

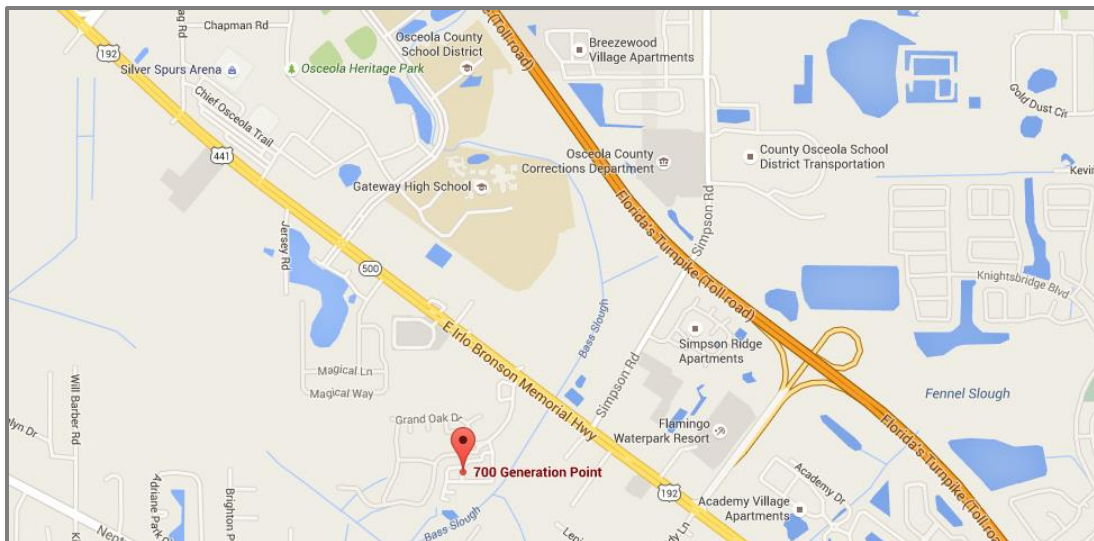


MetroPlan Orlando Board Meeting
September 14, 2016,
Breakfast Available - 8:15 a.m. / Meeting - 9:00 a.m.

Hosted by
Osceola Council on Aging
700 Generation Point, Kissimmee, FL 34744

DRIVING DIRECTIONS

- From **Florida's Turnpike South**, take the **US-192/ US-441 exit, EXIT 244**, toward Kissimmee/St Cloud.
- Turn right onto **East Irlo Bronson Memorial Highway /US-441 N./ US-192 W.** toward Kissimmee/Disney World. Then get in the left lane and go through the Simpson Road intersection.
- Turn left at the McDonald's onto **Heritage Key Boulevard**. (Heritage Key Boulevard is 0.1 miles past Simpson Road.)
- Turn left onto **Generation Point** to enter the Council on Aging property.
- MetroPlan Orlando signs will be at the entrance of the building.





MEETING NOTICE

DATE: Wednesday, September 14, 2016

TIME: 9:00 a.m.

LOCATION: Osceola Council on Aging
700 Generation Point
In the Barney E. Veal Center
Kissimmee, FL 34744



Commissioner Scott Boyd, Board Chairman, Presiding

Wi-Fi Access: COA congregate - **Password:** a1b2c3d4e5 *(all lowercase)*

PLEASE SILENCE CELL PHONES

- I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE
- II. CHAIRMAN'S ANNOUNCEMENTS – Chairman Boyd
- III. EXECUTIVE DIRECTOR'S ANNOUNCEMENTS – Mr. Barley
- IV. CONFIRMATION OF QUORUM
- V. AGENDA REVIEW - Mr. Barley

VI. COMMITTEE REPORTS

Community Advisory Committee – Mr. Tom O’Hanlon

Municipal Advisory Committee – Mayor Gary Bruhn

Technical Advisory Committee – Ms. Mary Moskowitz

Transportation Systems Management & Operations Advisory Committee – Mr. Corey Quinn

VII. PUBLIC COMMENTS ON ACTION ITEMS

Comments from the public will be heard pertaining to Action Items on the agenda for this meeting. People wishing to speak must complete a “Speakers Introduction Card.” Each speaker is limited to two minutes. People wishing to speak on other items will be acknowledged under Agenda Item XIV.

VIII. CONSENT AGENDA (ACTION ITEMS)

A. Approval of Minutes - July 13, 2016 Board Meeting (Tab 1)

The minutes of the July 13, 2016 Board meeting are provided at Tab 1.

B. Approval of June (preliminary year-end 2016) and July Monthly Financial Reports; and Acknowledgement of July and August 2016 Travels (Tab 2)

The preliminary monthly financial reports for the period ending June 30, 2016 and July 31, 2016 are provided at Tab 2 for approval. Acknowledgment is also requested of travel outside our region during the months of July and August 2016, which is also provided at Tab 2.

C. Approval of Revisions to Internal Operating Procedures Adding the Board’s Secretary/Treasurer to the Personnel Committee

The Board’s Personnel Committee currently consists of the Board Chairman, the Vice Chairman, the Immediate-Past Chairman and one additional Board member appointed by the Board. Approval is requested to revise our Internal Operating Procedures (Section VI, paragraph (1)(b)) to include the Board’s Secretary-Treasurer as a member of the Personnel Committee. The Board’s Personnel Committee met on August 30, 2016 and recommended Board approval of this change.

D. Approval of Proposed Revisions to MetroPlan Orlando’s Personnel Manual (Tab 3)

The Board’s Personnel Committee met on August 30, 2016 and reviewed proposed changes to the organization’s Personnel Manual. A number of provisions were discussed and Committee members recommended some additional revisions. These are reflected in the document provided at Tab 3. The Board’s Personnel Committee recommends approval. In addition, the Personnel Committee recommends that (1) staff investigate establishing a sick leave bank policy and (2) the Personnel Manual be reviewed every two years with updates recommended to the Board for approval.

E. Renewal/Extension of Executive Director's Employment Agreement (Tab 4)

The Board's Personnel Committee met on August 30, 2016. One of the agenda items was the renewal of the Executive Director's Employment Agreement. The current agreement with Mr. Barley goes through March 10, 2018. The Agreement automatically renews each year and adds an additional year to the term unless notice of non-renewal is provided by October 1. Rather than this being an "automatic" action, Mr. Barley has always requested an affirmative action be taken by the Board (and himself) to extend the Agreement. The Personnel Committee generally discusses this subject in August and makes a recommendation to the Board in September. Mr. Barley informed the Personnel Committee of his plans to separate/retire on August 31, 2018. He will be 70 years old at that time. In addition, he has a family medical situation that will require him to spend more time as a caregiver by then. As a result, the Personnel Committee recommends that our current Agreement with Mr. Barley be extended through August 31, 2018 rather than being renewed for another term. In addition, the Personnel Committee recommends Board approval of a number of related actions pertaining to our Agreement with Mr. Barley and transition planning. These are summarized at Tab 4.

F. Approval of Budget Amendment #1 (FDOT Amendment 1) (Tab 5)

Approval is requested of Budget Amendment #1 (FDOT Amendment 1) to roll forward FTA X009-00 and X010-00 grants and to add expenditures and cash carryforward to reconcile; to adjust the TD grant and the WISE grant from estimated budgets to actual; to carry forward funds from FY'16 for completion of the MetroPlan Orlando website; and to add additional local funds for transit corridor work being completed for FDOT. Additional information available at Tab 5.

G. Approval of Graphic Design Contract (Both Item: G & H are at Tab 6) (Tab 6)

Approval is requested to award a three year contract with two, one-year renewals to Popcorn Initiative for graphic design services. A request for quotes was advertised in July and a selection committee of two MetroPlan Orlando staff members and one outside advisor scored and ranked the eleven proposals received, based on pre-determined criteria. Projects will be individually scoped as work is needed within the budget approved by the board. A scoring summary can be seen at Tab 6.

H. Approval of Video Production Services Contract (Both Item: G & H are at Tab 6) (Tab 6)

Approval is requested to award a three year contract with two, one-year renewals to Digital Brew for video production services. A request for quotes was advertised in July and a selection committee of two MetroPlan Orlando staff members and one outside advisor scored and ranked the three proposals received, based on pre-determined criteria. Projects will be individually scoped as work is needed within the budget approved by the board. A scoring summary can be seen also at Tab 6.

I. Approval of Revisions to Municipal Advisory Committee Bylaws (Tab 7)

At their June meeting, the Municipal Advisory Committee appointed a Task Force to review and recommend necessary changes to the committee's bylaws. The task force met on July 7, 2016 and submitted recommendations to the full MAC. These changes include:

1. Changing the term of the MAC officers from one year to two years,
2. Eliminating the 2nd Vice Chair seat effective July 2017,

3. Allowing for the immediate-past Chairperson to serve as alternate on the MetroPlan Orlando board in the event both officers are unavailable, and
4. Changing the election of officers' cycle to every other year.

A copy of the revised bylaws are provided at Tab 7. The Municipal Advisory Committee will take action at its September 8th meeting. Board approval of the final bylaws revisions is requested.

J. Approval of CFMPOA Interlocal Agreement

(Tab 8)

A review of the Central Florida MPO Alliance Interlocal Agreement has necessitated updates that require approval by each respective Board. The update incorporates changes that have occurred since the Interlocal Agreement was first adopted in 2005, as well as revisions made by resolution in 2012. These changes include organizational names and address changes, changes to legal advertisements and posting notice requirements, Executive Director voting, annual member contributions, and the inclusion of the expanded metropolitan planning area of the River to Sea TPO. Each respective MPO is asked to adopt the recommended changes and designate a member to sign the agreement at the October CFMPOA meeting. Staff requests approval of the Amended and Restated Interlocal Agreement and designation of Commissioner Scott Boyd, CFMPOA Chair, to sign the agreement on behalf of the MetroPlan Orlando Board, a copy of which is provided at Tab 8.

K. Approval of "Put the Brakes on Fatalities Day" Resolution No. 16-13

(Tab 9)

The sixteenth annual "Put the Brakes on Fatalities Day" will be held on, October 10, 2016 in communities across the country. This is a national initiative that focuses on reducing the number of highway fatalities by improving our roadways, our vehicles and driver behavior. The goal is to unite the country to achieve one full day of zero traffic deaths by promoting safer highways and encouraging safer behavior. In support of this national campaign and recognizing that safety is one of the Board's top priorities, approval is requested of Resolution No. 16-13 declaring October 10, 2016 (provided at Tab 9) as "Put the Brakes on Fatalities Day" in the Orlando metropolitan area.

L. Approval of Blind Equality Act Resolution No. 16-14

(Tab 10)

In 1964, Congress passed a resolution allowing former President Lyndon Johnson to proclaim October 15 to be "White Cane Safety Day." Besides serving as a national observance, it enables us to celebrate the achievements of people who are blind or visually impaired and the important symbol of blindness and a tool of independence, the white cane. In 2011, "White Cane Safety Day" was named "Blind Americans Equality Day" by President Barack Obama. Approval is requested of Resolution No. 16-14 (provided at Tab 10) declaring October 15, 2016 as "Blind Americans Equality Day" in the Orlando metropolitan area.

M. Approval of Contribution to the University of Central Florida Foundation

Approval is requested to make a contribution of \$5,000 to the University of Central Florida Foundation to support the Distinguished Lecture Series sponsored by the Master's Program in Urban & Regional Planning at the University of Central Florida. This series consists of two or three lectures each academic year featuring prominent scholars, speakers and authors on topics being emphasized in the curriculum. The target audience is students, faculty members and practitioners but events are open to the general public as well. Funds have been provided for this purpose in our approved FY2016/2017 budget.

N. Approval of State Lobbying Contract

The Board approved a three year contract, with two options to renew for an additional year each, with William J. Peebles, P.A. for Florida State Government Relations Services effective November 1, 2012, subject to annual renewals at the sole discretion of the Board. The first year of the contract stipulated an annual fee of \$60,000 plus travel expenses approved in advance by the Executive Director. Authority to extend the contract into its second and third years was approved by the Board on September 11, 2013 and September 10, 2014. The execution of the first one-year renewal option was exercised in September 2015. Authority is now requested to exercise the final one-year renewal option effective November 1, 2016 at the same rate, plus travel under F.S. 112.061 and other expenses as approved in advance by the Executive Director. Funds are in our approved FY2016/2017 budget to cover this expense.

O. Approval to Host the 2018 NARC Annual Conference of Regions

The National Association of Regional Councils (NARC) is a national membership organization for metropolitan planning organizations, regional councils, economic development entities and other regional enterprises. Commissioner Dallari is currently serving as NARC's Executive Vice President. NARC holds a number of conferences each year with the largest being its Annual Conference of Regions. Board approval is requested to submit a proposal for hosting this Conference in the June-July time frame in 2018. We are a very popular location with an outstanding national reputation so we should be in a very good position to be chosen. Hosting this event will require a commitment of staff time and securing sponsorships to ensure the event's financial success. We plan to meet the goal through private sponsorships. Any change in this would require separate approval by the MetroPlan Orlando Board.

P. Transportation Disadvantaged Local Coordinating Board (TDLCB) Travel Authorization

Authorization is requested for Commissioner Clarke, Commissioner Constantine and Commissioner Harford, whom all serve on the TDLCB, to attend the Florida Public Transportation Association and the Commission for the Transportation Disadvantaged Annual Training and Workshop December 11 through December 14, 2016 in Jacksonville. In the event one or more of the officers are unable to attend, authorization is requested to extend invitations to other currently serving TDLCB volunteers. Funds are available in our approved FY2016/2017 budget.

IX. OTHER ACTION ITEMS

A. Approval to Ratify FDOT TIP Administrative Amendment & Resolution No. 16-12 (Tab 11)

(ROLL CALL REQUIRED)

Mr. Keith Caskey, MetroPlan Orlando staff, is requesting approval on behalf of FDOT to ratify an administrative amendment to the FY 2015/16-2019/20 and 2016/17-2020/21 TIP regarding funding changes for the intersection improvement project at SR 434 and Winding Hollow Boulevard. Due to the emergency nature of this administrative amendment, the Chairman of the MetroPlan Orlando Board approved the amendment on July 13, 2016 in order for FDOT to be able to allocate the funds for the project in a timely manner. The letter requesting the amendment that was signed by the Board Chairman and Resolution No. 16-12 is provided at Tab 11.

Community Advisory Committee – recommended approval
TSMO Advisory Committee – recommended approval
Technical Advisory Committee – recommended approval
Municipal Advisory Committee – will meet on September 8, 2016

B. Approval of FY 2021/22-2039/40 Prioritized Project List (PPL)

(Tab 12)

Mr. Keith Caskey, MetroPlan Orlando staff, will request approval of the FY 2021/22-2039/40 Prioritized Project List (PPL). This document includes a list of highway, Transportation Systems Management and Operations, bicycle and pedestrian, and transit projects that have been ranked in order of priority. FDOT will use the PPL in developing their FY 2017/18-2021/22 Five Year Work Program. A draft copy of the PPL is provided at Tab 12.

Note: Following the preview of the new PPL at the June/July committee and Board meetings, the Florida Legislature directed that \$2 million in TRIP funds be programmed for the design of the New Oxford Road extension and reconstruction project in Seminole County in FY 2016/17. As a result, FDOT has requested that this project be added to the list of TRIP projects in the PPL, and the project has been added as #26 in the list of TRIP projects.

In addition, FDOT set aside \$13.6 million in DDR funds in FY 2020/21 in the Five Year Work Program/TIP for the operation of premium transit projects in the PPL in accordance with the policy adopted by the MetroPlan Orlando Board. The original intent was to use these funds for the US 192 Bus Rapid Transit (BRT) and North-South Lymmo projects. However, since neither of these projects will be ready to use the DDR funds in FY 2020/21, FDOT will be submitting a TIP amendment at the October/November committee and Board meetings for these funds to be programmed for another project in the PPL that will be identified at those meetings.

Community Advisory Committee – recommended approval
TSMO Advisory Committee – recommended approval
Technical Advisory Committee – recommended approval
Municipal Advisory Committee – will meet on September 8, 2016
Regional Leadership Council – will meet on September 8, 2016

A report on actions taken by the Municipal Advisory Committee and the Regional Leadership Council will be sent to all Board members in advance of the Board meeting and will be included in Board members' supplemental folders.

C. Approval of CFMPOA Prioritized Project List

(Tab 13)

Ms. Virginia Whittington, MetroPlan Orlando staff, will request approval of the Central Florida MPO Alliance (CFMPOA) Prioritized Project List, which includes a list of highway, trail and transit projects that are of regional significance. The list was approved as a draft in July pending final ranking of the Regional Trails Priority List. A copy of the priorities is provided at Tab 13.

Community Advisory Committee – recommended approval
TSMO Advisory Committee – recommended approval
Technical Advisory Committee – recommended approval
Municipal Advisory Committee – will meet on September 8, 2016

X. INFORMATION ITEMS FOR ACKNOWLEDGEMENT (Action Item)

(Tab 14)

- **Correspondence**

- Letter from Mr. Barley to Ms. Deirdre Macnab, Orange County League of Women Voters, Subject: FTE's Express Lanes, dated July 25, 2016
- Memorandum from Mr. Bechtel to Mr. Barley, Subject: Florida Turnpike Enterprise Projects in MetroPlan Orlando's Transportation Improvement Program, dated July 25, 2016
- Letter from Ms. Diane Gutierrez-Scaccetti to Mr. Barley, Subject: Express Lanes and MetroPlan Orlando's TIP, dated August 4, 2016
- Letter from FDOT Secretary Boxold to Mayor Jacobs, Subject: Central Florida Expressway Authority/SR 408 Extension, dated August 10, 2016
- Letter from FDOT Secretary Boxold to USDOT, Subject: Notice of Proposed Rulemaking Affecting MPOs, dated August 17, 2016
- Letter from Florida MPO Advisory Council to USDOT, Subject: Notice of Proposed Rulemaking Affecting MPOs
- Joint Letter from AMPO/NARC/NADO to USDOT, Subject: Notice of Proposed Rulemaking Affecting MPOs dated August 25, 2016

- **Status Updates**

- FDOT Monthly Construction Status Report – August 2016
- Monthly Air Quality Report – August 2016
Copies will also be provided in members' supplemental folders

- **General Information**

- WTS/Central Florida Chapter Scholarship Program – Downtown Doubletree Hotel - September 22, 2016
- Central Florida MPO Alliance Meeting hosted by MetroPlan Orlando – October 14, 2016
- Quarterly Meeting of the Florida MPO Advisory Council - October 20, 2016 – Cocoa Beach, Florida
- Quarterly Meeting of the Central Florida Leadership Congress – October 21, 2016 hosted by MetroPlan Orlando

- **Featured Articles and Research**

- “The Interstate Highway System Turns 60: Challenges to Its Ability to Continue to Save Lives, Time and Money,” TRIP National Transportation Research Group, June 2016
http://www.tripnet.org/docs/Interstate_Highway_System_TRIP_Report_June_2016.pdf
- “On the Horizon: State of Transportation Planning 2016,” American Planning Association, 2016
<http://smartgrowth.org/horizon-state-transportation-planning-2016/>
- “Who’s On Board 2016: What Today’s Riders Teach Us About Transit That Works,” Transit Center, 2016
http://transitcenter.org/wp-content/uploads/2016/07/Whos-On-Board-2016-7_12_2016.pdf
- “New Federal Data Show Transportation Sector Now The Largest Source of Carbon Pollution in the United States, First Time in Nearly 40 Years” U.S PIRG, August 2016
<http://www.uspirg.org/news/usp/new-federal-data-show-transportation-sector-now-largest-source-carbon-pollution-united>

XI. OTHER BUSINESS

A. Intelligent Transportation Systems (ITS) Quarterly Update

Mr. Eric Hill, MetroPlan Orlando staff, will provide a status report on the ITS Master Plan and Workshop that was held on July 22, 2016.

B. Presentation on SR 408 Extension PD&E Study

Mr. Will Sloup, Metric Engineering, will give a presentation on the CFX PD&E study for the eastern extension of SR 408 from the existing eastern terminus of SR 408 to SR 520.

XII. BOARD MEMBER COMMENTS

XIII. PUBLIC COMMENTS (GENERAL)

XIV. NEXT MEETING: Wednesday, November 9, 2016 - MetroPlan Orlando

XV. ADJOURNMENT

In accordance with the Americans with Disabilities Act (ADA), if any person with a disability as defined by the ADA needs special accommodations to participate in this proceeding, he or she should contact Ms. Lena Tolliver, MetroPlan Orlando, Park Building 250 S. Orange Avenue, Suite 200, Orlando, Florida, 32801 or by telephone at (407) 481-5672 x307 at least three business days prior to the event.

Persons who require translation services, which are provided at no cost, should contact MetroPlan Orlando at (407) 481-5672 x307 or by email at ltolliver@metroplanorlando.com at least three business days prior to the event.

As required by Section 286.0105, Florida Statutes, MetroPlan Orlando hereby notifies all interested parties that if a person decides to appeal any decision made by MetroPlan Orlando with respect to any matter considered at such meeting or hearing, he or she may need to ensure that a verbatim record is made to include the testimony and evidence upon which the appeal is to be based.

TAB 1





MEETING MINUTES

DATE: Wednesday, July 13, 2016

TIME: 9:00 a.m.

LOCATION: MetroPlan Orlando
Park Building
250 S. Orange Ave, Suite 200
Orlando, FL 32801

Wireless access available
Network = MpoBoardRoom
Password = mpoaccess

Commissioner Scott Boyd, Board Chairman, Presiding

Members

Mr. Dean Asher, GOAA
Hon. Pat Bates, City of Altamonte Springs
Hon. Scott Boyd, Orange County
Hon. Gary Bruhn, Municipal Advisory Committee
Hon. Bob Dallari, Seminole County
Hon. Buddy Dyer, City of Orlando
Hon. Cheryl Grieb, Osceola County
Hon. Fred Hawkins, Jr., Central Florida Expressway Authority
Hon. Samuel B. Ings, City of Orlando
Hon. Viviana Janer, LYNX/Central Florida Commuter Rail Commission
Hon. Joe Kilsheimer, City of Apopka
Hon. Bryan Nelson, Orange County
Mr. Stephen Smith, Sanford Airport Authority
Hon. Jim Swan, City of Kissimmee

Advisors in Attendance:

FDOT Secretary Noranne Downs, District 5
Ms. Andrea Ostrodka, Technical Advisory Committee
Mr. Corey Quinn, Transportation Systems Management & Operations Committee
Mr. Tom O'Hanlon, Community Advisory Committee
Ms. Candy Bennage, Kissimmee Gateway Airport

Members/Advisors not in Attendance:

Hon. Pete Clarke, Orange County
Hon. Lee Constantine, Seminole County
Hon. Ted Edwards, Orange County
Hon. Teresa Jacobs, Orange County
Hon. Jennifer Thompson, Orange County
Hon. Jeff Triplett, City of Sanford

Staff in Attendance:

Mr. Harold Barley
Mr. Steve Bechtel, Mateer & Harbert
Mr. Keith Caskey
Ms. Susan Ennis
Ms. Cathy Goldfarb
Mr. Eric Hill
Ms. Mary Ann Horne
Ms. Jill Hoskins
Mr. Gary Huttman
Ms. Cynthia Lambert
Mr. Jason Loschiavo
Ms. Crystal Mercedes
Ms. Sally Morris
Ms. Lena Tolliver
Ms. Virginia Whittington
Ms. Elizabeth Whitton
Mr. Mighk Wilson

I. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Commissioner Scott Boyd welcomed members and Commissioner Bob Dallari led the Pledge of Allegiance.

II. CHAIRMAN'S ANNOUNCEMENTS

Commissioner Boyd acknowledged Mayor Dyer and the City of Orlando staff and Mayor Jacobs and the Orange County staff on their extraordinary efforts following the Pulse tragedy; Chairman Boyd authorized a contribution to the OneOrlando Fund which was established to

provide financial assistance to the victims and families of the Pulse tragedy. He also thanked members for their contributions to the Second Harvest Food Bank last month totaling \$2,100. Mayor Gary Bruhn new MAC Chairman was acknowledged and welcomed to the Board. As a follow-up report from last month, Commissioner Boyd reported on the on the Dillard Street project in the City of Winter Garden; he stated that staff took the necessary steps so the project is eligible for future funding.

III. EXECUTIVE DIRECTOR'S ANNOUNCEMENTS

Mr. Harry Barley greeted members and introduced new staff member Mr. Nick Lepp (Manager of Long Range Transportation Planning). Mr. Lepp's official start date is July 25, 2016. Mr. Barley reported on the National Association of Regional Councils (NARC) conference that he and Commissioner Bob Dallari attended where Commissioner Dallari was elected President-elect and is expected to become President next year. Mr. Barley also reported on a proposed federal rule to merge multiple MPO's serving contiguous urbanized areas. Mr. Barley will provide future updates. Commissioner Dallari reported on the improving health through community development and design presentation that was given at the NARC conference given by Tyler Norris, Kaiser Permanente, and requested staff to get a copy. He also reported on another presentation on engaging the millennials to participate in transportation discussions. Mr. Barley reported that MetroPlan Orlando and FDOT District-5 submitted a grant application to the USDOT for the Advanced Transportation and Congestion Management Technologies Deployment Initiative. He noted that MetroPlan Orlando is seeking \$11 million with \$27 million in matching by state and local funds. Awards are expected to be announced by the end of September. Mr. Barley reported that MetroPlan Orlando and LYNX management teams met to discuss priorities and mutual interests and noted that Mayor Jacobs' had requested at the June Board meeting that Mr. Edward Johnson (LYNX) make a presentation at the July Board meeting, however arrangements have been made for Mr. Johnson to make a presentation to the Board in September. Mr. Barley reported that options are being evaluated on the possible hosting arrangements for the ECFRPC. A full report will be provided by Commissioner Lee Constantine at the Board meeting in September. Mr. Barley called attention to items provided in members' supplemental folders: Letter from the League of Women Voters of Orange County dated July 12, 2016 RE: League Urges Review and Revisit on Toll Increases; ITS Master Plan Workshop Invitation - July 22, 2016; Air Quality Report and Tracking the Trends 2015 Report.

IV. CONFIRMATION OF QUORUM

Ms. Lena Tolliver confirmed a quorum of 14 voting members present. Also present were 5 advisors; and the meeting having been duly convened was ready to proceed with business.

V. AGENDA REVIEW

Mr. Barley reported on Agenda Item VIII. D: a request for approval of the proposed change to MetroPlan Orlando's Internal Operating Procedures for a Roll Call Vote. He called attention to the updated proposed language for approval provided in members' supplemental folders, which replaces the language that accompanied the written agenda. The updated language is as follows:

Section VII, Paragraph 7

(7) Voting Procedures. Voting shall be by voice, except that a roll call vote shall be held to adopt and/or amend the Long Range Transportation Plan and Transportation Improvement Program, as required by Federal and State Law. In all other instances, voting shall be by voice unless a Board Member specifically requests a roll call vote on a particular matter. All other questions or procedures shall be governed by the most recent edition of Robert's Rules of Order.

Mr. Barley reported on Other Action Item IX. B: Repurposing Federal Earmarks. He announced that FDOT recently agreed to pay for the additional costs for quiet zones. He thanked Secretary Downs and her staff for this funding commitment. Mr. Barley stated that with quiet zones no longer being one of the perspective projects for the old federal earmarks, staff will need time to proceed through the Advisory Committee process on where these funds should be applied; he requested that the item be deferred.

VI. COMMITTEE REPORTS

Municipal Advisory Committee (MAC), Mayor Gary Bruhn reported on the July 7, 2016 MAC meeting and their approval of the FY 2017-2021 TIP. The MAC also approved the use of repurposed federal earmark funds to offset the additional cost for Quiet Zones, although FDOT has since agreed to fund this.

