \$53.2 billion in unfunded needs. An unfunded need occurs when projects to serve future population and land use cannot be built because of insufficient revenues.

The Report outlines the following **principles for the mobility fee approach**:

- Ensure all new development provides mitigation for its impacts on the transportation system in approximate proportionality to those impacts, and new development should not be required to pay for existing system backlogs and deficiencies;
- Be transparent and predictable in its application;
- Be structured and implemented on at least a countywide basis and may be extended to include multi-county areas;
- Be designed to provide for mobility needs including at a minimum roadways, transit, bikeways, pedestrian walkways, and where applicable other transportation facilities;
- Be able to fund multi-modal transportation improvements, including capital projects, system efficiency and congestion management strategies and transit operating costs that support the provision of transit service for new development;

- Fairly distribute the mobility fee among the governmental entities responsible for maintaining the impacted roadways and other transportation facilities necessary to provide for mobility;
- In order to promote compact, mixed use and energy efficient development a mobility fee should:
 - √ Be sensitive to vehicle or person miles traveled and vary by location and development type;
 - √ Have a fee structure that encourages shorter trips and reduction of total travel (as well as reduction of greenhouse gas emissions); and
 - √ Have a fee structure that charges more per trip in areas where long distance travel is unavoidable.
- Allow for some level of local/regional flexibility in the implementation of mobility fees:
 - √ The land use and transportation strategies, multi modal improvement priorities, methodologies and intergovernmental procedures for mobility fees may vary from county to county;
 - √ Allow the continuation of current, alternative approaches for implementation of mobility fees; and
 - √ Should be authorized in the comprehensive plan of each local government within the county.

The Report provides three options for the Legislature to consider, with advantages and disadvantages.

Options	Advantages	Disadvantages
<p>1. Mobility Fees Required Statewide</p> <p>Each local government must enact a mobility fee by a date certain.</p> <p>Although this is a statewide option, it does not mean the state will mandate a uniform fee schedule. Rather, the fees will be determined and implemented by individual or multiple counties based on the principles recommended in this report.</p>	<ul style="list-style-type: none"> • Statewide application resulting in a consistent statewide framework. • Less complex and more transparent than the current transportation concurrency review process. • Addresses equity issue – all development pays for impacts. • Strengthens requirement for intergovernmental coordination for land use and transportation planning. • Encourages compact, mixed use and energy efficient development, while discouraging “leapfrog” development and urban sprawl. 	<ul style="list-style-type: none"> • Administratively challenging, especially for smaller/rural local governments. • No ability to identify or prevent unintended consequences. • Implementation before demonstrating the mobility fee system will achieve desired results.
<p>2. Mobility Fees Required only in Dense Urban Land Area (DULA) Counties and Conditionally Authorized Statewide as a Local Option</p> <p>DULA Counties and the cities therein must enact a mobility fee by date certain.</p> <p>All other opt in counties and their participating cities may adopt a mobility fee.</p> <p>Mobility fees are part of the funding for the mobility plans required in transportation concurrency exception areas (TCEAs).</p>	<ul style="list-style-type: none"> • Focuses implementation on areas where most of the congestion exists and concurrency has proven to be problematic. • Focuses implementation on urban areas, which have more planning resources and staff. • Local flexibility for all other counties to implement mobility fees. 	<ul style="list-style-type: none"> • Could encourage additional sprawl development in non-mobility fee areas. • Non-mobility fee areas not required to focus on mobility planning.

<p>3. Mobility Fees Authorized in Pilot Counties, Report Back to Legislature for Further Action</p> <p>Non-pilot counties and their participating cities may pursue mobility planning and associated fees.</p> <p>DCA and FDOT provide technical assistance to pilot counties.</p> <p>Report to the Florida Legislature.</p>	<ul style="list-style-type: none"> • Stakeholder support • Allows identification of unintended consequences before statewide implementation. • Allows focused technical assistance, collaboration with local governments and time to evaluate multiple approaches for mobility plans and fee methodologies. 	<ul style="list-style-type: none"> • Delays use of a mobility fee outside of pilot counties. • Inequity of existing transportation concurrency system not immediately addressed. • A period of uncertainty for local governments and developers.
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Recommendation

Information Only