Technical Advisory Committee (TAC), Ms. Andrea Ostrodka reported on the June 24, 2016 TAC meeting. The TAC approved the FY 2017-2021 TIP and discussed the need for improved incorporation of Complete Streets projects into the Work Program. Members also discussed FTE additional tolled lanes projects included in the TIP. The TAC also recommended that the \$2.6 million of funding available from the federal earmark repurposing funds be applied to Quiet Zones, although this is now being funded by FDOT.

Transportation Systems Management & Operations Advisory Committee (TSMO), Mr. Corey Quinn reported on the June 24, 2016 TSMO meeting. TSMO approved the FY 2017-2021 TIP and rescinded its recommendation made last month to repurpose the federal earmarks to BRT projects; the TAC approved that an equal amount of funds be taken from the Maitland Blvd. project and be used for Quiet Zones, although this is now being funded by FDOT.

Community Advisory Committee (CAC) Mr. Tom O'Hanlon reported on the June 22, 2016 CAC meeting where the CAC approved the FY 2017-2021 TIP. The CAC retained their original recommendation to use the repurposing federal earmarks on BRT projects.

VII. PUBLIC COMMENTS ON ACTION ITEMS

None

VIII. CONSENT AGENDA (ACTION ITEMS)

A. Approval of Minutes - June 8, 2016 Board Meeting

The minutes of the June 8, 2016 Board meeting were provided for approval.

B. Approval of May 2016 Monthly Financial Report; acknowledgement of June 2016 Travel Report

The preliminary monthly financial reports for the period ending May 31, 2016 and the June Travel report were provided for approval and acknowledgement.

C. Approval of Budget Amendment No. 8

Approval was requested of Budget Amendment No. 8 to reallocate funds in grants and local funds for overspent elements. This amendment does not change the total budget, any grant-wide budgets, or total salary, total fringe, or total indirect expenses. A copy of Budget Amendment No. 8 was provided.

D. Approval of Proposed Change to MetroPlan Orlando's Internal Operating Procedures

MetroPlan Orlando Board-approved Internal Operating Procedures require that a voice vote be conducted of Board members when there is not a unanimous vote. At last month's Board meeting, Mayor Dyer recommended that this policy be revised. Mr. Barley called attention to the revised proposal provided in members' supplemental folders which replaced the recommendation that was provided on the written agenda. The approved updated language to the Internal Operating Procedures, Section VII, Paragraph 7 is as follows:

(7) Voting Procedures. Voting shall be by voice, except that a roll call vote shall be held to adopt and/or amend the Long Range Transportation Plan and Transportation Improvement Program, as required by Federal and State Law. In all other instances, voting shall be by voice unless a Board Member specifically requests a roll call vote on a particular matter. All other questions or procedures shall be governed by the most recent edition of Robert's Rules of Order.

E. Approval to Exercise Option to Extend General Planning Consultant Contract

The Board approved a two-year contract, with one option to renew for an additional one year, with Kittelson & Associates, Inc. for General Planning Consultant Services effective September 1, 2014. Approval was requested to exercise the option to renew the agreement. Funds are available in the approved FY 2017 budget for general consultant contract planning activities. Activities are assigned by task work order for each project.

F. Approval to Award for Traffic Signal Timing Contracts

Approval was requested to award three contracts, pending contract negotiations, with the following consultants to perform work related to the Traffic Signal Retiming Project. Funds are budgeted in FY 2017 for this project.

1. Albeck Gerken; 2. Faller, Davis & Associates; and 3. HDR

A Request for Proposals (RFP) was advertised in May 2016 and a selection committee consisting of one MetroPlan Orlando staff member and four outside members met and ranked the five proposals received. A second meeting was held where all five proposers provided oral responses via teleconference to prepared questions and a second scoring was conducted. The combined scores were used to rank the five proposers. Should negotiations fail with any of the three highest ranked proposers, approval was requested to negotiate with the fourth and fifth ranked proposers. A list of the ranking of the short-listed proposers was provided.

G. Approval of Contribution to Bike/Walk Central Florida

Board approval was requested to make a contribution to Bike/Walk Central Florida in the amount of \$100,000 to continue the work of the “Best Foot Forward” bicycle and pedestrian safety program with an expanded reach into Seminole and Osceola Counties. Bicycle and pedestrian safety continues to be a high priority focus area for MetroPlan Orlando, local governments and our partner agencies. Funds for this purpose have been included in our approved FY2016/2017 budget. Commissioner Dallari expressed concern that as a region Seminole and Osceola counties should be included in discussions with Bike Walk/Central Florida in developing a comprehensive plan for each county in the region. He also said that Seminole County needs to commit to making financial contributions to Bike/Walk Central Florida to pay its fair share. Discussion ensued with members asking staff to return with a more complete regional program at the September 14th Board meeting.

H. Approval of Contribution to ITNOrlando

Board approval was requested to make a contribution to the Independent Transportation Network of Orlando (ITNOrlando), an affiliate of ITNAmerica, in the amount of \$10,000. ITNOrlando is an innovative program providing dignified transportation services to senior citizens and people with visual impairments using both volunteer and paid drivers. Given the growth in our region’s senior population and the lack of alternatives for people who cannot drive, ITNOrlando serves an important need. The current ITNOrlando service area includes Altamonte Springs, Longwood, Casselberry, Maitland, Eatonville, Winter Park, portions of unincorporated Orange County and downtown Orlando. Efforts are underway to expand service to other areas with high concentrations of senior citizens. Commissioner Pete Clarke is a member of the ITNOrlando Board who serves with no compensation and Mr. Barley is a former Board member and he continues to serve as a volunteer driver. Funds are available in our approved FY2016/2017 budget for this purpose.

MOTION: Commissioner Cheryl Grieb moved to approve the Consent Agenda (A-H) with the revised language at Item D. Approval of Proposed Change to MetroPlan Orlando’s Internal Operating Procedures as follows: (7) Voting Procedures. “Voting shall be by voice, except that a roll call vote shall be held to adopt and/or amend the Long Range Transportation Plan and Transportation Improvement Program, as required by Federal and State Law. In all other instances, voting shall be by voice unless a Board Member specifically requests a roll call vote on a particular matter. All other questions or procedures shall be governed by the most recent edition of Robert’s Rules of Order”. Approval of the \$100,000 contribution to Bike/Walk Central Florida with the

understanding that staff will return with a more complete regional program at the September 14th meeting, which was seconded by Commissioner Bob Dallari, and passed unanimously.

IX. OTHER ACTION ITEMS

A. Approval of Transportation Improvement Program and Board Resolution No. 16-11

Mr. Keith Caskey, MetroPlan Orlando staff, requested approval of the FY 2016/17-2020/21 Transportation Improvement Program (TIP). The TIP includes the transportation projects in the MetroPlan Orlando region that are programmed for funding over the next five years. A copy of the draft FY 2016/17-2020/21 TIP, Resolution No. 16-11 and a summary of comments received at the June 20th Public Hearing and those that were received via email were provided. The TIP was recommended for approval by all of the advisory committees.

Commissioner Dallari expressed that he opposes the toll in a toll concept specifically SR 417 through Seminole County. He believes the Board should have more dialogue on this premise of the toll in a toll. He doesn't feel the FTE is following their own policies as he referred to the Florida Administrative Code outlining several policy concerns: "may be granted to encourage specific transportation choices; removing the toll caps; violators shall be charged an additional \$25 per transaction if they are not in the FTE system". He provided a copy of the policies he referenced to Mr. Barley. He said that there is a deficit in transit funding and that this is an opportunity to redirect funds to transit projects as is done in South Florida. Mr. Bechtel (General Counsel) reiterated Florida law from the May Board meeting, stating that FDOT is the sole authority for FTE projects for construction and operation. He said that Florida Statutes require that FTE projects shall be included in the TIP; he further conveyed that there is a provision in the code of federal regulations that states that projects such as these that are not federally funded should still be in the TIP for informational purposes. He recommended that the Board annotate the TIP stating "this is included for informational purposes only in accordance with federal and state law". He advised that if the FTE requests to include the projects in the TIP, the Board should respect the FTE request by using the annotation recommended.

ORIGINAL

MOTION: Mayor Swan moved approval of the TIP to include the annotation as recommended. Commissioner Ings seconded the motion. Following the vote on the amended motion below the vote was taken and passed 13:1 (Hawkins Opposed). Roll Call Conducted

Commissioner Cheryl Grieb requested more information on how funds are expended. Mr. Barley replied that staff will return with more information on this subject. Mayor Buddy Dyer stated that he agreed with Mr. Bechtel's annotation recommendation and asked if the annotation is included in Mayor Swan's motion. Mayor Swan said that inclusion of the annotation was the intent for the motion. Commissioner Dallari noted that when the Board initially approved the projects, the Board believed that the projects were standard capacity projects. The Board was not informed of FTE's new express lane toll policy until after the Board had approved the projects.

MOTION: Mayor Dyer moved to table approval of the TIP to September. Commissioner Grieb seconded the motion. **(Withdrawn during discussion)**

Commissioner Dallari expressed to members that now is the time to stop the project from advancing that are not yet in the design phase; once the projects advance to the design phase there is nothing the Board can do to stop projects from moving forward. He also said that he needs to have more information on the Seminole County segments before moving forward. Mr. Bechtel clarified the provision that Commissioner Dallari referred to having to do with not being able to stop a project when it is in the design phase. He said that he does not think that this provision applies to FTE funded projects. He believes the provision applies to other state funded projects. Commissioner Dallari stated that at the May 11, 2016 meeting Mr. Bechtel had advised members of the provision as he had referenced above.

Mayor Dyer asked for direction from Mr. Barley on how to move forward. Mr. Barley noted that the budget year began on July 1st and in order for projects to continue to move ahead in the Five-Year Work Program, Board approval today is needed to prevent any delays with advancing projects. Mayor Dyer withdrew his motion.

Commissioner Dallari requested to amend Mayor Swan's motion (original motion) to remove only the Seminole County toll in a toll project from the TIP since the Seminole Board of County Commissioners opposes toll in a toll projects.

AMENDED MOTION: Commissioner Dallari moved approval to amend Mayor Swan's motion to table the Seminole County Project: FM# 4379521 on the FY 2016/17-2020/21 Transportation Improvement Program (TIP) for design until the September 14, 2016 meeting. Mayor Joe Kilsheimer seconded the motion, which passed unanimously. Roll Call Vote Conducted

Commissioner Samuel Ings asked for legal advice on removing one project from the TIP. Mr. Bechtel stated that he understands that the intent of the motion is not to deny the project but to delay the decision, ultimately the project has to be in the TIP. Commissioner Hawkins agreed that the Board should take a stand today on the toll in a toll projects because next year the Board may be faced with something else. He also expressed concern with the procedural schedule for approvals stating that the Board is always up against the wall to delay anything or time is too late to push anything back. He also expressed concern that a toll in a toll project is coming to Osceola County and that taking a stand is important to constituents. Commissioner Janer stated that she also opposes toll in a toll projects and asked for clarification on whether the amended motion would delay any projects with the pulling of the Seminole County project. Mr. Bechtel advised members that the amended motion would not cause any project delays.

Mr. Barley clarified for the record that the project Commissioner Dallari requested to be tabled in the TIP is FM# 4379521. He also noted that this project includes design funds starting in FY 2018 (July 1, 2017); therefore the action taken today to table the project will not delay that project.

Members then returned to vote on the original motion, recorded above.

B. Repurposing Federal Earmarks (DEFERRED)

MOTION: Commissioner Dallari moved that staff return at the appropriate time with a request for approval of the Repurposing of Federal Earmarks. Mayor Buddy Dyer seconded the motion, which passed unanimously.

Commissioner Viviana Janer requested that the option for BRT's be considered for these federal earmarks during the Advisory Committee process. Commissioner Dallari thanked Secretary Downs and her staff for the Quiet Zones funding.

X. INFORMATION ITEMS FOR ACKNOWLEDGEMENT (Action Item)

A. Correspondence

- Letter from Mr. Barley and Ms. Downs to USDOT Secretary Anthony Foxx dated June 23, 2016, Subject: Transmittal of USDOT Grant Application
- Letter from Mr. Gutierrez to Mr. Barley dated June 9, 2016, Subject: Fiscal 2015/2016 Fourth Quarter Variance Report

B. Status Updates

- FDOT Monthly Construction Status Report - June 2016
- Monthly Air Quality Report - June 2016
http://www.metroplanorlando.com/files/view/air_quality_update_6_27_16.pdf
A copy was also provided in members' supplemental folders

C. General Information

- MetroPlan Orlando Annual Report: *Plans. Progress. Action.*
This report to the community provides information on how the planning process works, major projects that are under way, and what we plan to accomplish in the next year.
- MetroPlan Orlando's Tracking the Trends Report
http://www.metroplanorlando.com/files/view/tracking_the_trends_2015_published_june_2016.pdf
A copy was also provided in members' supplemental folders
- Quarterly meeting of the Central Florida MPO Alliance - Hillsborough Community College - Plant City Campus - July 15, 2016
- Annual meeting of the Central Florida MPO Alliance and the West Central Florida Chairs Coordinating Committee - Hillsborough Community College - Plant City Campus - July 15, 2016

- 2016 Florida Transportation Summit hosted by Floridians for Better Transportation - St. Pete Beach - July 18-20, 2016
- Quarterly meeting of the Florida MPO Advisory Council - St. Pete Beach - July 18, 2016
- Quality Assurance Task Force - July 19, 2016
- Quarterly meeting of MetroPlan Orlando's Transportation Disadvantaged Local Coordinating Board - August 11, 2016

D. Featured Articles and Research

- *"Shared Mobility and the Transformation of Public Transit,"* American Public Transportation Association/Transit Cooperative Research Program, 2016
<https://www.apta.com/resources/reportsandpublications/Documents/APTA-Shared-Mobility.pdf>
- *"Planning for a Healthier Future,"* <http://t4america.org/docs/planning-for-a-healthier-future-0616.pdf>
- *"Failure to Act: Closing the Infrastructure Investment Gap for America's Economic Future,"* American Society of Civil Engineers, 2016
<http://www.infrastructurereportcard.org/wp-content/uploads/2016/05/2016-FTA-Report-Close-the-Gap.pdf>
- *"The State of Central Florida Infrastructure,"* American Society of Civil Engineers/Florida Section - Government Relations Committee, 2016
http://www.metroplanorlando.com/files/view/state_of_central_florida_infrastructure_asce_presentation_to_smgs_2016.pdf
- *"Let's Fix Funding,"* by Chris Evers, Florida Reporter - a publication of the American Public Works Association, Spring 2016
http://www.kelmanonline.com/httpdocs/files/APWA_FL/floridareporterspring2016/files/35.html

MOTION: Commissioner Dallari moved approval of Information Items for Acknowledgement (A-D). Commissioner Boyd seconded the motion, which passed unanimously.

XI. OTHER BUSINESS

A. Preview of Prioritized Project List

Mr. Keith Caskey, MetroPlan Orlando staff, presented a preview of the new FY 2021/22-2039/40 Prioritized Project List (PPL) for information purposes. The PPL will be presented to the committees and Board for approval in August/September and submitted to FDOT by the September deadline. A copy of the draft PPL was provided.

In addition, the updated version of last year's FY 2020/21-2039/40 PPL that highlights the projects now funded through construction was also provided for cross reference purposes.

B. Tracking and Reporting Process for PD&E Studies

Mr. Gary Huttman, MetroPlan Orlando staff, made a presentation on the effort to track PD&E studies that is underway. He stated that updates will be provided in January and July of each year and that staff will be providing updates to the Board as projects may warrant. A spreadsheet was provided showing the current PD&E projects in the MetroPlan Orlando area.

Commissioner Boyd expressed that there are transportation concerns with the Lake Pickett North and South developments and that the SR 408 and SR 50 extension is an important component. He also said that a lot of discussion will take place within the next three months regarding transportation concerns in that corridor and he would like to work closely with MetroPlan Orlando and CFX on the status of the PD&E studies. Commissioner Boyd requested that regular updates be provided since the project is fast paced. Mr. Huttman said that he would check with CFX to see if they will be ready earlier than six months, and noted that CFX expects to have 15% design plans ready for a December 17th approval request. Commissioner Boyd said that a community meeting is scheduled next week to discuss alternative plans in case CFX does not find the SR 50 option viable.

XII. BOARD MEMBER COMMENTS

Mayor Swan informed members of the City of Kissimmee's Charter that would allow for a mayoral candidate who receives at least 50% plus 1 vote during the primary elections on August 30, 2016 to take office ten days after the election, which would mean that he would no longer be the mayor if this is the outcome. He also said that if this is not the case, he would remain in office until November. Mayor Swan commended members, staff and volunteers for their good work during his 10 year tenure with MetroPlan Orlando. Commissioner Dallari asked if Mayor Swan would be available to attend the September Board meeting if he is out of office. Mayor Swan said that in either case he will be at the September 14th Board meeting as he is a member of the Osceola County Council on Aging Board of Directors where the MetroPlan Orlando Board meeting will be held. Mayor Swan also spoke on the good work of the Council on Aging and encouraged members to make contributions to the organization.

XIII. PUBLIC COMMENTS (GENERAL)

None

XIV. NEXT MEETING: Wednesday, September 14, 2016
Osceola Council on Aging
700 Generation Point
Kissimmee, Florida 34744

XV. ADJOURNMENT

There being no further business, the meeting adjourned at 10:25 a.m. The meeting was transcribed by Ms. Lena Tolliver.

Approved this 14th day of September, 2016.

Commissioner Scott Boyd, Chairman

Ms. Lena Tolliver,
Senior Board Services Coordinator/ Recording Secretary

As required by Section 286.0105, Florida Statutes, MetroPlan Orlando hereby notifies all interested parties that if a person decides to appeal any decision made by MetroPlan Orlando with respect to any matter considered at such meeting or hearing, he or she may need to ensure that a verbatim record is made to include the testimony and evidence upon which the appeal is to be based.

TAB 2



METROPLAN ORLANDO
AGENCYWIDE
BALANCE SHEET
For Period Ending 6/30/16

ASSETS

Operating Cash in Bank	\$	2,209,352.11
Petty Cash	\$	125.00
SBA Investment Account	\$	2,099,831.74
Rent Deposit	\$	20,000.00
Prepaid Expenses	\$	38,167.38
Accounts Receivable - General	\$	1,599.00
Accounts Receivable - Grants	\$	1,006,387.20
Fixed Assets-Equipment	\$	633,574.37
Accumulated Depreciation	\$	(305,985.68)
C-I-P - Software	\$	42,200.00

TOTAL ASSETS:	\$	5,745,251.12
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LIABILITIES

Vouchers Payable	\$	538,507.32
Salary Payables	\$	81,525.71
Accrued Personal Leave	\$	281,389.36

TOTAL LIABILITIES:	\$	901,422.39
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EQUITY

FUND BALANCE:

Nonspendable:

Prepaid Items	\$	38,167.38
Deposits	\$	20,000.00
Unassigned:	\$	4,785,661.35

TOTAL EQUITY:	\$	4,843,828.73
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TOTAL LIABILITIES & EQUITY:	\$	5,745,251.12
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Net difference to be reconciled:	\$	-
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METROPLAN ORLANDO
AGENCYWIDE REVENUES & EXPENDITURES
For Period Ending 6/30/16

REVENUES	Current	Y-T-D	Budget as of B/E #8	Variance Un/(Ovr)	% Of Budget
Federal Revenue	\$ 1,215,787.68	\$ 2,669,926.36	\$ 3,367,416.00	\$ 697,489.64	79.29%
State Revenue	\$ 62,249.32	\$ 191,458.54	\$ 253,212.00	\$ 61,753.46	75.61%
Local Revenue	\$ -	\$ 1,105,228.00	\$ 1,105,319.00	\$ 91.00	99.99%
Interest Income	\$ 1,156.49	\$ 8,607.75	\$ 7,800.00	\$ (807.75)	110.36%
Other	\$ 227.00	\$ 82,214.51	\$ 87,339.00	\$ 5,124.49	94.13%
Contributions	\$ -	\$ 25,000.00	\$ 25,000.00	\$ -	100.00%
Cash Carryforward	\$ -	\$ -	\$ 341,717.00	\$ 341,717.00	0.00%
Local Funds Transfer	\$ 30,945.64	\$ 93,634.54	\$ 155,388.00	\$ 61,753.46	60.26%
TOTAL REVENUES:	\$ 1,310,366.13	\$ 4,176,069.70	\$ 5,343,191.00	\$ 1,167,121.30	78.16%
EXPENDITURES					
Salaries	\$ 174,150.95	\$ 1,361,359.26	\$ 1,660,439.00	\$ 299,079.74	81.99%
Fringe Benefits	\$ 48,678.16	\$ 398,530.76	\$ 510,888.00	\$ 112,357.24	78.01%
Local Match-Transf Out	\$ 30,945.64	\$ 93,634.54	\$ 155,388.00	\$ 61,753.46	60.26%
Audit Fees	\$ -	\$ 26,000.00	\$ 39,500.00	\$ 13,500.00	65.82%
Computer Operations	\$ 1,863.35	\$ 41,464.89	\$ 50,595.00	\$ 9,130.11	81.95%
Dues & Memberships	\$ 401.09	\$ 10,391.09	\$ 12,345.00	\$ 1,953.91	84.17%
Equipment & Furniture	\$ 17,281.72	\$ 231,595.63	\$ 237,689.00	\$ 6,093.37	97.44%
Graphic Printing/Binding	\$ 12,700.76	\$ 21,298.83	\$ 29,125.00	\$ 7,826.17	73.13%
Insurance	\$ 1,864.56	\$ 24,561.68	\$ 27,548.00	\$ 2,986.32	89.16%
Legal Fees	\$ 7,357.50	\$ 35,032.50	\$ 40,000.00	\$ 4,967.50	87.58%
Office Supplies	\$ 5,661.19	\$ 40,374.76	\$ 66,853.00	\$ 26,478.24	60.39%
Postage	\$ 333.41	\$ 4,105.56	\$ 6,370.00	\$ 2,264.44	64.45%
Books, Subscrips/Pubs	\$ (3,458.10)	\$ 6,793.13	\$ 15,423.00	\$ 8,629.87	44.05%
Exec. Dir 457 Def. Comp.	\$ -	\$ 19,000.00	\$ 19,000.00	\$ -	100.00%
Rent	\$ 23,615.00	\$ 234,334.98	\$ 243,229.00	\$ 8,894.02	96.34%
Equipment Rent/Maint.	\$ 135.00	\$ 15,900.70	\$ 25,575.00	\$ 9,674.30	62.17%
Seminars & Conf. Registr.	\$ 162.57	\$ 13,186.85	\$ 22,601.00	\$ 9,414.15	58.35%
Telephone	\$ 1,413.68	\$ 6,610.90	\$ 6,750.00	\$ 139.10	97.94%
Travel	\$ 6,423.69	\$ 33,492.95	\$ 34,099.00	\$ 606.05	98.22%
Small Tools/Ofc. Machines	\$ 73.00	\$ 1,384.13	\$ 2,500.00	\$ 1,115.87	55.37%
HSAFSA Annual Contribution	\$ -	\$ 9,750.00	\$ 15,800.00	\$ 6,050.00	61.71%
Computer Software	\$ 30,200.00	\$ 43,602.12	\$ 53,060.00	\$ 9,457.88	82.18%
Contingency	\$ -	\$ -	\$ 4,235.00	\$ 4,235.00	0.00%
Contractual/Temp Services	\$ 307.00	\$ 13,340.65	\$ 28,450.00	\$ 15,109.35	46.89%
Pass-Thru Expenses	\$ 119,847.86	\$ 257,953.77	\$ 512,553.00	\$ 254,599.23	50.33%
Consultants	\$ 632,485.09	\$ 1,124,228.25	\$ 1,293,833.00	\$ 169,604.75	86.89%
Repair & Maintenance	\$ -	\$ 1,825.49	\$ 2,200.00	\$ 374.51	82.98%
Advertising/Public Notice	\$ 2,603.46	\$ 10,939.54	\$ 24,462.00	\$ 13,522.46	44.72%
Other Misc. Expense	\$ 1,029.74	\$ 4,401.23	\$ 11,740.00	\$ 7,338.77	37.49%
Contributions	\$ 100.00	\$ 135,900.00	\$ 135,800.00	\$ (100.00)	100.07%
Educational Reimb.	\$ -	\$ -	\$ 1,690.00	\$ 1,690.00	0.00%
Comm. Rels. Sponsors	\$ 5,000.00	\$ 10,000.00	\$ 10,500.00	\$ 500.00	95.24%
Indirect Expense Carryforward	\$ -	\$ -	\$ 42,951.00	\$ 42,951.00	0.00%
TOTAL EXPENDITURES:	\$ 1,121,176.32	\$ 4,230,994.19	\$ 5,343,191.00	\$ 1,112,196.81	79.18%
AGENCY BALANCE:	\$ 189,189.81	\$ (54,924.49)			

METROPLAN ORLANDO
AGENCYWIDE
BALANCE SHEET
For Period Ending 7/31/16

ASSETS

Operating Cash in Bank	\$	1,340,259.70
Petty Cash	\$	125.00
SBA Investment Account	\$	2,100,977.24
Rent Deposit	\$	20,000.00
Prepaid Expenses	\$	24,272.36
Accounts Receivable - General	\$	1,531.00
Accounts Receivable - Grants	\$	1,070,550.96
Fixed Assets-Equipment	\$	633,574.37
Accumulated Depreciation	\$	(305,985.68)
C-I-P - Software	\$	42,200.00

TOTAL ASSETS:	\$	4,927,504.95
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LIABILITIES

Accounts Payable	\$	425.78
Accrued Personal Leave	\$	281,389.36

TOTAL LIABILITIES:	\$	281,815.14
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EQUITY

FUND BALANCE:

Nonspendable:

Prepaid Items	\$	24,272.36
Deposits	\$	20,000.00

Unassigned:	\$	4,601,417.45
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TOTAL EQUITY:	\$	4,645,689.81
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TOTAL LIABILITIES & EQUITY:	\$	4,927,504.95
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Net difference to be reconciled:	\$	-
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METROPLAN ORLANDO
AGENCYWIDE REVENUES & EXPENDITURES
For Period Ending 7/31/16

REVENUES	Current	Y-T-D	Budget	Variance Un/(Ovr)	% OF BUDGET
			(Original)		
Federal Revenue	\$ 64,163.76	\$ 64,163.76	\$ 4,176,726.00	\$ 3,015,866.95	1.54%
State Revenue	\$ -	\$ -	\$ 247,140.00	\$ 110,053.08	0.00%
Local Revenue	\$ -	\$ -	\$ 1,126,815.00	\$ 1,126,815.00	0.00%
Interest Income	\$ 1,145.50	\$ 1,145.50	\$ 13,500.00	\$ 12,354.50	8.49%
Other	\$ 85.01	\$ 85.01	\$ 12,500.00	\$ 12,414.99	0.68%
Contributions	\$ -	\$ -	\$ 25,000.00	\$ 25,000.00	0.00%
Cash Carryforward	\$ -	\$ -	\$ 365,183.00	\$ 365,183.00	0.00%
Local Funds Transfer	\$ -	\$ -	\$ 149,316.00	\$ 12,229.08	0.00%
TOTAL REVENUES:	\$ 65,394.27	\$ 65,394.27	\$ 6,116,180.00	\$ 4,679,916.60	0.11
EXPENDITURES					
Salaries	\$ 82,314.21	\$ 82,314.21	\$ 1,559,775.00	\$ 807,839.05	5.28%
Fringe Benefits	\$ 26,574.76	\$ 26,574.76	\$ 483,711.00	\$ 258,287.12	5.49%
Indirect Costs	\$ -	\$ -	\$ 149,316.00	\$ 149,316.00	0.00%
Audit Fees	\$ -	\$ -	\$ 42,000.00	\$ 29,000.00	0.00%
Computer Operations	\$ 1,813.95	\$ 1,813.95	\$ 64,795.00	\$ 46,581.05	2.80%
Dues & Memberships	\$ 5,556.00	\$ 5,556.00	\$ 12,145.00	\$ 6,589.00	45.75%
Equipment & Furniture	\$ 756.21	\$ 756.21	\$ 26,700.00	\$ 25,943.79	2.83%
Graphic Printing/Binding	\$ 300.00	\$ 300.00	\$ 30,075.00	\$ 29,775.00	1.00%
Insurance	\$ 1,705.46	\$ 1,705.46	\$ 28,700.00	\$ 26,994.54	5.94%
Legal Fees	\$ -	\$ -	\$ 40,000.00	\$ 40,000.00	0.00%
Office Supplies	\$ 989.85	\$ 989.85	\$ 41,685.00	\$ 37,167.24	2.37%
Postage	\$ 297.06	\$ 297.06	\$ 4,850.00	\$ 4,301.76	6.12%
Books, Subscrips/Pubs	\$ 4,632.07	\$ 4,632.07	\$ 7,668.00	\$ 3,035.93	60.41%
Exec. Dir 457 Def. Comp.	\$ -	\$ -	\$ 19,000.00	\$ 6,500.00	0.00%
Rent	\$ 23,615.00	\$ 23,615.00	\$ 264,870.00	\$ 241,255.00	8.92%
Equipment Rent/Maint.	\$ 2,572.94	\$ 2,572.94	\$ 22,180.00	\$ 19,607.06	11.60%
Seminar & Conf. Regist.	\$ 874.08	\$ 874.08	\$ 23,785.00	\$ 22,910.92	3.67%
Telephone	\$ -	\$ -	\$ 7,290.00	\$ 7,290.00	0.00%
Travel	\$ 1,137.58	\$ 1,137.58	\$ 42,210.00	\$ 41,072.42	2.70%
Small Tools/Office Mach.	\$ -	\$ -	\$ 1,200.00	\$ 1,200.00	0.00%
HSA/FSA Annual Contrib.	\$ 562.50	\$ 562.50	\$ 12,500.00	\$ 11,937.50	4.50%
Computer Software	\$ -	\$ -	\$ 12,500.00	\$ 12,500.00	0.00%
Contingency	\$ -	\$ -	\$ 15,000.00	\$ 15,000.00	0.00%
Contractual/Temp Svcs.	\$ 464.00	\$ 464.00	\$ 3,200.00	\$ (2,074.00)	14.50%
Pass-Thru Expenses	\$ -	\$ -	\$ 484,804.00	\$ 197,402.89	0.00%
Consultants	\$ -	\$ -	\$ 2,490,886.00	\$ 2,470,886.48	0.00%
Repair & Maintenance	\$ -	\$ -	\$ 200.00	\$ 200.00	0.00%
Advertising/Public Notice	\$ -	\$ -	\$ 13,855.00	\$ 12,730.25	0.00%
Other Misc. Expense	\$ 370.05	\$ 370.05	\$ 13,390.00	\$ 13,019.95	2.76%
Contributions	\$ 110,000.00	\$ 110,000.00	\$ 185,700.00	\$ 75,700.00	59.24%
Educational Reimb.	\$ -	\$ -	\$ 1,690.00	\$ 1,690.00	0.00%
Comm. Rels. Sponsors	\$ 750.00	\$ 750.00	\$ 10,500.00	\$ 9,750.00	7.14%
Indirect Expense Carryfwd.	\$ -	\$ -	\$ -	\$ -	0.00%
TOTAL EXPENDITURES:	\$ 265,285.72	\$ 265,285.72	\$ 6,116,180.00	\$ 4,623,408.95	0.04
AGENCY BALANCE:	\$ (199,891.45)	\$ (199,891.45)			



Travel Summary - July - August, 2016

Traveler: Eric T. Hill
Dates: July 10-12, 2016
Destination: Dallas, TX
Purpose of trip: To attend COMTO 45th National Meeting & Training Conference
Cost: \$1,908.44
Paid By: MetroPlan Orlando funds

Traveler: Gary D. Huttman
Dates: July 18-20, 2016
Destination: St. Petersburg, FL
Purpose of trip: To attend 2016 FTB Transportation Summit/MPOAC Staff Director's Advisory Committee meeting
Cost: \$967.39
Paid By: MetroPlan Orlando funds

Traveler: Cynthia Lambert
Dates: August 7-10, 2016
Destination: Tampa, FL
Purpose of trip: To attend 2017 Florida Public Relations Association Annual Conference
Cost: \$1,142.00
Paid By: MetroPlan Orlando funds

Traveler: Horne, Mary Ann
Dates: August 7-10, 2016
Destination: Tampa, FL
Purpose of trip: To attend 2017 Florida Public Relations Association Annual Conference
Cost: \$1,215.48
Paid By: MetroPlan Orlando funds

Traveler:	Hill, Eric T.
Dates:	August 8-10, 2016
Destination:	St. Louis, MO
Purpose of trip:	To attend AMPO Performance-Based Planning & Programming Work Group Meeting
Cost:	\$481.10 (includes subsidy provided by AMPO of \$300)
Paid By:	MetroPlan Orlando funds

TAB 3





Personnel Manual Revision for 2016

Name Change - Changed to "Employee Handbook"

Intro Pages

YOU'RE PART OF OUR TEAM...

Added protected classes and additional definitions

YOUR VARIOUS BENEFITS WITH METROPLAN ORLANDO

Reordered into alphabetical order

Main Document

Section 2.1 Equal Employment Opportunity

Added protected classes and additional definitions

Section 7.1 Purpose and Intent (Part of Code of Conduct of Employees)

Added honesty statement

Section 7.12 Computer & Email Usage

Updated title to "Equipment Usage"

Clarified policy of equipment usage to include new technologies and transmissions of information

Section 7.14 Social Media Policy

NEW SECTION ADDED

Section 7.15 Non-tobacco use

Banned e-cigarettes

Section 8.2 Holidays

Clarified floating leave policy to allow for usage starting on January 1 of each year through December 31 of each year

Section 8.3 Personal Leave - Part (B)

Clarified leave balance policy to restrict maximum leave balance at the end of a fiscal year

Personnel Manual Revision for 2016 (Continued)

Section 8.5 Educational Assistance - Part (C)

Includes reimbursement for professional certification course materials with Executive Director approval

Section 8.6 Employee Commuter Assistance - Part (B) Transit Subsidy

Clarifies transit subsidy benefit maximum

Section 9.8 Parental Leave

NEW SECTION ADDED - Allows regular full-time employees up to four (4) paid weeks of leave for the birth or adoption of a child

Section 14.1 Non-Discrimination

Updates to protected classes

Section 17 Harassment -Changed to Harrassment/Bullying

Added bullying language

Section 19.4 Exhaustion of Accrued Leave (Part of FML policy)

Refers to new paid parental leave (section 9.8)

Section 20.5 Governing Regulations (Part of travel policy)

Adds reference to ride share

Allows for screenshots of digital airline tickets/boarding passes

Clarifies reimbursement of local travel mileage

Provides for ride share/taxi reimbursement in lieu of local travel mileage up to the maximum of what the local mileage reimbursement would be or up to the monthly cost of a parking pass if the employee declines a parking pass

Clarifies policy on employee reimbursements for travel when the employee lives outside the three-county region

Increases total per diem in lieu of all other reimbursements and per diems from \$50/day to \$100/day

Clarifies policy on meal reimbursement when snacks are provided

Multiple Sections where spouse or husband/wife was referenced

Added registered domestic partner. However, the legal definition of relative in section 4.2 was not changed.

In addition to the major changes above, there were minor text edits and updates to position titles, Florida Statute Codes, and other references.

Pagination and page number updates will occur after approval by the board.



MetroPlan Orlando

~~Personnel Manual~~ Employee Handbook

Last Revised September 14, 2016

A special thank you and remembrance to Carolyn Small for her strong leadership and expertise which helped build this organization to what it is today. And with her diligent use of sticky notes, highlighting, and notes on margins that helped with revising this personnel manual, this organization shall continue to use her wisdom into the future.

WELCOME TO METROPLAN ORLANDO

We're very happy to welcome you to MetroPlan Orlando. Thank you for joining us! We want you to feel your association with MetroPlan Orlando will be a mutually beneficial and ~~pleasant~~ rewarding one.

You have joined an organization that has established an outstanding reputation for quality products/services. Credit for this goes to every one of our employees. We hope you, too, will find satisfaction and take pride in your work here.

This ~~Manual~~Handbook provides answers to most of the questions you may have about MetroPlan Orlando's benefit programs, as well as the company policies and procedures we abide by - our responsibilities to you and your responsibilities to MetroPlan Orlando. If anything is unclear, please discuss the matter with your manager. You are responsible for reading and understanding this Employee ~~Manual~~Handbook, and your performance evaluations will reflect your adherence to MetroPlan Orlando policies. In addition to clarifying responsibilities, we hope this Employee ~~Manual~~Handbook also gives you an indication of MetroPlan Orlando's interest in the welfare of all who work here.

From time to time, the information included in our Employee ~~Manual~~Handbook may change. Every effort will be made to keep you informed through suitable lines of communication, including postings on the company bulletin boards and/or notices sent directly to you.

Compensation and personal satisfaction gained from doing a job well are only some of the reasons most people work. Most likely, many other factors count among your reasons for working - pleasant relationships and working conditions, career development and promotion opportunities, and health benefits are just a few. MetroPlan Orlando is committed to doing its part to assure you of a satisfying work experience.

I extend to you my personal best wishes for your success at MetroPlan Orlando.

Sincerely,

Harold W. Barley
Executive Director

YOU'RE PART OF OUR TEAM...

As a member of MetroPlan Orlando's team, you will be expected to contribute your talents and energies to improve the environment and quality of the company, as well as the company's products and services. In return, you will be given opportunities to grow and advance in your career.

At MetroPlan Orlando, we always put safety first. We believe it is our duty to provide you with as safe a workplace as we possibly can. For your protection, we have an in-house safety inspection program. We also have a substance abuse policy, because you have a right to know you can depend on your co-workers.

For employment, compensation, advancement, and benefits, we require performance and a good team attitude; however, all employment at MetroPlan Orlando is "at will". No employee will be denied opportunities or benefits on the basis of age, sex (including gender presentation and sexual orientation), color, race, creed, national origin, religious affiliation, marital status, political belief, ~~or~~ disability, or any protected class that does not prohibit performance of essential job functions; nor will anyone receive special treatment for those reasons.

PURPOSE OF THIS ~~Manual~~HANDBOOK

This ~~Manual~~Handbook has been prepared to inform you about MetroPlan Orlando's history, philosophy, employment practices, and policies, as well as the benefits provided to you as a valued employee and the conduct expected from you.

No employee ~~manual~~handbook can answer every question, nor would we want to restrict the normal question and answer interchange among us. It is in our person-to-person conversations that we can better know each other, express our views, and work together in a harmonious relationship.

We hope this ~~Manual~~Handbook will help you feel comfortable with us. We depend on you - your success is our success. Please don't hesitate to ask questions. Your director or manager will gladly answer them. We believe you will enjoy your work and your fellow employees here. We also believe you will find MetroPlan Orlando a good place to work.

We ask that you read this ~~Manual~~Handbook carefully, and refer to it whenever questions arise.

MetroPlan Orlando's policies, benefits and rules, as explained in this ~~Manual~~Handbook, may be changed from time to time as business, employment legislation, and economic conditions dictate. If and when provisions are changed, you will be given replacement pages for those that have become outdated.

CHANGE IN POLICIES

The policies in this ~~Manual~~Handbook are to be considered as guidelines. MetroPlan Orlando, at its option, may change, delete, suspend, or discontinue any part or parts of the policies in this ~~Manual~~Handbook at any time without prior notice. Any such action shall apply to existing as well as future employees with continued employment being the consideration between the employer and employee. Employees may not accrue eligibility for monetary benefits (provided for in writing) that they have not earned through actual time spent at work. Employees shall not accrue eligibility for any benefits, rights, or privileges beyond the last day worked. No one other than the MetroPlan Orlando Board may alter or modify any of the policies in this ~~Manual~~Handbook. No statement or promise by a supervisor, manager, or department head may be interpreted as a change in policy nor will it constitute an agreement with an employee.

Should any provision in this Employee ~~Manual~~Handbook be found to be unenforceable and invalid, such finding does not invalidate the entire Employee ~~Manual~~Handbook, but only the subject provision.

YOUR VARIOUS BENEFITS WITH METROPLAN ORLANDO

You may not have thought about it, but the value of your benefits amounts to a considerable sum each year in addition to the wages or salary you earn.

These are just some of the benefits MetroPlan Orlando provides for eligible employees each year:

Bereavement Leave
Commuter Assistance
Deferred Compensation Plan

Dental Insurance
Educational Assistance
Flextime
Teleworking
Group Term Life Insurance
Deferred Compensation Plan
Health Care / Hospitalization Insurance
Long-Term & Short-Term Disability Insurance
Military Leave of Absence
Paid Holidays
Paid Personal Leave Time
Retirement Plan
Social Security
Teleworking

Unemployment Compensation Insurance
Workers Compensation Insurance

That's a lot to think about!

VISION STATEMENT

A regional transportation system that safely and efficiently moves people and goods through a variety of options that support the region's vitality.

MISSION STATEMENT

To provide leadership in transportation planning by engaging the public and fostering effective partnerships

RECEIPT AND ACKNOWLEDGEMENT OF METROPLAN ORLANDO EMPLOYEE ~~ManualHandbook~~ MANUALHANDBOOK

This Employee ~~ManualHandbook~~ is an important document intended to help you become acquainted with MetroPlan Orlando. This ~~ManualHandbook~~ will serve as a guide; it is not the final word in all cases. Individual circumstances may call for individual attention.

Because the general business atmosphere of MetroPlan Orlando and economic conditions are always changing, the contents of this ~~ManualHandbook~~ may be changed at any time at the discretion of the MetroPlan Orlando Board. No changes in any benefit, policy or rule will be made without due consideration of the mutual advantages, disadvantages, benefits and responsibilities such changes will have on you as an employee and on MetroPlan Orlando.

Please read the following statements and sign below to indicate your receipt and acknowledgement of the MetroPlan Orlando Employee ~~ManualHandbook~~.

- I have received and read a copy of the MetroPlan Orlando Employee ~~ManualHandbook~~. I understand that the policies, rules and benefits described in it are subject to change at the sole discretion of MetroPlan Orlando at any time.
- I further understand that my employment is terminable at will, either by myself or MetroPlan Orlando, my employment is for no specific term, regardless of the length of my employment or the granting of benefits of any kind.
- I understand that nothing in the employee handbook should be construed as a contract or guarantee of continued employment.
- I agree that any and all employment disputes will be subject to mandatory arbitration and the results of any such arbitration shall be binding on both parties.
- I understand that no contract of employment other than "at will" has been expressed or implied, and that no circumstances arising out of my employment will alter my "at will" employment relationship unless expressed in writing, with the understanding specifically set forth and signed by myself and the Executive Director of MetroPlan Orlando.
- I understand that should the content of this handbook be changed in any way, MetroPlan Orlando may require me to sign the revised statements. I understand that I am subject to any revisions, regardless of whether I have signed a revised acknowledgement. I hereby, confirm that I have read and accept the above statements and have received a copy of the MetroPlan Orlando Employee ~~ManualHandbook~~ and will abide by all regulations therein.

Employee's Printed Name

Position

Employee's Signature

Date

Witness Signature

Date

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SECTION 1.0
SCOPE OF AUTHORITY AND RESPONSIBILITY

1.1 GENERAL AUTHORITY

In accordance with Florida Statutes Chapter 339.175(6)(g); Florida Statutes Chapter 163.01(5)(g); and Year 2000 Interlocal Agreements Section 5.02(a), there shall be a Personnel System which shall provide for an equitable and effective system of operating procedures designed to ensure uniform, fair, and effective personnel administration.

- 1.2** The Executive Director, under the general policy direction of the MetroPlan Orlando Board and within its adopted guidelines, has the authority to perform the highest level leadership, managerial and administrative functions related to MetroPlan Orlando. The Director of Finance and Administration is responsible to the Executive Director for the general administration of the MetroPlan Orlando Personnel System.

The Director of Finance and Administration shall prepare rules, regulations, and general operating procedures which are consistent with and in compliance with State, Federal, and Local Laws and which generally provide for those elements associated with sound personnel administration.

Such rules, regulations, and procedures shall provide for but not be limited to:

- (A) A Classification and Pay Plan, as amended from time to time based on market conditions, which encompasses and addresses all positions included in the authorized positions list.
- (B) Methods for determining the fitness and merit of candidates for appointment, promotion, and retention.
- (C) The policies and procedures regulating reduction in force and disciplinary actions.
- (D) The rules, regulations, and provisions regarding annual personal leave and other types of absences.
- (E) The policies and procedures relating to provisional, temporary, and contractual employees.
- (F) Coordination of in-service training programs.
- (G) The policies and procedures regarding employee grievances and disciplinary hearings.

- (H) Other procedures, practices, and interpretations of policy necessary to the administration of MetroPlan Orlando's Personnel System.
- (I) Coordination of MetroPlan Orlando's EEO/AA, Workers' Compensation, and Safety programs.
- (J) Establishment and maintenance of a centralized personnel records system for all MetroPlan Orlando employees.

1.3 PERSONNEL RECORDS

- (A) It is the responsibility of each employee to notify his/her supervisor whenever any changes are to be made to his/her personnel record. Those changes include, but are not limited to, change of name, address, phone number, beneficiary, training or coursework completed, and for providing copies of all related diplomas, certificates, etc.
- (B) Departments are responsible for ensuring that all such information as described above is forwarded to the Director of Finance and Administration for personnel file inclusion. This is routinely accomplished via a "Change of Status" form. However, in some cases (i.e., change of beneficiary) it may be necessary for the employee to contact the Department of Finance and Administration ~~Department~~ directly to accomplish changes.
- (C) Pursuant to the provision of the Florida Public Records Act, the personnel records are considered to be open for a personal inspection by any person provided that such inspection is conducted in the physical presence of the custodian or designee during regular operating hours.

The Custodian for MetroPlan Orlando's personnel records is the Director of Finance and Administration. In addition, the Department of Finance and Administration ~~Department~~'s Accounting & Administration Clerk has been designated as the alternate custodian.

- (D) Under no circumstances will any personnel records be removed from the storage area without the express authorization of the custodian or alternate custodian.

Under no circumstances will any personnel file documents be removed from the record, nor will any document be altered in any manner.
- (E) Certain aspects of the personnel files are exempt from public inspection as identified in Florida Statutes Chapter 119.
- (F) Certain other personnel-related records and documents of a medical nature, such as employment-related medical records, workers' compensation medical information, and employee medical insurance records, may not be open for inspection pursuant to the Florida Public Records Act.

- (G) Medical and personal information generally considered to be of a confidential nature will be handled by management and administrative staff on a "need to know" basis within the Organization.

1.4 APPLICABILITY

These personnel rules and regulations in this Employee Handbook are applicable to all employees of MetroPlan Orlando. If any areas are in direct conflict with the contract for the staff position of Executive Director, the contract shall prevail for the Executive Director position. It shall not apply to non-employees such as board members, advisory committee members or individuals retained or employed by MetroPlan Orlando in a contractual or vendor arrangement. However, Section 20.0 Travel Policy and Procedures shall apply to all employees, the Executive Director, board members, advisory committee members, interns and temporary employees.

The term "Organization" shall be used interchangeably with MetroPlan Orlando in this document.

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SECTION 2.0

POSITION VACANCIES

2.1 EQUAL EMPLOYMENT OPPORTUNITY

In order to provide equal employment and advancement opportunities to all individuals, employment decisions at MetroPlan Orlando will be based on merit, qualifications, and abilities. MetroPlan Orlando does not discriminate in employment opportunities or practices on the basis of race, color, religion, sex (including gender presentation and sexual orientation), national origin, age, disability, genetic information, pregnancy, citizenship, familial status, veteran status, or any other characteristic protected by law.

MetroPlan Orlando will comply with the Americans with Disabilities Act of 1990 and all amendments. Reasonable accommodations will be made for qualified individuals with known disabilities unless doing so would result in an undue hardship. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training.

Any employees with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of their immediate supervisor or the Director of Finance and Administration. Employees may raise concerns and make reports without the fear of reprisal.

Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

2.2 VACANCIES IN THE CLASSIFIED SERVICE

Position vacancies in the classified service are those position vacancies which are embraced under MetroPlan Orlando's Personnel System and are positions considered to be regular established positions as specified in the "Authorized Positions" of MetroPlan Orlando's "Classification and Pay Plan."

They do not include temporary positions, non-regular part-time positions, interns, commissioners, board members, committee members, the MetroPlan Orlando Attorney retained or employed by MetroPlan Orlando, or the Executive Director. They do not include positions associated with contractual agreements or vendor agreements. Vacancies shall be filled in accordance with existing Federal, State, or Local laws as applicable.

2.3 VACANCIES IN THE UNCLASSIFIED SERVICE

Position vacancies in the unclassified service are generally those vacancies associated with temporary positions, non-regular part-time positions, interns, positions associated with elected officials, commissioners, board members, committee members, the MetroPlan Orlando Attorney retained or employed by MetroPlan Orlando

and the Executive Director. They also include positions associated with contractual agreements and vendor agreements.

Vacancies shall be filled in accordance with existing Federal, State, or Local laws as applicable.

2.4 **APPLICANTS**

Unsolicited resumes received when there are no advertised jobs vacancies in the classified or unclassified service will not be treated as “applicants,” and the resumes will not be retained or considered. Job “Applications” are defined as resumes and/or actual MetroPlan Orlando job application forms completed for a specific vacancy during the recruitment, application, certification, and selection process as defined in Section 3.0.

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SECTION 3.0

RECRUITMENT, APPLICATIONS, CERTIFICATION, AND SELECTION

3.1 RECRUITMENT

- (A) The initial step of the recruitment process is the submission of a "Personnel Requisition" form.

Once the "Personnel Requisition" form is completed by the hiring department, it is to be forwarded to the Director of Finance and Administration so that a job posting/advertisement can be generated accordingly.

- (B) All advertising will be coordinated by the Department of Finance and Administration ~~Department~~. The content of all such advertising will be based upon the essential minimum qualifications of the position involved in addition to specific departmental "preferences" indicated on the "Personnel Requisition" form. All departmental preference statements are subject to consistency with all applicable laws and with sound personnel administration practice.

The source, duration, and extent of all advertising are contingent upon fund availability and budgetary constraints.

- (C) Upon completion of the recruitment process, the hiring department will be contacted by the Department of Finance and Administration ~~Department~~ to arrange for the selection of qualified applicants to be interviewed.

3.2 APPLICATIONS

- (A) In order to be considered as a valid applicant for interview for a vacant position, each applicant shall submit a resume and cover letter and/or a written application-. The resume and/or application must be submitted within the time limit noted on the "Employment/Promotional Vacancy Announcement." A written/typed application on the standard MetroPlan Orlando employment application form will be required of any applicant selected for an interview or hired by MetroPlan Orlando. Under no circumstances will resumes ~~or facsimiles~~ be used totally in lieu of the standard MetroPlan Orlando employment application form.

- (B) Persons with disabilities shall be reasonably accommodated provided that notification for said accommodation is made in a timely fashion.

- (C) It is the responsibility of the individual applying for a position vacancy to ensure that all information requested is submitted and correct. It is also the responsibility of said individual to ensure that all documentation needed to establish the attainment of essential minimum qualifications is provided along with the standard MetroPlan Orlando employment application form.

- (D) All information requested on the standard MetroPlan Orlando employment application must be completed.
- (E) Applications will only be accepted in response to specifically announced position vacancies. Applicants interested in applying for more than one vacancy must complete a separate MetroPlan Orlando employment application for each position available. Applications are valid for one position vacancy and may not be reactivated for other position vacancies at a later date.

3.3 CERTIFICATION

- (A) All appointments to position vacancies will be made solely on the basis of assessment of the applicant's work experience, training, education, etc., as reflected on ~~their~~-his/her employment application.

All documented information will be considered in relation to the "essential minimum qualifications" associated with the position vacancy. All applicants found to meet the "essential minimum qualifications" will be certified as eligible for consideration for that position vacancy.
- (B) MetroPlan Orlando relies upon the accuracy of information in the employment application and resume, as well as the accuracy of other data presented throughout the hiring process and employment. Any known misrepresentations, falsifications, or material omissions in any of this information or data may result in exclusion of the individual from further consideration for employment with MetroPlan Orlando or, if the person has been hired, immediate termination of employment.
- (C) In rare instances, due to the nature of special job requirements, it may be necessary to consider applicants who meet most but not all of the minimum qualifications associated with a specific vacancy. Cases such as this are normally applicable to degree requirements, special certifications, and/or specialized experience. If it is felt that consideration of this applicant is in the best interests of MetroPlan Orlando, and if no other qualified applicants are available, a provisional eligibility certification may be obtained. This provisional eligibility certification must be approved by the Executive Director and the Director of Finance and Administration prior to becoming effective.

Provisional eligibility certification is not to be considered as a waiver of requirement. The Executive Director shall determine a reasonable time limit in which the applicant must attain the lacking element required for routine certification. Failure to do so will result in dismissal or other action deemed necessary.
- (D) Eligibility certifications shall not be deemed final until all certification criteria such as the drug screening, driver's license check, background check, etc., have been completed.

- (E) For positions that require special, technical, or professional requirements, evidence of a satisfactory nature must be submitted in addition to the application. Examples of such evidence include degrees, certificates, licenses and other documents to support claims of education, training, and/or experience.
- (F) In compliance with the Immigration Reform and Control Act of 1986 and Executive Order of the Governor No. 11-~~02116~~, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. All new employees must also have employment eligibility verified through E-Verify.

3.4 TESTING

- (A) Departments that wish to utilize testing for any purpose are to coordinate all requests through the Director of Finance and Administration, and no testing shall be conducted unless reviewed and approved by the Department of Finance and Administration~~Department~~.

Upon completion of testing, all associated documents and testing materials, including but not limited to completed and/or incomplete exams, answer keys, narrative attachments, etc., shall be submitted to the Department of Finance and Administration~~Department~~ for retention.
- (B) It is the Department Director's responsibility to ensure that all individuals being considered for hire or promotion are fully apprised of all factors that are to be considered during the selection process.

3.5 SELECTION

- (A) Each Department Director is responsible for appointments made within his/her respective department. However, all appointments must be made from eligibility lists furnished by the Department of Finance and Administration~~Department~~.
- (B) Once the Department Director makes an appointment decision, the Department of Finance and Administration~~Department~~ is to be notified ~~via the "Change of Status" form to proceed with pre-employment processing.~~
- (C) No offers of employment to applicants shall be made until all pre-employment processing has been completed by the Department of Finance and Administration~~Department~~. To ensure that no misinterpretations or misunderstandings occur regarding formal offers of employment, departments are strongly advised not to engage in this activity.
- (D) New appointments (initial hires) shall normally be made at the minimum of the appropriate position classification range. However, in cases where an individual's skills, knowledge, and ability exceed those normally associated

with entry level, it is possible to make the initial appointment above the minimum for the position classification range.

Department Directors should consider budgetary constraints and must obtain approval from the Executive Director prior to committing to a new appointment above the minimum level of a pay code.

- (E) Employees shall be evaluated at the end of their introductory period for retention purposes and to generate a reclassification from introductory to regular full-time status.

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SECTION 4.0

SPECIAL EMPLOYMENT SITUATIONS

4.1 SPECIAL PREFERENCE

In certain situations, special preference will be afforded to individuals seeking employment with MetroPlan Orlando. Examples of such preference include preference related to voluntary or mandatory EEO/AA goals.

4.2 EMPLOYMENT OF RELATIVES

(A) State Law (Florida Statutes Chapter 112.3135) provides for certain restrictions pertaining to employment of relatives of "public officials."

(1) A "public official" includes an employee of MetroPlan Orlando in whom is vested with or delegated the authority to appoint, employ, promote, or advance individuals or to recommend individuals for appointment, employment, promotion, or advancement in connection with MetroPlan Orlando employment.

(2) A "relative" means an individual who is related to the public official as father, mother, son, daughter, brother, sister, aunt, uncle, first cousin, grandson, granddaughter, niece, nephew, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister.

(B) A public official may not appoint, employ, promote, advance, or advocate for employment promotion or advancement in or to a position in MetroPlan Orlando in which said public official exercises jurisdiction or control of any individual who is a relative of said public official.

(C) An individual may not be appointed, employed, promoted, or advanced in or to a position in MetroPlan Orlando if such appointment, employment promotion, or advancement has been advocated by a public official serving in or exercising jurisdiction or control who is a relative of the individual.

(D) MetroPlan Orlando may prescribe regulations authorizing temporary employment, in the event of an emergency as defined in Florida Statutes Chapter 252.34(2), of individuals whose employment would be otherwise prohibited by this policy.

SECTION 5.0
INTRODUCTORY PERIOD

5.1 INTRODUCTORY PERIOD

- (A) When a certified employee is accepted for an established full-time position with MetroPlan Orlando, it is with the understanding that the first six (6) months of employment will be an introductory period during which time they will not be classified as a regular full-time employee.
- (B) Any employee terminated prior to the end of their introductory period shall not be entitled to appeal.

5.2 UNEMPLOYMENT PROBATIONARY PERIOD

- (A) When a certified employee is accepted for an established full-time position with MetroPlan Orlando, it is with the understanding that the first ninety (90) days of employment from the date of hire will be a probationary period for the purpose of Florida "Unemployment Compensation Law" (Florida Statutes Chapter 443.131 (3)(a)(2)).
- (B) If MetroPlan Orlando discharges an employee for unsatisfactory work performance during the ninety (90) day "Unemployment Probationary Period," MetroPlan Orlando's unemployment account will not be charged for any unemployment benefits he/she might be determined eligible for in the future.

Employee shall acknowledge same in writing within seven (7) days of his/her employment.

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SECTION 6.0
PERSONNEL ACTIONS

6.1 GENERAL

During the normal course of employment, a number of personnel-related actions are likely to occur. All actions shall be reported via the completion of a "Change in Status" form. No change in an employee's status shall be considered officially "approved" without the final approval of the Executive Director or appropriate designee.

(A) PROMOTIONS

A promotion occurs when an employee applies for and is selected to fill a position vacancy which is in a different position classification code and at a higher pay rate than the employee's current position classification code and pay rate.

- (1) The effective date of an employee's promotion becomes the employee's new "Date of Classification." The employee is then eligible for merit consideration at one (1) year intervals from that date.

(B) RECLASSIFICATION

- (1) A reclassification action generally occurs when there has been a significant change in a position's functions, duties, and responsibilities, without a corresponding change in position code as above. These changes must be of a permanent nature and not merely a result of temporary need. (Example: reclassification from a receptionist to a staff assistant).
- (2) A reclassification action does not necessarily trigger a corresponding change in position pay code since position pay code changes are a product of job "comparable worth" and "prevailing wage" analysis.
- (3) A reclassification action does not trigger a change in the incumbent's "Date of Classification."
- (4) If a reclassification occurs to a position which is vacant and if that position is filled by promotion of an employee from a lower pay classification code, then the action is deemed to be a promotion. The effective date of the promotion shall become the employee's new "Date of Classification." (See Section 6.1(A)).
- (5) Reclassification requests are normally considered during the budgetary process. However, requests of this nature may be initiated by departments at other times, as appropriate. Requests of this nature are

to be submitted in writing by the Department Director via the Director of Finance and Administration to the Executive Director.

(C) **REGRADE**

- (1) A regrade action generally occurs whenever it is determined that a particular position's "comparable worth" based upon prevailing wage standards is in need of adjustment. (Example: The pay classification code for all staff assistants is raised due to a shortage in the market).
- (2) A regrade is normally indicative of significant changes of an "increased" nature that occur in a position's duties, functions, and responsibilities. It is also possible that a "decrease" in duties, functions, and responsibilities will warrant regrade consideration.
- (3) Regrade actions are reflective of the position's worth, not the incumbent's worth.
- (4) A regrade action does not trigger a change in the incumbent's "Date of Classification."
- (5) If a regrade action occurs to a position which is vacant, and if that position is filled by promotion of an employee from a lower pay grade, then the action is deemed to be a promotion. The effective date of the promotion shall become the employee's new "Date of Classification." (See Section 6.1(A)).
- (6) Regrade requests are normally considered during the budgetary process. However, requests of this nature may be initiated by departments at other times, as appropriate. Requests of this nature are to be submitted in writing by the Department Director via the Director of Finance and Administration to the Executive Director.

(D) **DEMOTION**

A demotion is an action involving the movement of an employee from a position in one pay classification code to a position in another pay classification code at a lower pay rate.

- (1) **Voluntary** - A demotion will be considered to be voluntary only when such consideration is initiated by the employee at his/her own request and such request is submitted in writing.

Requests for voluntary demotion shall be considered only in situations whereby an actual position vacancy exists in the lower pay classification rate. The employee requesting voluntary demotion must meet all minimum qualifications associated with the position in question.

Approval for such requests rests with the receiving appointing authority and is based upon the competitive selection process normally associated with position vacancies.

Once a voluntary demotion becomes effective, there shall be no appeal since the action was voluntary and not as a result of disciplinary action.

Every effort shall be made to ensure that upon appointment of an employee as a result of a voluntary demotion, said employee is placed in the lower pay classification code so that such placement is as close as possible to the employee's current rate of pay.

In some cases (i.e., budgetary constraints) the aforementioned placement may not be possible. In such cases, the employee requesting the voluntary demotion must be apprised of exactly where in the pay range placement is possible and acknowledge, in writing, agreement with such placement.

- (2) Involuntary - A demotion of an involuntary nature is generally associated with a disciplinary action or as a result of consistent poor performance in the execution of regular job duties.

Other involuntary demotions may be as a result of medical reasons based upon a physician's written findings. Such medical determination shall be kept in the strictest confidence in accordance with existing law.

Involuntary demotions will normally result in a reduction in pay of the employee involved. However, the action shall be determined by such variables as position availability and budgetary considerations.

- (3) Demoted employees shall be subject to a new "Date of Classification" which shall be based upon the effective date of the demotion action.

(E) **RESIGNATION**

A resignation is a voluntary action initiated by an employee intended to terminate the employer-employee relationship between said employee and MetroPlan Orlando.

Resignations shall be submitted in writing providing for an effective date. The original notification shall be forwarded to the Director of Finance and Administration along with the appropriate "Change in Status" form prior to the effective date of the resignation.

It is the responsibility of the Department of Finance & Administration to ensure that all MetroPlan Orlando property is returned.

Employees who decide to resign should take care to provide proper notice. Proper notice is considered to be ten (10) working days prior to the final work

day. Notices of less than ten (10) working days may adversely affect monies due for accrued annual personal leave. (See "Benefits" Section).

(F) **JOB ABANDONMENT**

Absence from work for the equivalent of three (3) days without proper notice or approval by the employee's immediate supervisor shall be considered as job abandonment, and the employee may be subject to immediate dismissal. See Section 9.1 (H).

Actions of this nature shall be reported via the "Change in Status" form under the categories "Other: Job Abandonment" and "Dismissal."

(G) **RETIREMENT**

The 401 Governmental Money Purchase Plan and Trust Document and the Money Purchase Plan Adoption Agreement, hereafter called the "Plan Document," and any changes made thereto from time to time as adopted by the MetroPlan Orlando board, rules in case of conflict with this summary.

All regular full-time or part-time employees regularly scheduled to work 30 or more hours per week are eligible for the MetroPlan Orlando Money Purchase Pension and Trust Plan. Employees will be eligible to participate from the first day of employment. This plan provides separate accounts for each participant, and investments will be self-directed by the employee. MetroPlan Orlando will contribute 10% of W-2 earnings plus any contributions made pursuant to a salary reduction agreement which are not includible in the gross income of the Employee. Contributions vest 100% upon the employee's completion of one full year of employment with the Organization. Additional information will be distributed to employees when they are registered to participate in the plan.

An employee will be considered as retirement eligible (100% vested) upon meeting the criteria of the MetroPlan Orlando Money Purchase Pension and Trust Plan Document as summarized below:

- (1) Employee retires on or after **normal retirement** age defined as 55 years of age.
- (2) Employee dies while still working for the employer.
- (3) While still working for the employer, employee becomes totally and permanently disabled as described in ~~Section 2.08 of~~ the Plan Document as determined by an Administrative Committee. The permanence and degree of such impairment shall be supported by medical evidence. If the Employer maintains a long-term disability plan, the definition of Disability shall be the same as the definition of disability in the long-term disability plan.

The employee may work beyond Normal Retirement Age, in which case employer contributions shall continue to be allocated to the Employer Account of the Employee.

- (4) If a Participant's employment is terminated except for death, Total and Permanent Disability, or on or after Normal Retirement Age, the following percentages of the Accrued Benefit in the Employer Account of the Participant shall vest in the Participant and shall be distributed to or set aside for him/her in accordance with the provisions ~~of Article VII~~ of the MetroPlan Orlando Money Purchase Pension Plan and Trust Document:

Years of Service for Vesting	Vested percentage of Employer Account
<1	0%
1	100%

The Accrued Benefit of a Participant which is not vested as above provided shall be retained by the Trustee and applied to reduce the Employer contributions under the Plan.

(H) **DISMISSAL**

Generally, a dismissal is an action initiated by the employer intended to terminate the employer-employee relationship between MetroPlan Orlando and a specific employee.

Any employment offer is not intended to represent an employment contract, either expressed or implied. We retain our "employment-at-will" rights and either side can terminate the employment relationship at any time for any legal reason without prior notice.

- (1) A dismissal action initiated by the employee's Department Director within the first six (6) months of employment may be accomplished with or without cause and without prior notice.

(I) **LEAVES OF ABSENCE**

From time to time, situations may arise that warrant consideration of placing an employee on a "Leave of Absence." Generally, actions of this nature are rare and must involve unusual or extenuating circumstances. Leaves of Absence may be accomplished with or without pay depending on the situation.

- (1) Without Pay - Consideration for Leaves of Absence without pay is contingent upon reason, exhaustion of all other accrued leave as appropriate, and ultimate approval of the Executive Director via the approval process as specified on the "Change in Status" form.

Under no circumstances will a Leave of Absence without pay be granted which exceeds ninety (90) calendar days and without extreme

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circumstances being involved or unless the situation meets the criteria for extended Leave of Absence without pay as prescribed by Federal, State, or Local law applicable to MetroPlan Orlando. Refer to sections 9.1 (I), 9.6 (B) and Section 19 for additional information.

(J) **SUSPENSIONS**

Generally, a suspension is an action resulting from a disciplinary action initiated by the Department against a specific employee for a specific cause.

Suspensions are considered to be a severe form of disciplinary action and may be accomplished with or without pay depending on the situation.

(K) **MERIT INCREASE**

- (1) **General** - MetroPlan Orlando's pay plan consists of a salary minimum/maximum range per position with a performance based system for pay progression.
 - (a) Performance reviews are generally conducted annually.
 - (b) Progression within the range is based upon performance and such movement is not to be considered automatic.
 - (c) Direct supervisors are responsible for conducting performance appraisals on their subordinates in an impartial, objective manner that shall be substantiated by cited examples of performance. The purpose of conducting performance appraisals is to assess an employee's overall performance for the entire rating period to provide a basis to determine merit pay progression.
- (2) **Special** - Special performance evaluations may be conducted at any time during the year to support and document significant aspects or changes in an employee's performance of job duties. Reviews of this nature will normally be reflective of either meritorious performance or adverse performance. Special performance evaluations require prior approval of the Executive Director and budget approval of the Director of Finance and Administration. As is the case with routine performance reviews, special performance evaluations must be discussed with the employee, documented on the appropriate form, and forwarded to the Director of Finance and Administration.

An overall "**Excellent**" rating is necessary whenever an employee is given a special performance review with the intent of triggering a base salary rate increase other than at the time of the established performance review date. The effective date of the action then becomes the employee's new "Date of Classification." The employee is then eligible for salary increases at one (1) year intervals from that date.

- (3) Performance Reviews - In general, performance reviews shall be accomplished for all regular full-time and regular part-time employees shortly before, and no later than the employee's date of classification to become effective on their date of classification.

Requests to extend an employee's performance review date shall be permitted only:

- (a) Upon written mutual agreement between the employee being rated and the respective Department Director outlining the specific reason(s) for the extension and the date of the agreed upon subsequent performance review. (Normally this extension should not exceed six (6) months).

This mutual agreement must be submitted to the Director of Finance and Administration ~~Director~~ no later than the date of classification.

- (b) If mutual agreement cannot be attained as specified above, then the performance review must be accomplished as scheduled previously.

For additional information on Performance Evaluation Reviews and Merit Increases, please see the Performance Evaluation Management Manual.

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SECTION 7.0
CODE OF CONDUCT OF EMPLOYEES

7.1 PURPOSE AND INTENT

This code of conduct establishes policies regarding conflicts of interest which may result from soliciting or accepting gifts, gratuities, or unauthorized compensation; the appropriateness of outside employment; the use of one's position; personal contractual relationships; using or giving information for gain; or procuring and delivering contractual services for work; and related or associated matters. MetroPlan Orlando's Code of Conduct of Employees Policy applies to all employees. In addition to the policies in the ~~Personnel Manual~~Employee Handbook below, all employees shall also follow all applicable rules of Section VII Part ~~68~~ of MetroPlan Orlando's Internal Operating Procedures (Code of Ethics). All employees should seek to avoid even the appearance of impropriety to maintain public confidence in MetroPlan Orlando.

We expect all employees to conduct themselves in an honorable fashion. Honesty is an important company attribute. Therefore, any misrepresentation of facts or falsification of records, including personnel records, medical records, leaves of absence documentation or the like will not be tolerated. The same honesty standard applies to any company investigation. Any violations will result in corrective action, up to and including termination.

- (A) All MetroPlan Orlando employees shall pledge to subscribe to the following staff values to advance the interests of our customers and the citizens we serve, to foster good working relationships with colleagues, and to contribute to professional development. ~~Each~~e~~Employees~~s shall perform the duties of their positions to the best of their abilities and the standards set forth in their job descriptions or otherwise establishedu, and when needed, request additional instruction.

To ensure that we provide a quality service and environment for our customers, the public, and ourselves, we pledge to subscribe to the following values:

- To be reliable, consistent, and dependable professionals.
- To recognize the importance of our work to the community.
- To be committed and loyal to both our work and our families.
- Imparting a friendly attitude impels us to listen and treat others with respect, consideration, and courtesy.
- To be accountable for our collective actions and consequences by being results-oriented.
- Being open-minded and team-oriented improves our flexibility and effectiveness.
- We acknowledge the importance of remaining current in our knowledge and use of tools.
- Honesty is an integral component of our work ethic.
- Professional integrity gains us respect from all.
- We are empowered to provide superior service to our community.

- (B) All employees are expected to honor and adhere to the ethical obligations inherent in public service.
- (C) Article II, Section 8 of the Florida Constitution states, “a public office (or position) is a public trust.” As stewards of the public trust, all MetroPlan Orlando employees must use the powers and resources of MetroPlan Orlando entrusted to them by the public to further the public interest and not for any personal gain or financial benefit. Therefore, MetroPlan Orlando employees:
 - (1) Shall not accept benefits of any sort under any circumstances which could be inferred by a reasonable observer that the benefit was intended to influence a pending or future decision of such employee.
 - (2) Shall not engage in outside employment or financial transactions of any kind with any person, entity, firm, or corporation doing business with MetroPlan Orlando when such transactions constitute a conflict of interest.
 - (3) Should seek guidance for their own protection by submitting the details of questionable situations, in writing, to the Executive Director before engaging in such questionable activity.
- (D) Many issues pertaining to conflicts of interest may require legal opinion in that such issues are broadly addressed by provisions of the State Constitution, State Statutes, and/or Rules of the Commission on Ethics. The Executive Director shall be responsible for rendering final determination regarding all issues pertaining to conflicts of interest.
- (E) Ethical violations such as described above and herein shall be considered as cause for disciplinary action up to and including dismissal from employment with MetroPlan Orlando.

7.2 CONFLICTS OF EMPLOYMENT/CONTRACTUAL RELATIONSHIP

- (A) Secondary employment or contractual relationships are permitted to the extent that such employment or contractual relationships do not constitute a conflict of interest and do not interfere with the employee’s job performance with MetroPlan Orlando.
- (B) MetroPlan Orlando employees who participate in deciding, approving, recommending or preparing purchase or procurement requests or who influence the content of any specification or procurement standard or render advice in the procurement or purchase of contractual service may not work for a person or entity attempting to engage in or engaging in contractual services with MetroPlan Orlando.
- (C) MetroPlan Orlando employees acting in their official capacities shall not directly or indirectly procure or substantially participate in the procurement of

contractual services for MetroPlan Orlando from any business entity when a relative is an officer, partner, director, or owner or when such employee, spouse, domestic partner, or child has a material interest.

(Note: The term "relative" for the purpose of this section is defined in Florida Statutes Chapter 112.3135(d))

7.3 CONFLICT OF INTEREST REGARDING CONTRACTED METROPLAN ORLANDO WORK AND/OR PURCHASE OF PROPERTY, MATERIALS, OR SUPPLIES

- (A) MetroPlan Orlando employees shall not bid on or have a material interest in any entity, firm, company, or corporation bidding on:
 - (1) The furnishing of any materials, supplies, or services to be used in the work of MetroPlan Orlando.
 - (2) A contract for the construction of any MetroPlan Orlando facility.
 - (3) The sale of any property to MetroPlan Orlando or the purchase of any property from MetroPlan Orlando unless said property is offered to the general public at auction or by competitive bid.
 - (4) Prohibited Interests: Neither MetroPlan Orlando nor any of its contractors or their subcontractors shall enter into any contract or arrangement in connection with the project, or any property included or planned to be included in the project, in which any employee of MetroPlan Orlando during his or her tenure or for two (2) years thereafter has any interest, direct or indirect.
- (B) The term "material interest" for the purpose of this section is defined in Florida Statutes Chapter 112.312(15).

7.4 DISCLOSURE OF INFORMATION

MetroPlan Orlando employees shall not use for personal advantage to themselves or others or furnish information which was obtained as a result of MetroPlan Orlando employment to anyone which is not available to the general public.

This does not limit, hinder, or prevent disclosure of such information in performing official duties by those employees specifically charged with such responsibilities or so designated.

7.5 SOLICITATION/ACCEPTANCE OF GIFTS, GRATUITIES, BENEFITS, OR THINGS OF VALUE

- (A) Employees shall not solicit or accept anything of value to the recipient, including a gift, loan, reward, promise of future employment, favor or service, based upon any understanding that the votes, official action, or judgment of the employee would be influenced thereby, either directly or indirectly, from

any person or entity doing business with MetroPlan Orlando that could be construed or presumed to constitute unauthorized compensation.

No employee or his/her spouse, registered domestic partner, or minor child shall, at any time, accept any compensation, payment, or thing of value when such employee knows or with the exercise of reasonable care should know, that it was given to influence a vote or other action in which the employee was expected to participate in his/her official capacity.

A non-monetary gift, including meals or entertainment, when offered gratuitously and carrying a total value of less than twenty-five dollars (\$25.00) may be accepted if the employee can ensure that it was not offered to influence his/her judgment, action or vote. It is the employee's responsibility to avoid the appearance of conflict of interest, and discretion should be used in accepting gifts valued under the amount stated above. If there is any doubt about the intent of the person giving the gift or its value is \$25.00 or greater, then the employee must decline to accept it.

Florida Statutes Chapter 112.3148 prohibits government employees and public officers from knowingly accepting gifts, directly or indirectly, from a lobbyist if he or she knows or reasonably believes that the gift has a value in excess of \$100.

Should management be unable to determine whether an improper solicitation or gift has been accepted by an employee, they may contact the Florida Commission on Ethics for a ruling.

It is the responsibility of employees who are uncertain about accepting gifts to seek guidance as specified in Section 7.1 of these policies.

- (B) MetroPlan Orlando employees wishing to qualify for, run for, and/or hold elective office should submit notification and details of same, in writing, to the Executive Director prior to opening an account for campaign purposes. Employees in this situation are strongly encouraged to seek private legal counsel to ensure that such activity is consistent with the provisions of Florida Statutes.

MetroPlan Orlando respects and encourages employee participation in political activities, but such activities shall not be carried out by employees on behalf of, or as a representative of the Organization, or during working hours or on Organization premises or using Organization equipment or materials.

It is the intent of MetroPlan Orlando to promote efficient public service by relieving its employees of political pressure and to protect against a direct threat to the integrity or morale of employees, by regulating the political activities of its employees, as indicated:

1. No MetroPlan Orlando employee shall use his or her official position, authority or influence arising from his or her relationship with MetroPlan Orlando for the purpose of interfering with an election or a nomination to

office, or coercing another person's activities or vote in connection therewith.

2. No MetroPlan Orlando employee shall request, solicit, or communicate in any manner with any Board Member, employee, Consultant, Vendor or Independent Contractor for the purpose of inducing that person to pay, lend, or contribute any part of his or her salary, ~~or~~ any money or anything else of value, to any party, committee, organization, agency or person for political purposes.
3. Employees may express opinions on candidates or issues and participate in political campaigns only during off duty hours. No employee shall take part in any political campaign while on duty, or within any period of time during which the employee is expected to perform services for which the employee receives compensation from MetroPlan Orlando. The use of any MetroPlan Orlando employee work time or equipment, supplies or funds to assist political parties or candidates for public office is strictly prohibited.
4. Any employee who makes a contribution of his or her own volition to the campaign of a sitting Board Member shall file a disclosure of said contribution within fourteen (14) days with the MetroPlan Orlando Executive Director, who shall publish said filing as an informational item at the next regularly scheduled Board meeting.

7.6 **PERSONAL APPEARANCE**

Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the business image MetroPlan Orlando presents to the public.

During business hours, employees are expected to present a clean and neat appearance and to dress according to the requirements of their positions.

Consult your supervisor or Department Director if you have questions as to what constitutes appropriate attire.

7.7 **USE OF METROPLAN ORLANDO EQUIPMENT/PROPERTY**

The personal use of MetroPlan Orlando owned equipment, materials, tools, supplies, and other property is prohibited. Organization assets are to be maintained for business-related purposes. Any use of resources for charity or community purposes must be approved in advance by your supervisor and the Department of Finance & Administration. Any use of resources for political activity or personal financial gain shall be prohibited. Employees shall not perform any non-work activities during working hours or use MetroPlan Orlando equipment, personnel or facilities for private gain, either monetary or other.

Many types of inadvertent activities may result in inappropriate use of the Organization's resources such as excessive personal use of copiers, phones, computers, access to the Internet, and excessive involvement in personal activities during work time or using colleagues' time for personal benefit. While not significant individually, these actions represent a significant cost cumulatively, waste work time, and hurt morale.

Anyone found to have used resources inappropriately will be subject to appropriate disciplinary action, up to and including termination.

7.8 PERSONAL MAIL/DELIVERIES/CALLS/VISITORS

- (A) MetroPlan Orlando is not in the position to handle and/or distribute the personal mail or deliveries of its employees. All employees should advise correspondents, businesses, etc., that personal mail is to be delivered to their home address and not to their place of work.
- (B) Under no circumstances shall employees use MetroPlan Orlando stationery or postage for personal business.
- (C) The receiving and making of personal phone calls and the receiving of personal visitors on MetroPlan Orlando time is strongly discouraged. The extent to which these are permitted is at the discretion of the Department Director but should not disrupt the work environment or take away from work time. Employees may be required to reimburse MetroPlan Orlando for any charges resulting from their personal use of the telephone.
- (D) To ensure effective telephone communications, employees should always use the approved greeting and speak in a courteous and professional manner.
- (E) All attempts should be made to calm a belligerent caller or visitor. Belligerent callers or visitors should be transferred to a Department Director.

7.9 COOPERATION WITH JOB-RELATED INVESTIGATIONS

It is a condition of MetroPlan Orlando employment that employees are required to cooperate with respect to any job-related hearing, inquiry, or investigation.

7.10 INDICTMENTS

- (A) Employees shall be responsible for immediately notifying their supervisor whenever information has been filed by a prosecuting official against them for any offense or violation of law (including traffic violations while on Organization business), or if they have been indicted by a Grand Jury.
- (B) Employees under indictment for any offense or violation of law shall have such situation reviewed by the Executive Director and Director of Finance and Administration to determine if it is in the best interests of MetroPlan Orlando and the work program of the department to:
 - (1) Retain the affected employee in his/her regular position.

- (2) Assign the affected employee to other duties until such time as the charge(s) are disposed of by trial, acquittal, dismissal, conviction, or other judicial action.
- (3) Suspend or terminate the affected employee.

7.11 INCARCERATION

- (A) It is the sole responsibility of the affected employee to notify his/her supervisor, no later than the first scheduled work day following the incident of the fact that he/she has been incarcerated.
- (B) Employees who have been incarcerated may be permitted to request available leave as appropriate and/or be subject to action such as described above.

7.12 EQUIPMENTCOMPUTER AND E-MAIL USAGE

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Computers, computer files, the e-mail system, Internet access, cell phones, ~~and~~ software furnished to employees, as well as any other equipment or software purchased or leased by MetroPlan Orlando, hereafter referred to as "MetroPlan Orlando Equipment," are MetroPlan Orlando property intended for business use. Employees should back up their computer files on a regular basis by only saving documents on designated network drives or local computer folders that sync to network drives or by other methods approved by the Director of Finance & Administration. The use of ~~e-mail or Internet access~~ MetroPlan Orlando Equipment for any non-business purpose is strongly discouraged. To ensure compliance with the policy, ~~computer and e-mail~~ MetroPlan Orlando Equipment usage may be monitored.

MetroPlan Orlando may monitor your network, e-mail and Internet usage for appropriateness. Any computer files, e-mail messages, ~~and~~ instant messages, and other transmissions of information maintained, stored, received or transmitted from MetroPlan Orlando Equipment's computers will be considered the property of MetroPlan Orlando. You should not expect e-mail messages, Internet use, ~~or~~ computer files, or any other created document or transmission to be private or confidential. Therefore, do not use MetroPlan Orlando Equipment's computers to read, receive or transmit personal messages that you would not want read by ~~management~~.

All persons should use MetroPlan Orlando Equipment ~~the e-mail system~~ in a lawful and ethical manner for business-related purposes only, in compliance with ~~federal~~ Federal and ~~state~~ State law and the policies and procedures of MetroPlan Orlando. All users are expected to conduct themselves in a manner that reflects respect for the rights of others and protects the integrity of data, equipment, software licenses and other contractual agreements governing technological resources.

Transmission of copyrighted software or other copyrighted materials and the transmission, receipt or storage of abusive, harassing, obscene, libelous or slanderous materials is prohibited. MetroPlan Orlando strives to maintain a workplace free of harassment and is sensitive to the diversity of its employees. Therefore, MetroPlan

Orlando prohibits the use of ~~computers and the e-mail system~~ MetroPlan Orlando Equipment in ways that are disruptive, offensive to others, or harmful to morale. For example, the display or transmission of sexually explicit images, messages, and cartoons is not allowed. Other misuse includes, but is not limited to, ethnic slurs, racial comments, or jokes. ~~E-mail-MetroPlan Orlando Equipment~~ may not be used to solicit others for commercial ventures, religious or political causes, outside organizations, or other non-business matters.

~~The e-mail system~~ MetroPlan Orlando Equipment is the property of MetroPlan Orlando as are all e-mail messages and other transmissions communicated through the system. Access to the e-mail system is a privilege, not a right. Users should respect the communications of others by not accessing ("eavesdropping") or altering them without authorization. However, messages sent by e-mail or other means should not be considered private. They should —all be considered public property. Management will, in the normal course of maintenance and operations review of the system, monitor, intercept, read and disclose any and all e-mail messages. Management reserves the right to delete or remove any and all materials non-business-related to preserve the integrity of and space on all electronic equipment. Management reserves the right to review the use of ~~e-mail-MetroPlan Orlando Equipment~~ for breaches of security, violations of Organization policy, or violations of employees' duties and responsibilities. Use of passwords, encryption, or PIN number other means of authentication and security does not ensure confidentiality and may be overridden by MetroPlan Orlando management.

Any e-mail sent or received, or any other recorded communication, by employees is considered a public record and is open for public inspection, much in the same manner as all documents, papers, letters and other materials used officially by ~~state~~ State agencies. If an e-mail message or other recorded communication falls within the definition of a public record, it is subject to the policy on Public Records and Records Management and may not be deleted except as provided for in the ~~state~~ State record retention schedule.

Use of ~~the e-mail system~~ any MetroPlan Orlando Equipment for commercial purposes or personal profit is prohibited. Distribution of unwanted communication ~~e-mail or other messages~~ or unauthorized use of any scheme (broadcast messages, chain letters, junk mail, "spamming") that may cause excessive network traffic or computing loads is prohibited. ~~The e-mail system~~ MetroPlan Orlando Equipment shall not be used to endorse, promote, lobby, or raise money for any political candidate or political organization.

Violations of the policies and procedures of the Organization, or of ~~federal~~ Federal or ~~state~~ State law may subject the violator to penalties, including criminal prosecution. MetroPlan Orlando reserves the right to suspend or rescind the access of any user found to have violated these policies or applicable laws and to take appropriate disciplinary action. Use of MetroPlan Orlando Equipment ~~the e-mail system~~ is governed by this ~~Personnel Manual~~ Employee Handbook, MetroPlan Orlando's Rules and Internal Operating Procedures, and ~~federal~~ Federal and ~~state~~ State law.

7.13 COMPUTER SOFTWARE

MetroPlan Orlando purchases and licenses the use of various computer software for business purposes and does not own the copyright to this software or its related documentation. Unless authorized by the software developer, MetroPlan Orlando does not have the right to reproduce such software for use on more than one computer. Employees may only use software on local area networks or on multiple machines according to the software license agreement. MetroPlan Orlando prohibits the illegal duplication of software and its related documentation. Employees shall not load any software not purchased by MetroPlan Orlando on any Organization-owned computer. This is not intended to prohibit the use of data files supplied by consultants hired by MetroPlan Orlando. All computer disks, USB drives, and other portable file storage shall be scanned for viruses before loading on any of the Organization's computers.

Employees should notify their immediate supervisor, the Director of Finance and Administration, or any member of management upon learning of any violations of this policy. Employees who violate this policy will be subject to disciplinary action, up to and including termination of employment.

7.14 SOCIAL MEDIA POLICY

Social media has changed the way we engage with our colleagues and partners -- as well as with people in our communities and throughout the world. Interacting through social media can help you build stronger relationships and take part in global conversations related to the work MetroPlan Orlando and its partners are doing.

The lines between professional and personal online interactions can be blurry and, while we encourage you to participate in the social media world, you should understand and abide by the rules of engagement stated in our Social Media Guidelines document as you navigate online postings and conversations.

7.154 NON-TOBACCO USE

In keeping with MetroPlan Orlando's intent to provide a safe and healthful work environment, the use of tobacco, in all forms including e-cigarettes, is strictly prohibited throughout the workplace. This policy applies equally to all employees and visitors. Any employee who violates this policy is subject to disciplinary action up to and including termination of employment. It is the policy of MetroPlan Orlando that all applicants selected for employment must sign an Affidavit for Non-Use of Tobacco Products in order to be hired by MetroPlan Orlando. The non-use of tobacco products must have been for a period of at least (6) months immediately preceding application for employment; and must be maintained and continued for the duration of employment with MetroPlan Orlando.

NON-TOBACCO USE

A. In response to the increasing cost of delivering healthcare
A. benefits to staff and the overwhelming evidence that tobacco use is a leading cause of serious illness impacting the health of individuals, MetroPlan Orlando ~~is~~ instituteding a Non-Tobacco use policy for all new employees, effective January 1, 2009.

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This policy is not intended to prohibit rare celebratory use of such products. Individuals who have signed the Non-Tobacco Use Affidavit and violate the non-tobacco use policy will be subject to disciplinary actions.

B. Enforcement of Policy

Any employee violating the non-tobacco use policy will be subject to any of the following disciplinary actions up to and including termination:

- * Oral reminder
- * Written reprimand
- * Loss of Wellness Program benefits for a period of 12 months
- * Probation
- * Termination

7.165 VIOLENCE IN THE WORKPLACE NOT PERMITTED

Violence in the workplace is not permitted. Employees shall not commit or threaten to commit any misdemeanor or felony on the premises. Engaging in criminal conduct or acts of violence or making threats of violence toward anyone on the premises or when representing MetroPlan Orlando, fighting, horseplay, or provoking a fight on the property, or negligent damage of property, shall be cause for disciplinary action up to and including termination.

7.17 WORK PLACE INSPECTIONS - RIGHT TO PRIVACY

Management reserves the right to conduct inspections of all property, equipment, furniture owned or leased by or otherwise under the control of MetroPlan Orlando including but not limited to desks, lockers, bags, computer files, email, etc. Illegal substances are not allowed on or in any MetroPlan Orlando property. Weapons are not allowed on or in any MetroPlan Orlando property. Staff should not have an expectation of total privacy when using any MetroPlan Orlando property.

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SECTION 8.0
EMPLOYEE BENEFITS

8.1 GENERAL

An employee's benefits entitlement is contingent upon the employee's status as regular full-time or regular part-time as specified in the "Authorized Positions" section of MetroPlan Orlando's "Classification and Pay Plan" document. Individuals who work less than thirty (30) hours ~~per~~ week and/or ~~are~~ not listed on the Authorized Position table are not eligible for benefits. Employees who meet the criteria of the aforementioned categorization are eligible for benefits entitlement.

Exceptions:

The Executive Director shall be entitled to benefits as covered under his/her employment contract. Items not addressed specifically under the contract will be the same as listed in the ~~Personnel Rules and Regulations~~ Employee Handbook of MetroPlan Orlando as for other employees.

Temporary employees filling a regular full-time or regular part-time position as listed in the "Authorized Positions" for a temporary time frame will receive only those benefits specified in their offer letter.

8.2 HOLIDAYS

- (A) The Board approves holidays and determines when they will be observed. Unusual instances will be handled by the Executive Director after conferring with the Board Chairman.
- (B) The days listed below are designated as official MetroPlan Orlando holidays:

New Year's Day.....	January 1 st
Martin Luther King Day.....	Third Monday in January
Memorial Day	Last Monday in May
Independence Day	July 4 th
Labor Day.....	First Monday in September
Thanksgiving Day.....	Fourth Thursday in November
Friday following Thanksgiving.....	Fourth Friday in November
Christmas Day	December 25 th
Floating Holiday	Two per Calendar Year
- (C) If holidays fall on Saturday, they will be observed on the preceding Friday. If holidays fall on Sunday, they will be observed on the following Monday.
- (D) Temporary employees, contractual employees, interns, and part-time employees that are not considered regular part-time employees will not be paid for official MetroPlan Orlando holidays. Exceptions to this rule are for full-time temporary employees serving in a regular full-time authorized

position, i.e., serving in a temporary grant-funded position as a regular staff position and this exception is made in writing at the time of hire). Full-time regular and part-time regular employees will be paid for official MetroPlan Orlando holidays. Regular, part-time employees will be paid proportionately depending on hours worked as compared to regular full-time employees.

- (E) Floating holidays may be taken after completion of the introductory period, i.e., after six (6) months' employment, on any day at the employee's discretion, subject to the approval of the Department Director based on scheduling requirements.

The floating holidays will be credited (posted) to the employee's account after completion of the introductory period, i.e., six (6) months from the hire date, along with the "Change of Status" form from introductory to full-time. Employees hired before July 1st of the calendar year will be credited with the floating holiday. Employees hired on or after July 1st of the calendar year will not be eligible to receive floating holidays until the following calendar year. Floating holidays for non-introductory employees will be ~~credited (posted) on the first check received in the calendar year~~ available for use beginning on January 1 of each year. Floating holidays on the books will not be paid as part of accrued leave at termination unless terminated under Section 11.1. Floating holidays may not be carried from one calendar year to the next. They must be used by ~~the last check paid in the calendar year~~ December 31 of each year or they will be ~~forfeited, removed on the first check paid in the new calendar year at the same time the new floating holidays are added.~~

8.3 PERSONAL LEAVE

- (A) Regular full-time and regular part-time employees of MetroPlan Orlando shall earn personal leave. Regular part-time employees earn such leave on a proportionate basis to those employees considered regular full-time. Temporary employees (unless filling a regular authorized position), contractual employees, interns, and part-time employees who are not considered regular part-time employees are not eligible to earn personal leave. Personal leave is intended to be used to provide for vacations, illnesses, and other needs for time off. All ~~Finance Department staff and anyone staff members~~ with financial signature authority or access to the accounting system are required to take a week of contiguous annual leave each year or have another staff member perform the primary functions of their job at least twice during the year.

Employees earn credited personal leave based on the following:

- (1) Employees who work 7.5 hours per day earn personal leave as follows:

0 through 2 Years Service	Eligible for 18 work days or 135 ———hours per year: 135 hours / 26 = 5.19 hours per biweekly pay period.
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2 through 5 Years Service	Eligible for 22 work days or 165 hours per year: $165 \text{ hours} / 26 = 6.35 \text{ hours per biweekly pay period.}$
5 through 10 Years Service	Eligible for 27 work days or 202.5 hours per year: $202.5 \text{ hours} / 26 = 7.79 \text{ hours per biweekly pay period.}$
After 10 Years Service	Eligible for 32 days or 240 hours per year: $240 \text{ hours} / 26 = 9.23 \text{ hours per biweekly pay period.}$
Other	The number of personal leave days earned annually may vary based on employment contracts/agreements for staff hired prior to the adoption date of this personnel manual <u>Employee Handbook</u> or special exceptions approved by the Executive Director. The accrued rate shall be based on a 7.5 hour work day and 26 pay periods annually as above.

- (B) The maximum amount of personal leave employees may accrue or have to their credit ~~at any one time during the fiscal year~~ is unlimited. However, the maximum balance allowed at the fiscal year end is limited to the amount the employee would earn in three (3) years, based on employment longevity as discussed under (A) above. The maximum payment for accrued personal leave upon termination from MetroPlan Orlando, whether by resignation or retirement, with proper notice, is the lesser of the actual amount on the books at termination or the amount the employee would earn in three (3) years, based on employment longevity as discussed under (A) above.

With a written request, a deferred compensation plan participant may request compensation for termination accrued leave pay to be paid on the next to last payroll check to be received by the terminating employee and deposited in a MetroPlan Orlando sponsored 457 Plan under the Plan and IRS rules. This request must be filed prior to the beginning of the month in which the compensation to be deferred is paid. The Plan provides for a maximum amount that may be deferred by a participant in any taxable year and also provides for a catch-up computation for amounts deferred for one or more of the participant's last three taxable years ending before he or she attains normal retirement age under the Plan. All eligible accrued leave not being deposited in an Organization sponsored deferred compensation plan will be paid on the last check to be received by the terminating employee, subject to all applicable taxes.

- (C) An employee does not earn/accrue personal leave for any time in which said employee is on any type of unpaid status.

- (D) Personal leave is earned based on hours worked, as leave must be fully earned and posted to the employee's account before it can be taken. Thus, employees cannot take leave in the same pay period in which the leave is earned.
- (E) Employees may use credited personal leave for any purpose (i.e., vacation, hospitalization, illness, family emergency, personal business, etc.). Employees may take only that amount of leave that has been credited to them. Use of uncredited leave time will not be authorized even though the leave would have posted by the end of the pay period.
- (F) Precedence in choosing a vacation period should be governed normally by job seniority but must be at a period approved by the Department Director in keeping with the needs of MetroPlan Orlando.

Employees should be mindful of taking more than two weeks of personal leave in a single absence for discretionary purposes and should consult with their Supervisor/Department Director at least one month in advance so that arrangements can be made for coverage.

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- (G) Department Directors shall notify the Executive Director one (1) month in advance of their intended vacation period so that vacations may be coordinated to ensure the efficient operation of MetroPlan Orlando.
- (H) Holidays occurring while an employee is on MetroPlan Orlando personal leave are to be counted as holidays, not personal leave.
- (I) An employee resigning or retiring from MetroPlan Orlando with two (2) weeks notice, shall be paid for his/her credited personal leave up to a maximum allowable rate as specified in Section 8.3 (B). Such leave pay shall be made at the employee's current rate of pay.
- (J) Personal leave pay generally shall not be paid to separating employees who fail to give at least two (2) weeks notice. Exceptions for unusual circumstances may be approved by the Executive Director.
- (K) Employees who terminate prior to completion of six (6) months continuous service will not be paid for any accrued personal leave time.
- (L) In case of death of an employee or permanent long-term disability, payment for unused personal leave shall be made to the employee or to the employee's beneficiary, estate, or as provided by law.
- (M) It shall be the Department of Finance & Administration Department's responsibility to keep accurate and up-to-date personal leave records on each employee. Annotations for personal leave used must be made by the Department Director on every employee's respective payroll timesheet as the time is used.

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8.4 INSURANCE

Regular full-time and regular part-time employees who work at least thirty (30) hours ~~per~~ week are provided with health, life, accidental death and dismemberment, disability, vision, and dental insurance. The cost for employee coverage is shared by MetroPlan Orlando and the employee as adopted by the Board. Dependent medical, dental, vision and life are elective and are at the employee's expense or as shared according to Board policy in effect at any point in time. It is the employee's sole responsibility to complete enrollment applications and submit them to the Department of Finance and Administration in a timely manner to meet coverage eligibility deadlines. Retirees are an eligible covered class and may purchase health, dental and vision insurance under MetroPlan Orlando insurance policies. The cost of retiree coverage is elective and at the retiree's expense or shared according to Board policy in effect at any point in time. The effective dates of coverage shall vary according to adopted coverage policies. A retiree must elect retiree coverage within the retiree election period required of the policy and must continue coverage continuously in order to remain eligible for future coverage. Once coverage is declined by a retiree, coverage may not be acquired again in the future."

All regular full-time and regular part-time employees who work at least thirty (30) hours per week are provided with the following types of insurance, as prescribed and in such conformance with existing IRS codes and MetroPlan Orlando Board authorization:

- Health insurance
- Life insurance and accidental death and dismemberment insurance
- Long-term and short-term disability insurance
- Dental insurance
- Vision insurance

~~(A)~~ HEALTH INSURANCE

~~All regular full-time and regular part-time employees who work at least thirty (30) hours a week are provided with health insurance. The limits of employer paid health insurance at any particular time are as prescribed and in such conformance with existing IRS Codes and MetroPlan Orlando Board authorization.~~

~~(B)~~ LIFE INSURANCE

~~All regular full-time and regular part-time employees who work at least thirty (30) hours a week are provided with life insurance and accidental death and dismemberment insurance. The limits of life insurance coverage at any particular time are as prescribed and in such conformance with existing IRS Codes and MetroPlan Orlando Board authorization.~~

~~(C)~~ DISABILITY INSURANCE

~~All regular full-time and regular part-time employees who work at least thirty (30) hours a week are provided with long-term and short-term disability insurance. The limits of long-term and short-term disability insurance coverage~~

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~~at any particular time are as prescribed and in such conformance with existing IRS codes and MetroPlan Orlando Board authorization.~~

~~(D) DENTAL INSURANCE~~

~~All regular full time and regular part time employees working at least thirty (30) hours a week are provided with dental insurance. The limits of dental insurance coverage at any particular time are as prescribed and in such conformance with existing IRS codes and MetroPlan Orlando Board authorization.~~

~~(E) VISION INSURANCE~~

~~All regular full time and regular part time employees working at least thirty (30) hours a week are provided with vision insurance. The limits of vision insurance coverage at any particular time are as prescribed and in such conformance with existing IRS codes and MetroPlan Orlando Board authorization.~~

8.5 EDUCATIONAL ASSISTANCE PROGRAM

MetroPlan Orlando encourages all regular employees to pursue educational opportunities to the fullest extent possible. Such opportunities include both job-related education and/or self-improvement courses and programs which are job-related.

MetroPlan Orlando has established an educational assistance program to help its employees defray the costs associated with the aforementioned pursuit. The Department of Finance and Administration ~~Department~~ shall be responsible for maintaining all records associated with this program.

(A) ELIGIBILITY

All authorized regular full-time employees are eligible to participate in MetroPlan Orlando's educational assistance program after completion of a minimum six (6) months of employment. However, it shall be understood that the undertaking of such courses must not conflict with the employee's work schedule.

(B) NON-METROPLAN ORLANDO EDUCATION ASSISTANCE

Employees receiving payment or assistance for educational expenses from any other non-MetroPlan Orlando sources (i.e., grants, VA, etc.) which do not require repayment are eligible for participation in this program to the extent that any other educational assistance will be considered as primary for the purpose of determining any MetroPlan Orlando assistance entitlement. It is the employee's responsibility to provide to MetroPlan Orlando an itemized

accounting of the amount of assistance and what the non-MetroPlan Orlando assistance covers.

Employees receiving payments or assistance for educational expenses from any other non-MetroPlan Orlando source (i.e., student loans) which do require repayment are eligible for participation to the maximum extent provided for herein and MetroPlan Orlando's assistance shall be considered as primary for the purpose of determining any MetroPlan Orlando entitlement.

Once the primary source of assistance has been applied to the total educational expenses, the employee may then be eligible for additional assistance from MetroPlan Orlando to the extent and limits as specified in Sections (B) and (D) of this policy.

(C) **INCLUSIONS/EXCLUSIONS**

The items included for educational assistance consideration are:

- Tuition costs
- Testing fees (i.e., GED, CLEP, etc.)*
- Laboratory fees
- Professional certification exams such as CPA, AICP, FPRA, etc.**
- Professional certification course materials (Limited to one set of materials for each certification.)-**

~~[*Note: Only "credit-related" testing fees shall be included as opposed to "eligibility" type (i.e., GRE, SAT) testing fees.]~~

**Fees and costs for professional certifications and course materials are at the discretion of the Executive Director and should relate to the employee's current position or a higher position within the organization.

Excluded items for educational assistance consideration are:

- Books
- Miscellaneous supplies and course materials (i.e., pencils, pens, calculators, etc.)

Any other items not specifically addressed above shall be considered as excluded for the purpose of consideration for educational assistance.

(D) **APPLICATION PROCEDURE**

An employee desiring to participate in MetroPlan Orlando's educational assistance program must first seek written approval from his/her Department Director and the Department of Finance and Administration ~~Department~~ to confirm that adequate funds are available from the current budget. To obtain approval, the employee must submit an Educational Assistance Request form to

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his/her Department Director prior to initiating the actual course, test, or laboratory work. The request form shall then be forwarded to the Executive Director for final approval. Educational Assistance Request forms submitted after two weeks from the date of initiating the actual course, test, or laboratory work will be considered on a case-by-case basis taking into account the reason for the delay in submission in a timely manner.

(E) **TERMS OF AGREEMENT**

Coursework qualifying for reimbursement shall have begun after the employee has completed six (6) months employment with MetroPlan Orlando.

Reimbursement for undergraduate and graduate courses shall be at the current Florida resident rate at the nearest ~~state~~State university ~~system campus~~ for equivalent academic level courses and shall be limited to three (3) courses per term.

Reimbursement shall be after satisfactory completion of the course, with a passing grade of at least C or equivalent thereof. Receipts for tuition, fees, and grade report shall be submitted prior to reimbursement.

Once the coursework has been completed, proof of such completion must be sent to the Department of Finance and Administration ~~Department~~. This is the employee's responsibility and failure to do so within one (1) month from the scheduled completion date or receipt of grade report may result in disqualification from eligibility for reimbursement.

For the purpose of defining the term "equivalent" as used herein, such descriptive results as "satisfactory" or "certification" will be considered as meeting the "equivalent" definition standard.

The program application shall provide an agreement to be signed by the employee and notarized, stipulating that should the employee's services be terminated during the following periods, either voluntarily or involuntarily, MetroPlan Orlando shall be reimbursed for funds paid to the employee for educational expenses as provided in the following reimbursement formula:

<u>Termination after Completion of Course(s)</u>	<u>Reimbursement to MetroPlan Orlando</u>
Within One (1) Year	100%

Should repayment to MetroPlan Orlando be necessary, such repayment must be paid to MetroPlan Orlando in full by time of receipt of the final payroll check. The employee may request in writing that MetroPlan Orlando deduct the payment from any MetroPlan Orlando funds due them.

In the case of death or retirement, as defined in Section ~~86.1 (HG)(4)~~ of ~~the Personnel Rules and Regulations~~this Employee Handbook, any remaining liability for repayment to MetroPlan Orlando shall be waived.

8.6 EMPLOYEE COMMUTER ASSISTANCE

To assist employee travels to and from work, MetroPlan Orlando provides for several benefit options to alleviate the costs of travel on a tax-free basis as allowed by the Internal Revenue Service. These options include qualified parking at no cost to the employee (up to the IRS limits); reimbursement of transit costs (i.e. bus fares or rail fares); or reimbursement of actual costs of using a bicycle for commuting purposes. The employee may choose the option that is most advantageous to him/her, however, certain positions may be required to use a certain method of travel to accomplish the tasks of that position (i.e., use of a personal vehicle to attend out-of-office meetings).

While qualified parking has been the traditional benefit provided to employees, MetroPlan Orlando strives to be a regional leader with regards to alternate commuter modes of transportation to alleviate congestion on Central Florida's roadways. Leading by example, MetroPlan Orlando provides transit and bicycle reimbursements above and beyond the costs of typical parking charges to encourage MetroPlan Orlando employees to use alternate commuter modes.

(A) QUALIFIED PARKING

For those employees wishing to drive a personal vehicle to work, parking will be provided as a tax-free benefit up to the IRS limits. When on-site parking is not available, MetroPlan Orlando will negotiate with the nearest parking facility, either individually, or through a lease option of the residing building, to provide parking to MetroPlan Orlando employees in the most cost-effective manner.

(B) TRANSIT SUBSIDY

An employee may also request reimbursement for the use of transit, either in lieu of, or in addition to qualified parking. If a transit subsidy is selected, the total commuter benefit provided to the employee may not exceed the IRS tax-free limit or the local rates for rail, bus, and/or other transit options ~~or two times the cost of qualified parking.~~ whichever is lower. All IRS rules regarding the transit benefit provided must be followed. If transit passes cannot be obtained for distribution to employees in a cost-effective manner, the employee shall be reimbursed. To be reimbursed, the employee must submit a transit subsidy reimbursement form to the Department of Finance & Administration, signed by his/her department director or the Executive Director with proper documentation for backup.

(C) QUALIFIED BICYCLE COMMUTING BENEFIT

Employees may also request reimbursement for actual costs incurred to use a bicycle to commute to work. The limits of this benefit are determined by the IRS. The qualified bicycle commuting benefit may not be combined with either the qualified parking benefit or the transit subsidy on a tax-free basis. However, if the employee declines a qualified parking benefit but utilizes the transit subsidy, the employee may be reimbursed up to the IRS limits for

qualified bicycle commuting costs on a taxable basis. A bicycle commuting request form with proper backup documentation is required for reimbursement.

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SECTION 9.0
ATTENDANCES AND ABSENCES

9.1 GENERAL

To maintain a safe and productive work environment, MetroPlan Orlando expects employees to be reliable and punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on MetroPlan Orlando.

- (A) Employees shall not be absent from work without authorized permission. Absences in excess of 24 hours without a satisfactory explanation shall be considered a reason for dismissal.
- (B) The Executive Director will hold Department Directors responsible in accounting for the daily whereabouts and activities of themselves, ~~their supervisors,~~ and their employees.
- (C) In case of emergency, an employee is required to notify his/her supervisor promptly, giving the reason for absence and expected time of return to work. The circumstances involved should be taken into account in relation to prompt notification and approval.
- (D) Employees are required to be on time, properly attired, and equipped to perform their duties at the appointed starting time of their work day. Reporting to work after the appointed start time is defined as being "tardy."
- (E) If an employee is tardy for any reason, he/she is expected to notify his/her supervisor prior to his/her appointed start time.
- (F) Excessive tardiness is defined as more than twelve (12) occurrences within any twelve (12) month period with consideration given to severity and possible medical reasons.
- (G) Supervisors shall be required to document tardiness on timesheets.
- (H) Automatic discharge will be effected if an employee has been absent for three (3) or more days without proper notification to his/her supervisor. This will be construed as "Job Abandonment." See Section 6.1 (F).
- (I) From time to time, situations may arise that warrant consideration of placing an employee on a "leave without pay" status. Requests of this nature are viewed to be the exception and not the rule and shall only be considered after thorough review of the circumstances and attendance record of the employee. Consideration for "leave without pay" status is contingent upon an acceptable reason, exhaustion of all other accrued leave, and ultimate approval of the Executive Director via the approval process specified on the "Change in Status" form. Under no circumstances will a "leave without pay" status be granted that exceeds ninety (90) calendar days without extreme circumstances being

involved. Refer to Sections 6.1(I) and 9.6 (B) for additional information pertaining to this subject.

9.2 JURY DUTY

If an employee is summoned for jury duty, he/she will be granted the necessary time off with pay for this civic service. Notification for time off must be made to his/her Department Director, stating the estimated length of the employee's absence. Any payment, except travel pay, received by the employee from the State shall be turned in to the Department of Finance & Administration. An appropriate summons or document must be furnished to the Department Director and routed to the Department of Finance & Administration with the appropriate timesheet verifying length of time on jury duty and amount paid to the employee.

9.3 COURT APPEARANCES

An employee who is summoned to appear as a witness in any action in connection with his/her job, concerning ~~T~~town, ~~city~~City, ~~county~~County, ~~state~~State, or ~~federal~~Federal government, shall be granted leave with pay upon presentation of any summons. Court appearances for civil actions not involving public bodies will not receive leave with pay; however, personal leave time may be requested.

9.4 MEETINGS AND CONFERENCES

An employee may request, and will be paid regular time, to attend job-related conferences and/or training seminars that are budgeted for and considered in the best interest of his/her service to MetroPlan Orlando. These requests must be approved by the Department Director in advance. An employee requesting to attend unbudgeted job-related conferences or meetings may request time off from his/her job with pay but conference fees and per diem will be at his/her own expense. These requests must be approved by the Department Director.

9.5 BEREAVEMENT

- (A) If a death occurs in an employee's immediate family (mother, father, sister, brother, ~~wife, husband~~spouse, registered domestic partner, son, daughter, mother-in-law, father-in-law, or relative who lived in the employee's home), a regular employee will be allowed up to five (5) paid work days off with pay from date of death. The employee's time off from work due to a death in the family must actually be taken immediately following the death.
- (B) In case of death of other relatives, an employee may request one (1) day with pay to attend the funeral. Requests for time off should be made to the employee's Department Director who will make the decision.
- (C) Employees may be asked to furnish proof of family member's death upon their return to work.

9.6 PERSONAL ABSENCES

- (A) All employees categorized as regular full-time or regular part-time are entitled to the equivalent of two (2) days paid absences which are classified as "Floating Holidays" and are to be taken each calendar year. These "floating holidays" must be approved by the Department Director in advance with consideration given to maintaining a smooth operation of work. Carryover from one (1) calendar year to another is not permitted. Employees are eligible for paid floating holidays six (6) months after date of hire. Thereafter, floating holidays are available at the beginning of each calendar year. (Refer to 8.2 (E)).
- (B) In cases of absences without pay (other than ~~that~~ leave taken as Family Medical Leave as discussed in Section 19) in excess of thirty (30) days, MetroPlan Orlando does not provide paid health ~~or~~ life insurance, or other coverages during the period of absence, nor does the employee earn any personal leave. Upon returning to work from this status, the employee will begin earning personal leave along with the appropriate insurance coverage subject to any required waiting periods. Employees in an absence without pay status are responsible for making prearrangement with the Department of Finance and Administration ~~Department~~ to provide insurance coverage during the absence. Employees will be notified of their rights to this coverage under COBRA or the FLORIDA HEALTH INSURANCE COVERAGE CONTINUATION ACT, as appropriate.

9.7 MILITARY LEAVE

- (A) An employee who is a member of the U.S. military or naval service or a member of the National Guard shall be granted military leave on all days during which the employee is ordered to active or inactive duty for training. An employee's right to military leave for reserve or guard training shall be governed by Florida Statutes Chapter 115.07.

Such employees shall not be required to work or use accrued leave on any day during which they are engaged in training or under official orders. Likewise, such employees shall not suffer loss of pay, time, or efficiency rating. It is the employee's responsibility to provide a copy of all official orders to his/her supervisor immediately upon receipt of same. A copy of the order must be forwarded to the Department of Finance and Administration ~~Department~~ for inclusion in the employee's personnel file.

Whether continuous or intermittent, such leave with pay shall not exceed (17) working days in any one (1) annual period beginning on July 1 and ending on June 30 of the following year ~~calendar year~~.

Since it is possible that such training can, in unusual circumstances, be ordered for periods in excess of seventeen (17) working days, an employee may request to use accrued personal leave to cover the excess training period. If the employee does not request to use personal leave, the excess working days shall be approved as leave without pay. However, the employee shall not suffer any loss of time or efficiency rating.

- (B) An employee who is a member of the Florida National Guard shall be granted military leave during periods in which the employee is ordered to active ~~state~~State service by the Governor of Florida pursuant to Florida Statutes Chapter 250.

Such leave without loss of pay (Florida Statutes Chapter 250.48) shall not exceed thirty (30) calendar days at any one (1) time. Subject to Florida Statutes Chapter 115.14, MetroPlan Orlando may supplement the military pay of employees who are reservists called to active duty in an amount necessary to bring their total salary, inclusive of their base military pay, to the level gained at the time they were called to active duty.

MetroPlan Orlando shall continue to provide the employee with all health insurance and other existing benefits during his/her thirty (30) day active duty as required by the Uniformed Services Employment and Reemployment Rights Act, Chapter 43 of Title 38 U.S.C. Dependent coverage shall be the liability and responsibility of the employee.

The same restrictions and provisions regarding the use of accrued leave, and leave without pay as stated above shall also apply to situations which exceed the aforementioned thirty (30) calendar days at any one time activation.

9.8 PARENTAL LEAVE

- (A) The purpose of parental leave, also known as maternity/paternity leave, is to provide all regular full-time employees with base salary continuation for the first four (4) weeks following the birth or adoption of the employee's child. The parental leave program is available to both male and female employees and is limited to one four (4)-week period per rolling year.

- (B) Regular full-time employees will be paid at their base hourly rates of pay. Employees who become eligible for pay increases during the leave period will receive their increases as scheduled.

For persons who are eligible for leave under the FMLA (See Section 19), parental leave shall count against the employee's FMLA leave entitlement and is available for use before any other paid leave types are used.

Eligible employees shall notify their supervisors with as much advance notice as possible under the circumstances. Department directors may request verification of the birth or adoption at any time prior to, or during, parental leave.

Personal leave will continue to accrue during the parental leave period.

Intermittent parental leave is available throughout the four (4)-week period and may be used in half hour increments. Under no circumstances will the four (4)-week period be extended.

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9.89 BREAKS IN SERVICE

- (A) Termination of employment for more than seven (7) calendar days for any reason shall be considered a break in service and will not be counted in determining an employee's total length of service.
- (B) In computing total length of service, part-time work shall be counted as the percentage of part-time work in relation to normal full-time work for the position and classification in question at the time work was performed.
- (C) Paid personal leave absences shall be counted in computing total length of service.
- (D) Temporary leaves of absences may be counted toward total length of service provided they do not exceed thirty (30) days. Unpaid leaves of absence which exceed thirty (30) days shall be considered breaks in service, and time after the thirtieth (30th) day will not be counted in computing total length of service. Although the first thirty (30) days of a temporary leave of absence may be counted as service, no benefits shall accrue during an unpaid leave of absence. Section 9.98 (D) does not apply to Family Medical Leave.

9.910 PAY DAY

The MetroPlan Orlando "work week" is from Saturday through Friday. Employees are paid bi-weekly on every other Friday. There are twenty-six (26) pay periods in each year. All payrolls after an employee's first payroll shall be made by direct deposit. The number of direct deposits per employee shall be limited to three plus one direct deposit to an employer sponsored Health Savings Account or similar employer-sponsored health account.

In the event that a regularly scheduled pay day falls on a legal holiday when banks are closed, employees will receive pay on the last day of work before the regularly scheduled pay day.

If a regular pay day falls during an employee's vacation, the employee's paycheck/direct deposit pay stub will be available upon his or her return from vacation. In cases where the employee has subscribed to direct deposit, the paycheck will be deposited on the normal pay day.

9.110 ADMINISTRATIVE CORRECTIONS

MetroPlan Orlando takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday.

In the unlikely event that there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of the Director of Finance and Administration so that corrections can be made as quickly as possible.

9.142 PAY ADVANCES

It is the policy of MetroPlan Orlando not to make advances on employee pay.

9.123 HOURS WORKED

- (A) MetroPlan Orlando offices are open from 8:00 am to 4:30 p.m., Monday through Friday, excluding approved holidays. It is imperative that sufficient coverage of the office is retained at all times during the regular office hours. The normal work schedule for all employees is 7.5 hours a day, five (5) days per week. Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week.
- (B) If a non-exempt employee uses accrued personal leave time or holiday time, those days off are not to be considered as hours worked for payroll and overtime purposes.
- (C) An employee that has been designated as "exempt" is not entitled to overtime compensation regardless of the number of hours worked over and above his/her normal work week. An employee designated as "exempt" shall not have his/her ~~"salary"~~ subject to partial day docking of two (2) hours or less. However, this does not mean that exempt employees cannot be required to use accrued leave to supplement pay for partial day absences. Exempt employees can be docked for full day absences for personal reasons or illness ~~reasons~~ in cases where personal leave or other approved paid absence is ~~either~~ unavailable due to either ineligibility or exhausted.
- (D) In general, "hours worked" includes all time an employee is:
 - (1) Required to be on duty or in a prescribed work area for the employer; and
 - (2) Any and all time during which the employee is suffered or "permitted" to work for the employer.
- (E) All regular full-time employees, exempt or non-exempt, are provided with one meal period of sixty (60) minutes in length each work day. Supervisors will schedule meal periods to accommodate operating requirements. Employees will be relieved of all active responsibilities and restrictions during meal periods and will not be compensated for that time. A non-exempt employee will leave his/her work areas during prescribed lunch periods.
- (F) A non-exempt employee will not be allowed to take work home or allow any family member to do MetroPlan Orlando work in the employee's home after his/her scheduled work day.

- (G) Responsibility for monitoring work hours begins at the supervisory level. Precautions will be taken to see that the employees are knowledgeable of the Fair Labor Standards Act and its effect on the day-to-day work hours. If an employee remains in the work area assisting a citizen, taking a business phone call or assisting another employee with business, that time will be considered to be work time and will be compensated. There is no such thing as voluntary overtime.
- (H) Education of employees in this matter is the responsibility of the supervisor. Failure to adhere to supervisory direction may cause the employee to be subject to disciplinary action.
- (I) Any deviations from the standard hours worked must be approved by the Executive Director.

9.134 OVERTIME

- (A) Overtime is not permitted, unless specifically authorized by the Executive Director.
- (B) Overtime pay is based on actual hours worked. Time off on personal leave, emergency closings, or any leave of absence will not be considered hours worked for purposes of performing overtime calculations.
- (C) If authorized, overtime is paid in accordance with the provisions of the Fair Labor Standards Act (FLSA) as outlined below:
 - (1) GENERAL NON-EXEMPT - An employee who is not listed as exempt in the Classification and Pay Plan must be compensated at a rate of time and a half for hours worked in excess of a 40-hour scheduled work week. (See Hours Worked Section 9.12).
 - (2) EXEMPT EMPLOYEES - An employee in this category is clearly identified in the "Classification and Pay Plan" and is compensated on a salaried basis. Such employees are considered exempt from any overtime pay.
- (D) Emergency situations may arise whereby employees are called in to work at any time determined by their Supervisor, Department Director, or the Executive Director. Employees will be paid for this time as outlined above.

9.154 FLEXTIME

Flexitime is a method whereby some deviation may be permitted within the same work week. For example: an employee works a 37.5 hour standard work week from Monday through Friday but for some reason needs to leave work two (2) hours early on Friday and does not have an adequate amount of appropriate accrued leave to cover the absence. The Department may wish to accommodate the employee by utilizing the flexitime concept as long as it can be done within the same pay week. In this example, the Department may allow that employee to work two (2) hours over or two (2) hours prior to the normal starting or quitting time during that same work week. Under no

circumstances shall a non-exempt employee be allowed to work more than 40 hours within any work week. It is emphasized that the decision to allow flextime is solely at the discretion of the Department and is not to be construed as an employee "right." Care is to be taken that the concept of flextime is to be applied fairly and with consideration given to a smooth, uninterrupted work flow.

9.156 TELEWORK/TELECOMMUTE

Telework, also referred to as telecommuting, is an innovative business solution that can help curb the growth in auto travel, thereby conserving energy, alleviating traffic congestion and improving air quality. Telework can also increase employee productivity, improve morale, reduce costs, and attract and retain talented employees. By endorsing telework, MetroPlan Orlando strives to be an example of how telework can enhance organizational efficiency and improve quality of life.

The employee's compensation, benefits, and work responsibilities will not change due to participation in the teleworking program. The amount of time the employee is expected to work per day or pay period will not change as a result of participation in the teleworking program. Teleworking employees must comply with all organizational rules, policies, and procedures.

Telework may be approved for either a regular schedule or for an occasional basis. Teleworking is not a right of employment but may be allowed on a case-by-case basis. It is up to the supervisor to determine eligibility for teleworking privileges. The supervisor shall determine that an adequate day's work can be accomplished offsite and that workflow will not be materially hindered by the employee being located offsite.

- (A) To be considered for routine teleworking privileges, the employee must complete the telework request form and submit for approval to his/her supervisor. If approved, the supervisor shall sign and submit the form to the Department of Finance and Administration-Department for inclusion in the employee's personnel file.
- (B) Employees will be selected based on the suitability of their jobs, an evaluation of the likelihood of them being successful teleworkers, and prior job performance.
- (C) Employees may request an occasional, one-day arrangement without the need to submit a telework request form. In such cases, verbal approval from a supervisor is needed. All rules below shall still apply to the teleworking day.
- (D) A teleworking employee must have access to email and phone and be available during normal hours of operation. Failure to remain in contact with the office as needed may be cause to deny further teleworking privileges.
- (E) It is the employee's responsibility to ensure required work documents and programs are accessible from home. Employees in the office should not be relied upon to take time from their schedule to accommodate a teleworking

employee. While occasional help may be needed, routine disruptions may be cause to deny further teleworking privileges.

- (F) Any employee with a rating of “needs improvement” or below on his/her last performance review shall be automatically denied for teleworking privileges.
- (G) Supervisors shall monitor performance and workflow of the teleworking employee and shall notify the Department of Finance & Administration of all teleworking arrangements.

9.1~~6~~7 **EMPLOYEE TIMESHEETS**

- (A) All time and attendance records generated are to be recorded and maintained in the Department of Finance and Administration on employee timesheets. It is each employee’s responsibility to submit timesheets at the end of the pay period. Failure to do so could result in delay of payment until the next scheduled pay date.
- (B) Timesheets should be kept on a daily basis and shall be retained for the greater of three (3) years or the length required by Federal or State requirements.
- (C) Failure to keep timesheets up to date may result in disciplinary action.
- (D) Supervisors are responsible for correct and accurate notations on timesheets which reflect hours worked, personal leave absences, tardiness, etc.

9.1~~7~~8 **EMERGENCY CLOSINGS**

At times, emergencies such as severe weather, fires, or power failures can disrupt operations of the Organization. In extreme cases, these circumstances may require the closing of the work facility. When operations are officially closed due to emergency conditions, the time off from scheduled work will be paid without requiring use of accrued leave. However, employees already on vacation or planned accrued leave prior to the emergency closing shall be charged their accrued leave. Employees in essential operations may be asked to work on a day when operations are officially closed. In these circumstances, employees who work will receive regular pay.

Employees should refer to the MetroPlan Orlando Continuity of Operations Plan (COOP) and the building’s emergency plans for emergency procedures.

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SECTION 10.0

WORKERS' COMPENSATION

10.1 WORKERS' COMPENSATION

- (A) As provided for in Florida Statutes Chapter 440.12(1), no Workers' Compensation payments shall be allowed for the first seven (7) calendar days of a work-related disability. An employee may use his/her personal leave during this period and charge against their accrued personal leave one (1) day for each day absent.
- (B) If the disability extends beyond seven (7) calendar days, on the eighth (8th) calendar day, the employee will receive Workers' Compensation payments at the rate of 66 2/3% of his/her average weekly wage (with a maximum amount as established under F.S. 440.12(2)(b)). The employee may elect to charge against his/her accrued personal leave, on a proportionate basis, the difference between the Workers' Compensation payment and his/her regular pay in order to receive full pay. After twenty-one (21) calendar days, Workers' Compensation ~~goes back and picks up the first~~ is allowed to provide compensation for the first seven (7) calendar days.
- (C) If an employee wishes to use other accrued leave to supplement Workers' Compensation payments, the employee shall make a request in writing to his/her Department Director who shall notify the Department of Finance and Administration ~~Department~~ of the employee's request.
- (D) At no time will the combined total of Workers' Compensation payment, personal leave, and regular time exceed the amount of the employee's normal scheduled wage.
- (E) MetroPlan Orlando employees are covered by Workers' Compensation Insurance. MetroPlan Orlando reserves the right to determine from the attending physician's report when payment to employees may be terminated. All employees injured on the job must be drug screened when they arrive at their medical appointment as required by ~~the~~ our Managed Care and Workers' Compensation Drug-Free Workplace Program.

An employee shall immediately report any injury to his/her supervisor or person in charge. There shall be a Notice of Injury (DWC-1) and Accident/Injury Investigation Report Form filed with the Director of Finance and Administration by 2:00 p.m. of the next work day by the Department Director. This should be part of the supervisor's administrative duties, and there should be no excuse for not submitting one.

An employee does not earn accrued benefits (i.e., personal leave) while on Workers' Compensation unless such Workers' Compensation benefit is being supplemented with accrued leave, at which time ~~the~~ prorated leave would be earned. ~~In addition, the~~ Due to Workers' Compensation laws prohibiting payroll deductions, ~~so~~ employees should make arrangements to pay for benefits

normally provided through payroll deductions or these benefits may be lost (i.e., insurance, wage garnishment, etc.).

SECTION 11.0

ABOLISHMENT OF POSITIONS AND REDUCTIONS IN FORCE

11.1 GENERAL

Positions may be abolished when they are no longer needed or as business conditions change. Positions may also be abolished or reduced for economic reasons when there is not a sufficient appropriation in the budget.

- (A) Employees who have been dismissed as a result of a position being abolished or a reduction in force shall be considered as eligible for the following special considerations:
- (1) Upon the effective date of termination, the employee will be paid for accrued personal leave, including any floating holidays, on the books.
 - (2) All employer-paid insurance coverage will cease as of the last day of the pay period during which the actual termination occurred or according to the insurance plan document in place at the time of termination. Employees will have the option to continue coverage in accordance with existing COBRA Law or FLORIDA HEALTH INSURANCE COVERAGE CONTINUATION ACT as applicable.
 - (3) All monies owed MetroPlan Orlando for tuition reimbursement shall be waived.

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SECTION 12.0

FORMS OF DISCIPLINARY ACTION

12.1 GENERAL

Disciplinary action may include:

- (A) Reprimand, given orally or in writing
- (B) Suspension
- (C) Demotion
- (D) Reduction in compensation without change of classification or grade but not below the entrance rate for the classification.
- (E) Dismissal

All of the above listed forms of disciplinary action (except for oral reprimand) must be ~~reduced to in writing and ten formats submitted~~ on a "Disciplinary Action Record" form.

12.2 JUST CAUSE

The appointing authority (Department Director/Supervisor) may initiate disciplinary action against an employee with at least six (6) months' full-time employment, only for just cause. Just cause consists of but is not limited to:

- (A) The employee has been convicted of an act that violates the criminal laws of the State of Florida or has been convicted of a felony or of a misdemeanor involving moral turpitude.
- (B) The employee has willfully, wantonly, unreasonably, unnecessarily or through culpable negligence been guilty of brutality or cruelty to a person, provided the act committed was not necessarily done in self defense or to protect the lives of others.
- (C) The employee has violated any of the principles of the merit system of these rules (i.e., consistently poor evaluations of job performance of Unsatisfactory or Needs Improvement).
- (D) The employee has willfully violated any lawful official regulation, order or policy or failed to obey proper direction made and given by a Superior Officer or Supervisor.
- (E) The employee has possessed, consumed, or is under the influence of alcoholic beverages or controlled substance (as described in Florida Statutes Chapter 893) while on duty.

- (F) The employee has been ~~guilty of~~ insubordination or ~~demonstrated~~ disgraceful conduct.
- (G) The employee is offensive in his/her conduct or language in public or toward the public, officials, or employees.
- (H) The employee is responsible for an intentional act or course of conduct violating duties or obligations of his/her position.
- (I) The employee is careless or negligent with the monies or other property of MetroPlan Orlando.
- (J) The employee has failed to pay or make reasonable provisions for the future of his/her debts to such an extent that such failure becomes detrimental to the reputation of MetroPlan Orlando service or the employee's ability to satisfactorily perform the duties of his/her position.
- (K) The employee has used or threatened to use, or attempted to use, personal or political influence in securing promotion, leave of absence, transfer, change in pay rate, or character of work.
- (L) The employee has induced or has attempted to induce an employee of MetroPlan Orlando to commit an unlawful act or to act in violation of any lawful departmental or official regulations or orders.
- (M) The employee has taken for his/her personal use from any person any fee, gift, or other valuable thing in the course of his/her work or in connection with it, when such gift or other valuable thing is given in the hope or expectation of receiving a favor or better treatment than that afforded other persons.
- (N) The employee has engaged in outside activities on work time or has used MetroPlan Orlando property for personal gain.
- (O) The employee has failed to maintain a satisfactory attendance record. Proper use of personal leave shall not constitute grounds for any disciplinary action.
- (P) The employee has violated a safety rule which resulted in or had the potential to damage MetroPlan Orlando property, vehicles or equipment, or result in an injury to a MetroPlan Orlando employee, other persons, or their property.
- (Q) The employee has refused to submit to alcohol/drug testing on the standards outlined in Section 15 of ~~these rules~~ this handbook.
- (R) The employee was hired as a "provisional employee" and did not complete the provisional elements in the time allotted.
- (S) The employee has falsified timekeeping records.

- (T) The employee has possessed, distributed, sold, transferred, or used dangerous or unauthorized materials, such as explosives or firearms, in the workplace or anywhere on Organization owned or leased property.
- (U) Unsatisfactory performance.

Appeal of a grievance by an employee may not in and of itself be used as grounds for disciplinary action.

12.3 DISCIPLINARY HEARINGS

- (A) Whenever a Department Director/Supervisor issues a "Disciplinary Action Record," a copy of the record must be furnished to the employee involved and to the Director of Finance and Administration. The "Disciplinary Action Record" must outline the alleged offense(s), the dates involved, citation of the personnel rules that have been violated, all pertinent details, and the disciplinary action to be taken.
- (B) Said charges are restricted to actions occurring within two (2) years prior to the date of the "Disciplinary Action Record" except for charges involving criminal violations which can be considered as applicable with the provisions of Florida Law.
- (C) Regular employees with six (6) months or more of continuous full-time employment who receive "Disciplinary Action Records," shall have the opportunity for a pre- or post-disciplinary hearing before MetroPlan Orlando's hearing officer. The Director of Finance and Administration shall serve as MetroPlan Orlando's "Hearing Officer" in all cases except for cases in which a conflict of interest is apparent. Should the Director of Finance and Administration not be able to serve as "Hearing Officer" due to conflict of interest, another "Hearing Officer" will be appointed by the Executive Director. Employees with less than six (6) months of continuous full-time employment shall not be entitled to a disciplinary hearing. The purpose of this hearing is a review to determine if there is just cause for the disciplinary action. Employees and supervisors will be allowed to present witnesses and other documentation during the hearing to support their respective positions.
- (D) Immediately upon receipt of a "Disciplinary Action Record" against an employee, the Director of Finance and Administration shall notify the employee by registered or certified mail, or by hand delivery, that he/she will be afforded an opportunity for a disciplinary hearing before a hearing officer.
- (E) Within five (5) working days from receipt of the notification of the disciplinary action, it shall be the employee's duty and responsibility to notify the Department of Finance and Administration ~~Department~~ of his/her intention to request, or to waive the right to a disciplinary hearing. The disciplined employee may waive hand delivery of registered/certified mail, and appear at the Department of Finance and Administration and sign a receipt for proper notification of a request for a hearing.

- (F) Failure to notify the ~~Department of~~ Finance and Administration ~~Department~~ within five (5) working days shall be construed as a waiver of any further right to a disciplinary hearing, and the action of the appointing authority shall be sustained.
- (G) Upon receipt of the request for a disciplinary hearing from the employee, the Director of Finance and Administration shall set a hearing date and immediately notify the disciplined employee by registered or certified mail, hand delivery, or in person. Supervisory personnel shall also be notified.
- (H) Depending on the outcome of the aforementioned hearing, employees may request further appeal to the Executive Director provided they have attained six (6) months of service with MetroPlan Orlando and are no longer considered to be on ~~probationary~~ introductory status.
- (I) Department Directors do not have the right to appeal disciplinary actions as part of management.

12.4 CAUSES FOR IMMEDIATE SUSPENSION OR DISMISSAL

If the retention of the employee would result in any of the following extraordinary situations, an appointing authority (Department Director/Supervisor) may immediately suspend an employee without pay or dismiss an employee pending a hearing date. The following are considered extraordinary situations:

- (A) The retention of the employee would result in damage to MetroPlan Orlando property.
- (B) The retention of the employee would be injurious to the employee himself/herself.
- (C) The retention of the employee would be injurious to fellow employees.
- (D) The retention of the employee would be injurious to the general public.
- (E) The retention of the employee would be detrimental to the interests of MetroPlan Orlando.

Any of the following situations may be utilized and are examples of the type of criteria to be utilized to immediately suspend or dismiss any employee:

- (1) Intoxication on the job.
- (2) Possession of and/or use of alcohol, a controlled substance, or illegal narcotics while on duty.
- (3) Possession of and/or use of a weapon while on duty or on Organization property at any time.

- (4) Commission of an act, which constitutes a felony offense or a misdemeanor involving moral turpitude under the criminal laws of the State of Florida.
- (5) Brutality or cruelty to an employee or to the general public while on duty.
- (6) The employee has been absent for three or more days without notification or permission (also referred to as a voluntary quit or job abandonment).

In any of the above situations, a Disciplinary Action Record of the charges shall be furnished to the employee and the Department of Finance and Administration-Department within twenty-four (24) hours after commencement of suspension or dismissal.

Employees will have the opportunity for a post-disciplinary hearing in accordance with the provisions of Section 12.3.

12.5 CAUSES FOR SUSPENSIONS/DISMISSAL DUE TO VIOLATION OF STATE LAW

When an employee has been suspended or dismissed as a result of committing an act which constitutes a felony offense or a misdemeanor involving moral turpitude under the criminal laws of the State of Florida, and criminal charges are pending against said employee, and it is considered by the appointing authority (Department Director/Supervisor) that the retention of the employee would result in damage to MetroPlan Orlando, would be injurious to the employee himself/herself, to a fellow employee, or to the general public, or would be detrimental to the interests of MetroPlan Orlando or its government partners, then said employee may request the Department of Finance and Administration-Department to postpone his/her scheduled disciplinary hearing until such criminal charges have been disposed of.

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SECTION 13.0
LETTERS OF RECOMMENDATION

13.1 GENERAL

It is the policy of MetroPlan Orlando not to issue "letters of recommendation" in the name of the Organization to any employee terminating employment with MetroPlan Orlando regardless of reason for termination.

All inquiries from external sources are to be referred to the Director of Finance and Administration.

MetroPlan Orlando will respond in writing only to those reference check inquiries that are submitted in writing. Responses to such inquiries will confirm only dates of employment, wage rates, and position(s) held.

Any exceptions to this policy shall only be by and at the discretion of the Executive Director and shall be letters of "reference," not "recommendation." Florida Statutes Chapter 768.095 -allows an employer who discloses information about a former or current employee to a prospective employer of the former or current employee upon request of the prospective employer or of the former or current employee to be immune from civil liability for such disclosure or its consequences unless it is shown by clear and convincing evidence that the information disclosed by the former or current employer was knowingly false or violated any civil right of the former or current employee protected under Chapter 760.

This does not prohibit personal letters of "reference" written on non-Organization letterhead and not signed as an official of MetroPlan Orlando. However, these reference letters should not be for staff under your direct line of supervision.

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SECTION 14.0
NON-DISCRIMINATION

14.1 GENERAL

MetroPlan Orlando recognizes that no person in the United States shall, on the basis of ~~race, color, religion, sex (including gender presentation and sexual orientation), national origin, age, disability, genetic information, pregnancy, citizenship, familial status, veteran status, or any other characteristic protected by law~~~~race, color, national origin, sex, age, disability, religion, or any protected status~~, be excluded from participation in, be denied the benefits of, or be subjected to discrimination in employment or promotion.

Regarding ~~this~~ non-discrimination policy, the Director of Finance and Administration shall be the contact person to coordinate efforts to comply with these regulations.

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SECTION 15.0
ALCOHOL/DRUG TESTING

15.1 PURPOSE

It is the purpose of this policy to establish and proclaim MetroPlan Orlando's intent to maintain a "DRUG FREE" workplace as described in Florida Statutes Chapter 440.101-101.1025 and Florida Administrative Code Rules 69L-9.015 and 59A-24. In so doing, MetroPlan Orlando's general operating procedures prohibit the consumption, possession, or being under the influence of alcoholic beverages or controlled substances, as described in Florida Statutes Chapter 893, while on duty. In addition, it is the desire of MetroPlan Orlando to improve worker compensation cost control, increase productivity and safety, decrease absenteeism, decrease health care costs, and increase overall employee morale.

Alcohol/controlled substances (drugs) shall be defined as including distilled spirits, wine, malt beverages, intoxicating liquors, amphetamines, cannabinoids, cocaine, phencyclidine (PCP), hallucinogens, methaqualone, opiates, barbiturates, benzodiazepines, synthetic narcotics, designer drugs, or a metabolite of any of these substances or other drug described in Florida Statutes Chapter 893, as amended from time to time. It does not include any prescription drug or medication taken as directed by a licensed medical doctor's orders.

All current and/or potential future employees must abide by this policy and understand that it is a condition of employment to refrain from taking drugs. Employees who refuse to submit to a test for alcohol/drugs for any cause as specified in this section will be terminated and forfeit eligibility for medical and indemnity benefits in cases of work-related incidents. Refusal to submit to alcohol/drug testing may also result in forfeiture of unemployment and worker compensation benefits.

All current and/or potential future employees must notify MetroPlan Orlando in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five (5) calendar days after that conviction. As required by ~~federal~~Federal grants, notification in writing of such conviction will be forwarded to the Federal Transit Administration (FTA) and to every project officer on whose project activity the convicted employee was working.

15.2 CAUSES FOR TESTING

In keeping with the philosophy of implementing a "DRUG FREE" workplace program, alcohol/drug testing shall be conducted in each of the following situations:

- (A) All job applicants being offered employment.
- (B) All employees injured on the job must be drug screened when they arrive at their medical appointment as required by our Managed Care and Workers' Compensation Drug-Free Workplace Program.

(C) Follow-up testing on a quarterly, semi-annual, or annual basis for two (2) years after an employee successfully completes a drug rehabilitation program.

(D) Reasonable suspicion which is defined as follows:

- (1) Observable phenomenon while at work such as direct observation of alcohol/drug use or of the physical symptoms or manifestations of being under the influence of alcohol/drugs.
- (2) Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.
- (3) A report of drug use provided by a reliable and credible source, which has been independently corroborated.
- (4) Evidence that an individual has tampered with a drug test during their employment.
- (5) Information that an employee has caused or contributed to an accident/incident while at work applying the standard of reasonable suspicion as defined in Section 15.2 (D).

Reasonable suspicion alcohol/drug testing shall not be required except upon the recommendation of a supervisor who is at least one level of supervision higher than the immediate supervisor of the employee.

Any employee involved in an accident with injuries shall be sent for drug testing.

- (6) Evidence that indicates the employee has used, possessed, sold, solicited, or transferred alcohol/drugs while working or while on the employer's premises, or while operating any MetroPlan Orlando vehicle, machinery, or equipment.
- (7) All facts supporting a reasonable suspicion drug testing must be promptly (within 24 hours) reduced to written format. The original will be kept confidential and maintained for one (1) year. A copy will be given to the employee upon request.

15.3 **PROCEDURES FOR TESTING**

The taking or collection of a specimen to be tested shall be coordinated by MetroPlan Orlando's designated Medical Review Officer (MRO) possessing the necessary credentials as follows:

- (A) Licensed physician or physician assistant.
- (B) Registered professional nurse, licensed practical nurse, or nurse practitioner.

- (C) Certified paramedic present at the scene of an accident for purposes of rendering emergency medical service or treatment.
- (D) Qualified person employed by a licensed laboratory.

The MRO or his/her designee shall be responsible for submission of specimen to a licensed laboratory for testing and for receiving the results of a drug test. Urine shall be used for the initial and confirmation tests for all drugs except alcohol. Blood will be used for the initial and confirmation tests for alcohol.

All testing result levels equal to or exceeding the Federal and/or State levels of positive results shall be reported as positive. All such test results shall be automatically subjected to confirmation testing.

15.4 **CHALLENGING TEST RESULTS**

It is the responsibility of the employee and/or applicant who wishes to "challenge" test results to do so by initiating the following procedure:

- (A) All test results are mailed/delivered by the testing laboratory to the Medical Review Officer. The MRO will provide a copy to the Director of Finance and Administration.

Drug testing information is confidential and cannot be released to the public, per Florida Statutes Chapter 440.102 (8).
- (B) Employees and/or applicants shall be contacted and verbally informed by the Medical Review Officer of positive (confirmed) test results. At least three attempts will be made by the MRO to contact the employee or applicant.
- (C) Within five (5) working days after receipt of a positive confirmed test result from the MRO, MetroPlan Orlando will inform the employee or applicant in writing of the positive test result, the consequences of such results, and the options (i.e., contacting the testing laboratory, filing a written explanation with the MRO, etc.) available to them.
- (D) -Within 5 working days after receiving this notice, the employee or applicant may submit information to the employer explaining or contesting the result and explaining why it does not constitute a violation of the employer's policy.
- (E) The Director of Finance and Administration shall, upon request of the employee and/or applicant, furnish a copy of the test results to him/her.
- (F) It is the responsibility of the employee and/or applicant to notify the testing laboratory of intent to challenge a test result.

The employee and/or applicant shall be permitted to have a portion of the specimen retested at their own expense at another laboratory licensed and approved by a Federal or Florida State agency. This independent test must be of equal or greater sensitivity for the drug in question.

This information shall be considered confidential and shall be retained by MetroPlan Orlando for one (1) year.

15.5 CONSEQUENCES OF CONFIRMED POSITIVE TEST RESULTS

- (A) Applicants, after a conditional offer of employment with MetroPlan Orlando, shall be required to submit to an employment physical to include mandatory alcohol/drug testing. Applicants who test positive (after confirmation) shall not be employed by MetroPlan Orlando.
- (B) Any current employee of MetroPlan Orlando must submit to the physical and/or alcohol/drug testing requirement for those reasons outlined in Section 15.2 (Causes for Testing) and Section 15.1. Failure to do so will result in termination of employment and forfeiture of workers' compensation and/or unemployment compensation benefits.
- (C) If a current employee tests positive (confirmed), the employee shall immediately be placed on personal leave. If all accrued leave becomes exhausted, the employee shall be placed on a medical leave of absence without pay.
- (D) Employees who have been confirmed as testing positive, and who have been referred to a treatment program and who refuse said referral, shall be terminated from employment.

Employees who accept treatment must understand that they are required to successfully complete such treatment. Failure to do so will result in termination from employment.

Employees who accept treatment and successfully complete said treatment will be required to furnish proof of such successful completion to the Director of Finance and Administration. This proof shall be reviewed by the "Medical Review Officer" in conjunction with retesting before the employee can be reinstated to on-duty work status. Employees in this situation are subject to random retesting for illegal drugs for a period not to exceed two (2) years from the date of successful completion of the treatment program to ensure continued and complete recovery.

If, during the course of this two (2) year period, the employee tests positive, he/she will be terminated from employment.

- (E) Employees shall use personal leave while participating in an alcohol/drug rehabilitation program. If all accrued leave becomes exhausted, the employee shall be placed on a medical leave of absence without pay.

15.6 VOLUNTARY REQUEST FOR TREATMENT

Employees seeking voluntary treatment for alcohol/drug problems who have not previously tested positive for drug use, who entered an Employee Assistance Program

for drug-related problems, or entered an alcohol or drug rehabilitation program, may do so without consequence of disciplinary action or discharge, assuming that they have not been involved in any other aspect covered under Section 15.2.

Employees in this category shall be required to use any and all accrued personal leave to cover absences during treatment. Once accrued leave is exhausted, they shall be placed on a medical leave of absence without pay for the appropriate period of time to be determined as outlined in Section 15.2.

It is to be understood that these employees are expected to successfully complete the treatment program; furnishing proof of successful completion to the Director of Finance and Administration, and that return to employment is contingent upon medical certification of fitness for duty and random testing for illegal drugs for a period not to exceed two (2) years.

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SECTION 16.0

AIDS POLICY

16.1 GENERAL

It is the policy of MetroPlan Orlando that employees with AIDS, ARC, or HIV shall not be excluded from attending to their customary employment as long as such employees are able to perform the essential requirements of the job, with or without a reasonable accommodation, and as long as said employment does not create a substantial risk of harm to the employee or to others.

Any person with AIDS, ARC, or HIV shall have every protection made available to handicapped persons under Section 504, Public Law No. 921-12 of the Rehabilitation Act of 1973.

No person may require an individual to take an HIV-related test as a condition of hiring, promotion, or continued employment, unless the absence of HIV infection is a bona fide occupational qualification for the job.

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SECTION 17.0

HARASSMENT/BULLYING

17.1 GENERAL

It is the policy of MetroPlan Orlando that all employees should be able to enjoy a work atmosphere free from any and all forms of discrimination or harassment, including but not limited to race, national origin, age, disability, sexual harassment (including sexual preference and gender identity), etc. Harassment and/or bullying of employees by other persons (such as vendors, clients, contractors or subcontractors, members of the public, etc.) will not be tolerated and should be reported.

Retaliation is a very serious violation of our policy and should be reported immediately to the Director of Finance & Administration, the Executive Director, and your supervisor. There shall be no retaliation taken against any employee who reports harassment or bullying or who participates in an investigation. Anyone who violates this will be subject to disciplinary action, up to and including termination.

Harassment and bullying infringes on an employee's right to a comfortable work environment and is a form of misconduct that undermines the integrity of the employment relationship. No employee (male or female) should be subjected to unsolicited and unwelcome overtures or conduct, either verbal or physical, from supervisors or coworkers.

Harassment refers to conduct that is offensive to the individual, harms morale, and interferes with the effectiveness of operations. Such conduct is prohibited and includes offensive sexual flirtations, advances, patting, pinching, touching, leering, obscene gestures or propositions, verbal abuse of a sexual nature, explicit or degrading verbal comments about another individual or his or her appearance, race, national origin, age disability, the telling of sexual jokes, the display of sexually suggestive pictures or objects, or any offensive or abusive physical conduct.

Bullying is defined as repeated inappropriate behavior, either direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment. Such behavior violates MetroPlan Orlando's Code of Conduct.

Other impermissible conduct includes the taking of any personnel actions on the basis of an employee's submission to or refusal of sexual overtures or reporting of other harassing behavior. No employee should so much as imply that an individual's "cooperation" will have any effect on the individual's employment, compensation, advancement, career development, or any other condition of employment.

MetroPlan Orlando will take immediate disciplinary action against any employee engaging in harassment. Such action may include, depending on the circumstances, suspension, demotion, or discharge.

Allegations of harassment involving any employee of MetroPlan Orlando shall be processed and handled in accordance with the following procedure.

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INFORMAL PROCEDURE

The complainant may elect to have the complaint and its disposition handled according to the following procedure:

STEP 1

The individual alleging harassment will report the incident to the Director of Finance and Administration and will be interviewed to discuss the allegations. If allegations are made to any other person, the matter must be directed immediately to the Director of Finance and Administration by that other person. In the absence of the Director of Finance and Administration, or in the event the Director of Finance and Administration is the alleged harasser, the incident shall be reported to the Executive Director.

STEP 2

The Director of Finance and Administration shall make the accused aware of the specific nature of the complaint, interview the accused, and interview any other persons the accused may suggest to obtain additional information of the facts surrounding the complaint.

STEP 3

The Director of Finance and Administration will inquire of the complainant and the accused as to any mutual resolution of the problem, which may be acceptable between the parties at that point. If the parties agree upon an acceptable resolution of the complaint, the matter shall be closed.

STEP 4

If the parties do not agree on an acceptable resolution of the problem, the complainant shall be advised that further processing of the complaint will require that the complainant file a written complaint and the following formal procedure will be used:

FORMAL PROCEDURE

STEP 1

Any employee who believes that he or she is or has been the subject of harassment or any employee who is aware of harassment against a fellow employee and who is unable to reach agreement concerning the resolution of the problem through the informal procedure or who does not elect to utilize the informal procedure may file a written complaint with the Director of Finance and Administration. In the absence of the Director of Finance and Administration, or in the event the Director of Finance and

Administration is the alleged harasser, the incident shall be reported to the Executive Director. Upon receipt of the written complaint, the Director of Finance and Administration shall interview the complainant for the purpose of obtaining any additional facts that may be needed to supplement the complaint.

STEP 2

Within two (2) working days after receiving the signed written statement, the alleged harasser will be interviewed by the Director of Finance and Administration, be given a copy of the signed written statement, and informed of the seriousness of the allegations. The Director of Finance and Administration will review with the alleged harasser MetroPlan Orlando's policy and indicate that a formal charge of harassment has been made. The alleged harasser will then have the opportunity to refute the allegations by responding verbally and in a written statement if he or she has not already done so as part of the informal procedure.

STEP 3

The Director of Finance and Administration will meet with the alleged harasser's Department Director and the Executive Director to discuss the seriousness of the allegations. If the evidence warrants, the alleged harasser will be disciplined according to the procedures as outlined in ~~the Personnel Rules and Regulations~~[this Employee Handbook](#) with all due opportunity afforded through the Disciplinary Hearing and Appeal process.

STEP 4

If the allegations prove not to constitute harassment, the alleged harasser will be advised of the decision in writing.

An employee who is found to have knowingly filed a false harassment complaint will be subject not only to disciplinary action by MetroPlan Orlando up to and including discharge, but may also be held personally liable for his or her misconduct through civil action by the injured employee and may be criminally prosecuted under Florida Statutes.

Should it be confirmed that the allegations of harassment are valid, the employee found to have harassed another employee will be subject to any of the disciplinary steps up to and including dismissal.

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SECTION 18

SOLICITATION

In an effort to assure a productive and harmonious work environment, persons not employed by MetroPlan Orlando may not solicit or distribute literature in the workplace at any time for any purpose.

MetroPlan Orlando recognizes that employees may have interests in events and organizations outside the workplace. However, employees may not solicit or distribute literature concerning these activities during work hours.

Examples of impermissible forms of solicitation include:

- The collection of money, goods, or gifts for religious or political groups
- The sale of goods, services, or subscriptions outside the scope of official Organization business
- The circulation of petitions
- The distribution of literature not approved by the employer
- The solicitation of memberships, fees, or dues

In addition, the posting of written solicitations on company bulletin boards is restricted. These bulletin boards display important information, and employees should consult them frequently for:-

- Affirmative Action Statements
- Employee Announcements
- Organization Announcements
- Workers' Compensation Insurance Information
- State Disability Insurance/Unemployment
- Insurance Information

If employees have a message of interest to the workplace, they may submit it to the Director of Finance and Administration for approval. The Director of Finance and Administration will post all approved messages.

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SECTION 19
FAMILY/MEDICAL LEAVE (FML)

19.1 PURPOSE

Eligible employees shall be able to request up to twelve (12) weeks, job-protected leave per year for the following purposes:

- (A) Birth and care of the employee's child. (Includes prenatal medical care necessity).
- (B) Placement of a child with the employee for adoption or foster care. (Includes pre-placement necessity).
- (C) Employee's need to care for child, spouse, registered domestic partner, or parent who has a serious health condition.
- (D) Employee is unable to perform the functions of his/her position because of a serious health condition.

(Note - Adoption/Foster Care does not include voluntary care or informal placement situations between individuals.)

19.1 A MILITARY FAMILY LEAVE

- (A) Qualifying Reason for Leave

Eligible employees are entitled to up to 12 weeks of leave because of "any qualifying exigency," as defined by the Secretary of Labor, arising out of the fact that the spouse, registered domestic partner, son, daughter, or parent of the employee is on active duty, or has been notified of an impending call to active duty status, in support of a contingency operation.

- (B) New Leave Entitlement

An eligible employee who is the spouse, registered domestic partner, son, daughter, parent, or next of kin of a covered service member who is recovering from a serious illness or injury sustained in the line of duty on active duty is entitled to up to 26 weeks of leave in a single 12-month period to care for the service member. This military caregiver leave is available during "a single 12-month period" during which an eligible employee is entitled to a combined total of 26 weeks of all types of FMLA leave.

19.2 DEFINITIONS

For the purpose of this policy, the following definitions shall be applicable for consideration of approval for all requests for leave of this nature.

- (A) Serious Health Condition - Illness, injury, impairment or ~~—~~physical/mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility or, continuing medical treatment by a health care provider.

In cases whereby the “serious health condition” involves the employee, such condition must render the employee unable to perform the functions of his/her position.

- (B) Parent - The biological parent of the employee or someone who functioned as a parent to the employee when the employee was a child. This includes in loco parentis situations regardless of whether or not there was an actual “legal” relationship that existed.
- (C) Child - Biological, adopted, or foster child, a step-child, a legal ward, or a child of the employee standing in loco parentis who is under 18 years of age or 18 years of age or older and who is incapable of self-care because of a mental or physical disability.
- (D) Eligible Employees - Employees who have been employed by MetroPlan Orlando for at least 12 months at the time this leave is requested and have worked at least 1,250 hours during the 12-month period preceding the requested leave.

19.3 DURATION OF LEAVE

- (A) The maximum duration of leave entitlement associated with this policy is the equivalent of twelve (12) normal work weeks in any twelve (12) month period measured by the employee’s first day of FMLA leave. Such leave need not be taken in a consecutive 12-week period. Such determinations shall be based upon the specific medical condition applicable.
- (B) Requests for FML which involve serious health conditions requiring intermittent leave or a reduced work schedule may result in the affected employee being temporarily transferred.
- Such transfer shall be permitted at the discretion of the affected Department head, as long as such transfer is to a position with equivalent pay and benefits.
- (C) In cases whereby this type of leave involves the birth, adoption, or placement of an employee’s child, such leave shall not be granted unless taken within one (1) year of said birth, adoption, or placement.
(Note - This restriction is not applicable to “serious health conditions” situations).

19.4 EXHAUSTION OF ACCRUED LEAVE

Employees requesting leave in accordance with this policy will be required to exhaust all accrued leave in conjunction with such requests as follows:

- (A) Serious Health Conditions - Employees will be required to exhaust all accrued personal leave before being placed on a leave without pay status. (This assumes that the serious health condition does not involve the employee directly).
- (B) Birth or Placement of a Child - (which do not involve serious health conditions)
-- Regular full-time employees will be entitled to up to four (4) weeks of paid parental leave immediately following the birth or placement of a child. Paid parental leave is available for use before any other paid leave types are used but must be used continuously (see Section 9.8 for more information).
Employees will be required to exhaust all accrued personal leave following the parental leave status before being placed on a leave without pay status for the remained of FML.
- (C) As specified in Section 19.3, the maximum duration of leave entitlement under this policy is the equivalent of twelve (12) normal work weeks in any twelve (12) month period. The maximum duration shall consist of the total of all accrued leave used as specified above in addition to the time used while on leave without pay status in connection with this type of request.

19.5 REQUIRED NOTICE

In situations whereby leave is requested in accordance with this policy, employees will be required to provide thirty (30) days notice to their Department Director prior to the date the leave is to begin. This notice requirement assumes the need for FML is foreseeable.

If the need for such leave is unforeseeable, notice to the Department Director must be given as soon as practicable, ordinarily within two (2) working days.

19.6 SUFFICIENT CERTIFICATION

- (A) In situations whereby leave is requested under the auspices of this policy which involves "serious health conditions," it is the employee's responsibility to provide sufficient medical certification to MetroPlan Orlando within fifteen (15) calendar days from the date the leave is requested, which specifically addresses all of the following elements:
 - (1) The date on which the serious health condition commenced.
 - (2) The probable duration of the condition.
 - (3) The appropriate medical facts regarding the condition.
 - (4) If applicable, the estimated amount of time that the employee is needed to provide care for the affected child, spouse, registered domestic partner or parent.
 - (5) If applicable, a statement that the employee is unable to perform the functions of the position the employee holds.

- (6) If non-consecutive (intermittent) leave is applicable, a statement of the dates and/or times when such treatment is expected to be given and the duration of such treatment.

Such certification will be considered confidential in nature. Said certification shall be forwarded to the Director of Finance and Administration immediately after the Department Director has taken the appropriate action regarding the employee's request.

Such certification may be provided via completion of the Wage & Hour Form (WH-380). These forms are available from the Department of Finance and Administration.

All costs associated with providing the aforementioned certification to MetroPlan Orlando shall be borne entirely by the employee requesting this type of leave.

- (B) In cases whereby MetroPlan Orlando has reason to doubt the validity of the aforementioned certification, MetroPlan Orlando shall, at its discretion, reserve the right to pursue and to obtain a second opinion. Such second opinion shall be pursued, at MetroPlan Orlando's expense, through an appropriately licensed physician of its choice.

If such second opinion differs from the initial opinion, MetroPlan Orlando may, at its discretion and expense, require a third opinion. This third opinion will be pursued through an appropriately licensed physician jointly approved by both MetroPlan Orlando and the employee involved. The result of this third opinion shall be considered binding and final in terms of its conclusion on both the employee and MetroPlan Orlando.

- (C) MetroPlan Orlando reserves the right to require that the employee obtain subsequent recertification on a reasonable basis at employee expense.

- (D) In situations whereby the serious health condition involves the employee personally, it is the employee's responsibility to provide adequate medical certification as to fitness at the time the employee returns to work.

- (E) Certification for situations which do not involve serious health conditions (i.e., birth, adoption, or placement) will require appropriate documentation of same. Such certifications may include, but not be limited to, providing a copy of birth records, adoption records, etc., as appropriate.

- (F) In cases where both spouses or registered domestic partners are employed by MetroPlan Orlando, leave taken in conjunction with this policy which involves birth, placement (adoption), or foster care, shall be limited to an aggregate total which equates to a total of twelve (12) normal work weeks during any twelve (12) month period.

19.7 HEALTH INSURANCE BENEFITS

During the period of FML associated with this policy, MetroPlan Orlando shall maintain the employee's MetroPlan Orlando paid health, dental, life, and disability insurance premiums benefits just as if no such leave had taken place.

This applies regardless of whether or not such leave is on a paid or unpaid basis and such maintenance shall be applicable up to the twelve (12) normal work week maximum duration as specified in this policy.

In the event that an employee fails to return to work after the approved period of eligible leave has expired, MetroPlan Orlando may seek to recover any and all premiums paid by MetroPlan Orlando for maintaining the employee's company paid insurance premiums and benefits while the employee was in an unpaid status. Such recovery will not be sought in situations whereby the employee's failure to return to work was as a result in the continuance, recurrence, or onset of a serious health condition or other circumstances beyond the employee's control.

19.8 OTHER BENEFITS

- (A) It shall be the employee's responsibility to make payment to MetroPlan Orlando as appropriate for any and all optional/supplemental and or dependent health, dental, life, and disability insurance premiums not considered to be employer-paid.
- (B) Employees must make arrangements with the Department of Finance and Administration ~~Department~~ prior to taking leave associated with this policy in order to ensure uninterrupted benefit coverage of non-employer-paid benefits. All applicable premium payments (non-employer-paid) shall be due within thirty (30) calendar days from the first working day of the month which necessitates such payment. Failure to do so will jeopardize continued coverage.
- (C) Retirement/Pension - Leave taken under the provisions of this section shall not constitute a breach of service for retirement or pension purposes.
- (D) Employees shall not be entitled to the continuation or accrual of other benefits such as personal leave, holidays, etc., for any pay period in which they are totally on leave without pay status. Leave accrues on paid time only.

19.9 RESTORATION TO POSITION

Upon return to work after the approved period of leave has expired, an employee shall be entitled to restoration to:

- (A) The position of employment held by the employee when the leave commenced; or
- (B) An equivalent position with equivalent benefits, pay, and other terms and conditions of employment.

Restoration does not imply favored status (i.e., more rights, benefits, or employment beyond which the employee was previously entitled).

19.10 PAYROLL REPORTING

All leave taken by employees as a result of the provisions of this policy shall be annotated as appropriate on the applicable payroll reporting sheets. Department Directors are responsible for ensuring that such documentation is accomplished.

In addition, Department Directors are responsible for the timely submission of the "Change in Status" form should such leave result in leave without pay status.

19.11 SHORT-TERM DISABILITY (STD) AND FAMILY MEDICAL LEAVE FOR AN EMPLOYEE'S SERIOUS HEALTH CONDITION

- (A) When an employee becomes disabled due to a serious health condition that makes the employee unable to perform the essential functions of his or her job as described by the Family Medical Leave Act (FMLA), the employee shall take FML concurrently with STD.
- (B) An employee is considered to be on short-term disability, once ~~STD-it~~ has been approved by the ~~STD~~-provider. The 179 days of STD includes both the period before benefits are received (i.e., benefit waiting period) and while STD benefits are paid to the employee.
- (C) Any leave time that the employee has accumulated shall be used simultaneously with FML and STD.
- (D) If after the required twelve (12) weeks of FML has passed and the employee has not recovered and remains on STD, MetroPlan Orlando may, at its sole discretion, continue to pay the employer portion of premiums of all insurances just as if the employee were still protected by the FMLA.
- (E) MetroPlan Orlando, at its sole discretion, may disallow the continuation of benefits after the required FML if it deems that the employee will not return to active duty after the STD has passed or if the unfilled position causes an undue burden to MetroPlan Orlando.
- (F) The same insurance coverage level shall be maintained during STD as was in place when the employee became disabled. It is the employee's responsibility to provide his/her share of the premium during STD just as if they were still working.
- (G) While on STD, unless evidence to the contrary, it is presumed the employee may return to work at the end of the disability leave. Should the employee transition to LTD, it shall be presumed the employee is not returning to work and termination procedures shall proceed.

(H) STD is an employee benefit and does not apply to dependents.

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SECTION 20
TRAVEL POLICES AND PROCEDURES

TRAVEL PROCEDURES
TO IMPLEMENT PURCHASING POLICY 7 ~~DE~~

20.1 TRAVEL AND TRAINING REGULATIONS

(A) GENERAL- INFORMATION

This procedure contains travel regulations and instructions to complete the Travel Request-/Reimbursement Form. MetroPlan Orlando's travel policy applies to all board members, appointed officials, advisory board members, employees, interns, and other authorized officials traveling on official business paid for by MetroPlan Orlando.

Appointed officials, advisory board members, employees, and other authorized officials traveling on official business for MetroPlan Orlando are expected to use reasonably priced lodging accommodations and are required to use economy or tourist class air travel fares. Under no circumstances are travelers on MetroPlan Orlando business permitted to accept *gratuitous* upgrades to first class if the situation would conflict with the Code of Conduct Policy in Section 7.0. Meals, tips and lodging must be reasonable in relation to the area visited, and reimbursement will be limited to a reasonable allowance.

Preplanning by management to obtain advanced ~~d~~ registration discount rates and minimizing the number of staff who will attend the same training session will contribute toward cost control.

Travel, whether by public transportation, privately-owned automobile, -or a for-hire conveyance, shall be over the most direct, practicable route. Any deviations from a direct route must be explained on the travel form.

20.2 TRAVEL AUTHORIZATION

The Board Chairman, or Vice Chairman in his absence, must authorize travel of the Executive Director. The Board must authorize all travel by any board members, all committee members, and all community representatives, including but not limited to the ~~Citizens-Community~~ Advisory Committee (CAC), ~~Transportation-Technical~~ Advisory Committee (T~~T~~AC), ~~Bicycle/Pedestrian Advisory Committee (BPAC)~~, Municipal Advisory Committee (MAC), ~~Transportation System Management & Operations Advisory Committee (TSMO)~~, Transportation Disadvantaged Local Coordinating Board (TDLCB) members. The authorizing official for each employee traveling for the benefit of MetroPlan Orlando shall be the Executive Director. All travel will be authorized in advance by the appropriate authority. The number of individuals traveling to any one event shall be monitored and limited to provide for

sufficient coverage of the event while maintaining continuing educational opportunities for staff and for benefit of the Organization. All such travel must comply with all policies stated herein.

Travel during work hours and/or at the Organization's expense outside of our service area (Orange, Seminole, and Osceola Counties) will be authorized in advance of travel. Specific expenses and/or conditions of travel must be authorized by the designated official as described below:

- a. -Car rental.
- b. Use of privately-owned vehicle in-state.
- c. Training to maintain professional certification or license, i.e., Continuing Professional Education (CPE).
- d. To hold a position in a professional organization for which travel to meetings is required.
- e. Technical training necessary to complete the job assignment.
- f. General training for job performance enhancement.
- g. Waiver of reimbursement agreement.
- h. Entertainment expenses.

In the event of an emergency situation when the employee cannot obtain prior written authorization, verbal approval will be obtained, and travel documents shall be completed immediately upon the employee's return to work.

20.3 TRAVEL/TRAINING GUIDELINES

All travel covered by this policy must be for the direct benefit of MetroPlan Orlando. A direct benefit to the Organization will promote the purposes of the Organization through continuing professional education and new technological and management training, or represent the interest of the Organization at Board and committee meetings of an organization in which the employee was authorized to hold an office. Accordingly, all employees and Board members are required to attend applicable training sessions offered during normal business hours and adhere to all travel and rules of conduct policies. Employees whose travel expense is to be reimbursed by an outside agency must so indicate on the Travel Request and Reimbursement Form and initiate a billing through the Department of Finance and Administration to the agency immediately upon return to work. A copy of the billing must accompany the final reconciliation submitted to the Department of Finance and Administration, and collection is the responsibility of the traveler.

20.4 PRIOR/POST-TRAVEL ACCOUNTABILITY

Although travel costs have been included in MetroPlan Orlando's budget, officials and employees shall obtain written approval to perform the travel, attend meetings, etc., through the process of completion and approval of the travel form in this section, before making any commitment to pay registration fees, to purchase a transportation ticket, or to incur any other cost. Each official or employee shall first prepare a Travel Request and Reimbursement Form for individual expenses and submit it to the appropriate authorizing

official ~~as defined in Section B~~. A meeting program or brochure shall be attached to the travel authorization request. In no event shall a travel form be submitted for approval unless funds for payment of the proposed travel are available in the proper line item budget charge code.

When the travel form has been approved and funds certified as available, the official or employee is then authorized to be absent from work for the period specified to travel, to incur expense and to be reimbursed, to draw a travel advance and to initiate invoices for payment in advance for room deposits, registration or tuition fees, and tickets on common carriers. The traveler shall use the Travel Expense and Reimbursement Form to account for all expenses. At the completion of travel, the traveler will sum each category of expense and transfer the total to the appropriate item of the Travel Request and Reimbursement Form.

Receipts for hotels, public transportation, convention registration fees, car rental, tolls, and similar items must be attached to the completed Travel Request and Reimbursement Form. All items for which a receipt cannot or was not obtained must be explained in writing. Any item without a receipt, other than straight per diem, is subject to denial. All items of a miscellaneous nature must be itemized.

Upon return to the office, the complete Travel Request and Reimbursement Form must be prepared by the traveler, signed, and submitted to the authorizing official within seven working days of completing travel. The official should review the forms before approving and should obtain explanation on any questionable item, keeping in mind they are certifying that the expenses were incurred on MetroPlan Orlando's business and are a legal obligation of the Organization. If costs incurred exceed the amount of expense authorized by the appropriate official, and the traveler requests reimbursement for the additional amount, the authorizing official should provide a complete explanation and a recommendation to the Director of Finance and Administration ~~Director~~. All forms must be submitted to the Department of Finance and Administration within ten working days of completing travel.

The Department of Finance and Administration shall review the expenses to make certain that all items of expense are properly charged and are not otherwise questionable. If additional information is needed for approval, the form shall be returned to the traveler for revision. If the charges are found to be correct and allowable, the voucher will be forwarded to the Department of Finance and Administration for final audit and payment.

All unused portions of money paid to the traveler or advanced by use of MetroPlan Orlando's ~~VISA credit~~ cards for non-MetroPlan Orlando charges shall be repaid within ten (10) working days from time of return to work. The employee may request that a deduction be made from his/her next salary payment. If the traveler has not settled the cash advance(s) within 30 calendar days of return to work, the employee traveler shall be requested to authorize a

deduction of the unused amount advanced, in full, from the employee traveler's next salary payment.

20.5 GOVERNING REGULATIONS

The following regulations are established and will be the basis upon which reimbursement of expenses will be approved. All reimbursements shall require proper receipts or other documentation. Without sufficient documentation, reimbursement may be denied.

(1) Transportation

- a. Travelers are expected to use the mode of travel that is most advantageous to MetroPlan Orlando. This would include consideration of bus or airport van service to and from terminals or extended parking at terminals versus use of a common carrier. The traveler is permitted mileage from point of departure (home or work location), whichever is the shorter distance.

The use of a privately-owned vehicle for official travel in lieu of publicly-owned vehicles or common carriers may be authorized by the Executive Director. Whenever travel is by privately-owned vehicle, the traveler shall be entitled to a mileage allowance at a fixed rate per mile, not to exceed the amount specified in Florida Statutes Chapter 112.061, or the air carrier rate for such travel, whichever is lower. Where two or more authorized persons travel in one private vehicle, only the person supplying the vehicle shall receive transportation reimbursement.

Employees deviating from the most direct route will have to bear the extra cost.

- b. Taxicabs/Ride Share

Reimbursement for ~~taxicabs~~ taxicabs or ride share services to and from airports, train stations, etc., will be made only when receipts are provided.

- c. Car Rentals

Prior approval must be received from the Executive Director if the traveler must rent a car. Car rentals must be mid-size or smaller. Upgrades must be paid by the traveler.

All staff renting vehicles while on MetroPlan Orlando business shall purchase rental insurance unless the contracted rate with the rental car provider includes rental insurance.

d. Airline

Airline reservations may be acquired if approved by the appropriate official. Tickets may be purchased by the Organization or the traveler may purchase the tickets and request reimbursement.

Air travel will be reimbursed for economy or similar level fares from an Orlando area airport. Cost comparisons should be made for similar fares to determine the most economical option in that class. If the traveler decides to fly on a fare type above economy or from a more convenient airport, the traveler shall reimburse MetroPlan Orlando for the additional costs. A comparison of flights on the same day and same time shall be conducted to compare prices and determine the additional costs due from the traveler.

Air travelers shall attach their boarding passes and ticket stub or printout to the Travel Request and Reimbursement Form for final accountability. If a digital ticket/boarding pass is used, the air traveler shall take a screen shot of the digital ticket/boarding pass and include a printout of the screen shot as proof of travel.

e. Reimbursable Local Travel

Travelers within the local service area (Orange, Seminole, Osceola Counties) shall not be reimbursed for lodging unless extenuating circumstances exist and then only when justifiable cause is documented in writing and pre-approved by the Executive Director. When traveling from home to a conference or on other official office business and back home or back to the office and the total distance traveled is less than the round trip mileage from home to work to home via automobile, regardless of method of commute travel, your daily commute to/from work (office) there will be no mileage reimbursement. To calculate local travel mileage reimbursement, take the total distance traveled during the day for which you are seeking reimbursement including any commuting mileage daily; subtract the total mileage distance to and from work (if transit or other means is used for commuting, mileage will be calculated as if you drove to and from work using an online mapping tool) daily and request reimbursement for the remaining mileage balance only. Exception, when traveling on a non-work day, all mileage from home and back will count for reimbursement since you are not required to go to the office. See E.3 for per diem regulation.

For employees who live outside the three-county area, if the local travel is within the county in which the employee resides, the employee shall use the standard travel policy of 20.5 e. above where the total miles traveled is reduced by the round

trip mileage from home to work to home via automobile, regardless of method of commute travel as calculated by an online mapping tool ~~normal commute mileage~~ to determine the number of miles for reimbursement.

Employees must complete the MetroPlan Orlando "Local Travel Reimbursement Form" to be reimbursed for local travel mileage. Facsimiles showing date, travel from point of origin and destination, purpose or reason, hour of departure and hour of return, per diem (or class A & B or class C meals), map or actual mileage claimed, vicinity mileage claimed, and documented other charges such as tolls, parking, etc. may be accepted. Such reimbursement shall be at the rate specified in Florida Statutes Chapter 112.061.

The use of taxis or ride share providers is an allowable, reimbursable expense for bona fide MetroPlan Orlando business for local (non-commute) travel based on one of the following:

1. An employee may receive local travel reimbursement up to the lesser of the cost of the taxi/ride share fare or the amount of mileage reimbursement that would be due to the employee if a personal vehicle was used instead.
2. Employees who do not have a MetroPlan Orlando paid parking benefit may receive full reimbursements for the cost of ride share services up to a monthly amount equivalent to the cost of a MetroPlan Orlando paid parking benefit.

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(2) Lodging

- a. Expenses may vary in different areas traveled to, but all expenditures must be reasonable; primary responsibility for the reasonableness of amounts charged rests with the official who authorized the voucher. Excessive charges will be questioned by the Department of Finance and Administration, and justification must be explained fully in a written memorandum by the Department Director. Excess is subject to denial for reimbursement at the discretion of the Executive Director for costs not pre-approved on the travel voucher.

Reimbursement for tips for transportation & lodging (i.e., bellman and taxi/ride share) shall be limited to \$5.00 per day.

When additional nights of lodging and subsistence or per diems are charged to the Organization based on more economical air fares for weekend stays, a cost comparison prepared by an independent party with third-party verification (i.e., travel

agent, airline rate schedule) must be approved and attached to the completed Travel Request and Reimbursement Form.

b. When traveling in the State of Florida, the advance check should be made payable to the hotel, motel, lodge, etc., to ensure exemption of sales tax. The Department of Finance & Administration will include the tax-exempt number on the check stub and submit a copy of the tax-exempt certificate to the vendor with the payment check. When lodging is not paid in advance, the traveler must seek exemption from payment of tax on rental of hotel rooms. All travelers will be provided a tax-exempt certificate. If the hotel does not honor the tax exemption, please indicate in your travel form that the certificate was presented to the hotel but was denied. Sales tax reimbursement may be denied to the employee if exemption was available.

c. Employees or any official travelling on MetroPlan business who live outside the three county area shall not be reimbursed for lodging for events that takes place within the county in which their home resides unless under extenuating circumstances and only with prior approval in writing by the Executive Director.

~~b. When traveling in the State of Florida, the advance check should be made payable to the hotel, motel, lodge, etc., to ensure exemption of sales tax. The Department of Finance & Administration will include the tax-exempt number on the check stub and submit a copy of the tax-exempt certificate to the vendor with the payment check. When lodging is not paid in advance, the traveler must seek exemption from payment of tax on rental of hotel rooms. All travelers will be provided a tax-exempt certificate. If the hotel does not honor the tax exemption, please indicate in your travel form that the certificate was presented to the hotel but was denied. Sales tax reimbursement may be denied to the employee if exemption was available.~~

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(3) Meals and Tips

a. Reimbursement for meals and tips is based on the following amount in FS. 112.061, as amended. Current rates are:

Breakfast: \$6.00 includes tip and tax
Lunch: \$11.00 includes tip and tax
Dinner: \$19.00 includes tip and tax

b. Same day travel out of the area (that is beyond Orange, Seminole and Osceola Counties) by employees or elected officials allows reimbursement for reasonable meal expenses provided that the employee or official does not reside in the county. In cases where the traveler did not find it necessary to

spend the night out of town, but was unable to return home by 8:00 p.m. in time for dinner, reimbursement will be allowed for the evening meal. Similarly, when the traveler finds it necessary to leave home before 6:00 a.m., reimbursement for breakfast is permitted. Employees engaged in constant, daily, routine travel are not reimbursed for meals. Meals are not reimbursed in the tri-county area unless part of a formal program registration fee. Same day out of area travel may be reimbursed using the local travel reimbursement form in place of the out of area travel form.

- c. Reimbursement of ~~\$5100.00~~ per day, in lieu of the meals, tips, and lodging costs, may be authorized by the Executive Director, provided that the ~~\$5100.00~~ per day does not exceed the amount permitted in paragraph (3) for meals and tips, plus the estimated average daily cost of lodging for the individual reimbursed.
- d. Meals provided as part of registration or by an airline should be reported on the Travel Expense Worksheet as meals furnished. Similarly, meals provided by a vendor should be reported as meals furnished, however, meals provided by a vendor must not exceed the limit stipulated in 7.5(A). Snacks, hors d'oeuvres, or other items provided for consumption that do not constitute a meal will not be considered a furnished meal and per diem will still be available for that time period.

(4) Other

- a. Registration fees for functions related to MetroPlan Orlando business may be reimbursed when an employee is expected to attend due to the nature of the position.
- b. Telephone calls related to official business and paid for by the traveler may be claimed on the reimbursement voucher. The traveler must explain toll calls shown on the hotel bill or personal phone bill including the location, parties, and purpose. One three-minute personal call home per day is allowable for reimbursement. No other personal calls are reimbursable.
- c. While entertainment on behalf of MetroPlan Orlando, under certain circumstances and conditions, clearly meets a public purpose, these instances are subject to planning and preparation and, thus, it is a specific policy of MetroPlan Orlando to require approval by the Board Chairman or the Executive Director of the nature, purpose, and anticipated cost of entertainment to be undertaken with public funds. For purposes of this policy, "entertainment" means meals or social activities. When approval is granted, it is specifically required that the nature of the entertainment, those present and a brief summary of the business discussed be provided for inclusion in the Organization's

records. These expenses shall be reasonable and shall not include alcoholic beverages. The following exceptions/classification to this policy are stated and made a part hereof:

- (1) When MetroPlan Orlando agrees to reimburse a job applicant for expenses to come to an interview (airfare, lodging, and meals), the meal allowances applied will be consistent with the existing travel policy.
 - (2) While MetroPlan Orlando acknowledges that attendance and participation in professional association meetings constitutes a public purpose in relation to the training and education of its professionals, MetroPlan Orlando will reimburse the cost of meals and attendance to such meetings only if it is established that the meeting has a *professional* and not social purpose, and the fee for the meal is at a standard rate per attendee.
- d. Out-of-state travel by personal or rental vehicle, in excess of 1,000 miles for the round trip, requires prior written approval by the Executive Director. Approval to use a personal or rented vehicle provides the traveler(s) a substitute for an airline ticket; therefore, "en-route" expenses other than gasoline/vehicle expense will not be reimbursed, and mileage cost beyond the cost of economy or coach air fare will not be reimbursed. Travel time in excess of the most advantageous mode of travel to MetroPlan Orlando will be chargeable as personal leave to the employee(s).

REFERENCES: FS 112.061, FS 163.01

EFFECTIVE DATE: This procedure effective ~~March 13, 2013~~September 14, 2016.

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TAB 4





Executive Director's Separation/Retirement/Transition Plan

Board Personnel Committee Recommendations

August 30, 2016

-
1. That our Employment Agreement with Mr. Barley (which currently runs through March 10, 2018) be extended through August 31, 2018.
 2. That our current Employment Agreement be modified so Mr. Barley receives 20 weeks of salary, benefits and other compensation after the effective date of his retirement/separation, as he is entitled to receive for other reasons stipulated in the Agreement.
 3. That the annual contribution to Mr. Barley's 457 retirement plan be increased from \$19,000 to \$20,000 and it be made each year in January.
 4. That the Board Personnel Committee continue to conduct Mr. Barley's annual performance review each year in January or February. A report with recommendations will be made to the full Board each year in February or March.
 5. That we enter into a supplemental agreement with Mr. Barley to serve as a consultant to handle special projects assigned by the Executive Director or the MetroPlan Orlando Board for a two-year period starting in September 2018 at a fixed fee of \$5,000 per month. This would be subject to Mr. Barley being available in September 2018 and his successor would need to be comfortable with this arrangement.
 6. The Board Personnel Committee will develop a recruitment plan and schedule for Board approval in November-December 2017 so related activities can get underway in January-February 2018. Mr. Barley will assist with this effort.
-

TAB 5



FINANCE USE ONLY:

Approved Bd Mtg:
Agenda Item #:

Entered:

FY 2017

B E No. :

1

FDOT No. :

A1

REQUEST FOR UPWP BUDGET AMENDMENT

DATE: 9/14/2016(WHOLE DOLLARS ONLY)
AMOUNT

<u>PROJECT</u>	<u>ELEMENT</u>	<u>CODE</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
33617	--	40000	Federal Grant Revenue	5,000.00
33617	367820	50000	Salaries & Leave	(3,260.00)
33617	367820	50500	Fringe - Pool	(1,029.00)
33617	367820	59700	Indirect Cost Pool	(711.00)
36016	616110	50000	Salaries & Leave	(10,003.00)
36016	616110	50500	Fringe - Pool	(3,168)
36016	616110	59700	Indirect Cost Pool	(2,193)
36016	616500	50000	Salaries & Leave	(12,111)
36016	616500	50500	Fringe - Pool	(3,836)
36016	616500	59700	Indirect Cost Pool	(2,654)
36016	616850	62900	Pass-Through Expenses	(5,000.00)

TOTAL: \$ (38,965.00)

INCREASE BUDGET:

(WHOLE DOLLARS ONLY)
AMOUNT

<u>PROJECT</u>	<u>ELEMENT</u>	<u>CODE</u>	<u>DESCRIPTION</u>	<u>AMOUNT</u>
37017	--	49700	Cash Carryforward	(35,819.00)
37017	--	48900	Other Grant/Contribution Income	(20,000.00)
37017	717110	50000	Salaries & Leave	10,003.00
37017	717110	50500	Fringe - Pool	3,168.00
37017	717110	59700	Indirect Cost Pool	2,193.00
37017	717150	59800	Local Match Transfer Out	14,354.00
37017	717500	50000	Salaries & Leave	12,111.00
37017	717500	50500	Fringe - Pool	3,836.00
37017	717500	59700	Indirect Cost Pool	2,654.00
37017	717700	62200	Computer Software	2,500.00
37017	717820	50000	Salaries & Leave	3,260.00
37017	717820	50500	Fringe - Pool	1,029.00
37017	717820	59700	Indirect Cost Pool	711.00
36015	--	40000	Federal Grant Revenue	(78,031.00)
36015	--	41000	State Grant Revenue	(9,754.00)
36015	--	49800	Local Funds Transfer	(9,754.00)
36015	615500	63000	Consultants	12,400.00
36015	615810	62900	Pass-Through Expenses	43,856.00
36015	615820	62900	Pass-Through Expenses	21,283.00
36015	615840	62900	Pass-Through Expenses	20,000.00
36016	--	40000	Federal Grant Revenue	(36,795.00)

FINANCE USE ONLY:

Approved Bd Mtg:
Agenda Item #:

Entered:

B E No. :

FDOT No. :

FY 2017

1A1

36016	--	41000	State Grant Revenue	(4,600.00)
36016	--	49800	Local Funds Transfer	(4,600.00)
36016	616210	62900	Pass-Through Expenses	18,887.00
36016	616810	62900	Pass-Through Expenses	31,073.00
36016	616820	62900	Pass-Through Expenses	20,000.00
36016	616840	62900	Pass-Through Expenses	15,000.00
34017	--	41000	State Grant Revenue	(589.00)
34017	417850	61200	Postage	589.00

TOTAL: \$ 38,965.00

REASON(S):

1) To roll forward FTA X009-00 and X010-00 grants and add local salary, fringe, indirect, local match, and cash carryforward to reconcile. 2) To adjust TD grant and WISE grant from estimated budget to actual. 3) To carry forward funds from FY'16 for completion of the MetroPlan Orlando website. 4) To add additional local funds for transit corridor work being completed for FDOT.

Finance Director's Signature:

Jason S. Loschiavo

Date:

Executive Director's Signature:

Harold W. Barley

Date:

REMARKS:

Revised 06/20/12

METROPLAN ORLANDO
 AGENCYWIDE REVENUE AND EXPENDITURE LINE ITEM BUDGET
 FY 2016/2017

REVENUES

BE#1

ACCOUNT

FY2017

CODE	DESCRIPTION	
40000	FEDERAL REVENUES	
	FHWA PL Planning Funds	\$ 1,792,177
	NEW FTA Sec 5303 Planning Funds X011	\$ 815,329
	Carryfwd from FTA X010	\$ 409,995
	Carryfwd from FTA X009	\$ 84,031
	ITS Master Plan	\$ 265,010
	WISE Grant	\$ 170,010
	Traffic Signal Timing-SU	\$ 750,000
	TOTAL FEDERAL REVENUES	\$ 4,286,552
41000	STATE REVENUES	
	NEW FTA Sec 5303 Planning Funds X011	\$ 101,916
	Carryfwd from FTA X010	\$ 51,250
	Carryfwd from FTA X009	\$ 10,504
	Transportation Disadvantaged Planning Funds NEW	\$ 98,413
	TOTAL STATE REVENUES	\$ 262,083
	LOCAL REVENUES	
42900	Orange Co. Assessment	\$ 471,438
43000	Osceola Co. Assessment	\$ 120,868
43100	Seminole Co. Assessment	\$ 171,339
43200	Altamonte Springs Assessment	\$ 21,663
43300	Kissimmee Assessment	\$ 33,296
43400	Orlando Assessment	\$ 131,475
43500	Sanford Assessment	\$ 28,450
44300	Apopka Assessment	\$ 23,286
43700	CFX	\$ 25,000
43800	Sanford Airport Authority	\$ 25,000
43900	GOAA	\$ 25,000
44000	LYNX	\$ 25,000
44100	Belle Isle	\$ 516
44110	Eatonville	\$ 179
44120	Edgewood	\$ 210
44130	Maitland	\$ 1,357
44140	Oakland	\$ 209
44150	Ocoee	\$ 3,205
44160	Windermere	\$ 229
44170	Winter Garden	\$ 3,181
44180	Winter Park	\$ 2,311
44190	St. Cloud	\$ 3,295
44200	Casselberry	\$ 2,203
44210	Lake Mary	\$ 1,269
44220	Longwood	\$ 1,115
44230	Oviedo	\$ 2,937
44240	Winter Springs	\$ 2,784
	TOTAL LOCAL ASSESSMENTS	\$ 1,126,815
	OTHER REVENUES	
45000	Interest Income	\$ 13,500
47000	Reimbursement of Claims & Expenses	\$ 12,500
48900	Other Grant/Contribution Income (MPO Alliance)	\$ 45,000
49700	Cash Carryforward	\$ 401,002
	TOTAL LOCAL REVENUES (ASSESSMENTS + OTHER)	\$ 1,598,817

METROPLAN ORLANDO
AGENCYWIDE REVENUE AND EXPENDITURE LINE ITEM BUDGET
FY 2015/2016

49800	Local Match Transfer Out for New FTA X011	\$	101,916
49800	Local Match Transfer Out for Rollover FTA X010	\$	51,250
49800	Local Match Transfer Out for Rollover FTA X009	\$	10,504
TOTAL LOCAL MATCH		\$	163,670
TOTAL REVENUES:		\$	6,311,122

EXPENDITURES

ACCOUNT

CODE	DESCRIPTION	
50000	Salaries, Leave & Car Allow.	1,559,775
50600	Fringe - FICA Employer	119,323
50700	Fringe - Unemployment Ins	10,000
50800	Fringe - Health Insurance Emplr.	183,000
50900	Fringe - Dental Insurance Emplr.	5,900
51000	Fringe - Life Insurance Emplr.	1,400
51100	Fringe - Long-Term Disability	2,510
51200	Fringe - Workers Comp Ins.	3,400
51300	Fringe Pension Fund ICMA 401	154,478
51500	Fringe - VisionCare Insurance	1,100
51600	Fringe - Short-Term Disability	2,600
51700	Fringe - Grant Carry Forward	0
59800	Local Match Transfer Out	163,670
60400	Audit Fees	42,000
60500	I-Computer Operations	64,795
60600	Dues and Memberships	12,145
60700	Equipment	26,700
60800	Graphic Printing & Binding	30,075
60900	Insurance	28,700
61000	Legal Fees	40,000
61100	Office Supplies	41,685
61200	Postage	5,439
61300	Books, Subscrips & Pubs	7,668
61400	Deferred Comp 457 Ex Dir	19,000
61500	I- Rent	264,870
61600	I-Equipment Rent & Maintenance	22,180
61700	Seminars & Conf. Registration	23,785
61800	I - Telephone	7,290
61900	Travel Expenses	42,210
62000	Small Tools/Office Machinery	1,200
62100	HSA Employer Contribution	12,500
62200	Computer Software	15,000
62500	Contingency	15,000
62600	Contractual/Temporary Services	3,200
62900	Pass-Through Expenses	649,903
63000	Consultants	2,503,286
63100	Repair & Maintenance	200
63400	Advertising/Public Notice	13,855
64100	Other Miscellaneous Expense	5,390
64300	Awards & Promotional Expense	8,000
64400	Contributions	185,700
64500	Educational Reimbursement	1,690
64600	Comm. Relations Sponsorships	10,500
64700	Grant Carry Forward - Indirect	0
TOTAL EXPENDITURES:		6,311,122

TAB 6





metroplan orlando

A REGIONAL TRANSPORTATION PARTNERSHIP

RFQ 2017-04 Graphic Design Services

Submitting Firm	Total Score	Average Score
Popcorn Initiative	272	90.67
Prismatic	254	84.67
Shaila Abdullah	249	83.00
Appleton Creative	239	79.67
Rizco	224	74.67
Derflan, Inc.	223	74.33
Patterson Bach	218	72.67
Valerin Group	217	72.33
Stokes Creative	215	71.67
Green Group Studio	202	67.33
brandevolve, LLC	192	64.00

RFQ 2017-05 Video Production Services

Submitting Firm	Total Score	Average Score
Digital Brew	277	92.33
Filmscape Productions	258	86.00
Stokes Creative Group, Inc.	216	72.00

TAB 7





BYLAWS

Municipal Advisory Committee

Introduction

Within the MetroPlan Orlando area, there are 22 cities and towns. The legislation that created MetroPlan Orlando apportions Board membership among the various jurisdictions within the Orlando Urbanized Area on the basis of an equitable population ratio and geographic factors. This criterion ensures that municipalities with significant populations are represented in the transportation planning process for Central Florida. Smaller municipalities rely on County Commissioners, some participation on MetroPlan Orlando's advisory committees and MetroPlan Orlando staff to represent their interests in matters that come before the MetroPlan Orlando Board.

The Municipal Advisory Committee (MAC) was established to strengthen ties with the region's cities and towns that do not have direct representation on the MetroPlan Orlando Board. The Committee consists of the Mayors or appointees of the municipalities that are not directly represented on the MetroPlan Orlando Board. The MAC ensures their views are considered in the decision-making process, generate broad-based support and raise awareness among elected officials of the functions of MetroPlan Orlando. A 2014 legislative action increased the MPO governing board maximum voting membership from 19 to 25 members, and authorized general purpose local governments serving on an MPO to include one member who represents a group of general purpose local governments through an entity created by an MPO for that purpose. This change, and approval by the MetroPlan Orlando Board, authorized one voting seat for the MAC. The elected Chairperson of the MAC shall serve as a voting member on the MetroPlan Orlando Board representing the collective interests of the MAC members.

The following municipalities are not directly represented on the MetroPlan Orlando Board and are therefore eligible for representation on the MAC:

Orange County		Osceola County	Seminole County
Bay Lake*	Oakland	St. Cloud	Casselberry
Belle Isle	Ocoee		Lake Mary
Eatonville	Windermere		Longwood
Edgewood	Winter Garden		Oviedo
Lake Buena Vista*	Winter Park		Winter Springs
Maitland			

** Declined participation as of last update to these bylaws.*

Pursuant to MetroPlan Orlando's Internal Operating Procedures, the MAC was created as an amendment to the Purpose, Functions and Procedures.

Committee Procedures

The committee described above functions by standard operating procedures to assist them in their work. These procedures are listed as follows:

1. The committee generally meets once a month with minutes of each meeting being recorded. A monthly meeting may be canceled by the Chairman, however two consecutive meetings may not be cancelled and business to have been conducted at the cancelled meeting shall be considered at the next successive monthly meeting.
2. All committee meetings are open to the public, but only committee members may vote or make motions.
3. A quorum will be deemed constituted by one-third of the participating municipalities being represented at meetings.
4. Votes taken at committee meetings require a majority of those members present for passage.
5. Should a quorum not be present, business requiring action of the Committee will be tabled until the next meeting where a quorum is present. Other items such as

|

presentations and items presented for information only may be presented without a quorum.

6. The committee maintains a broad perspective in addressing all modes of transportation in the various plans and programs in order to develop a balanced multi-modal transportation system plan that meets the needs of the area and is properly related to the goals and objectives of local comprehensive plans.
7. All reports, studies, plans and programs must be adopted by the MetroPlan Orlando Board before they are considered official transportation documents for the Orlando Urbanized Area.

Section 1. Authority, Creation

In accordance with Federal and State laws requiring that transportation planning be comprehensive, cooperative, and continuing in nature, an advisory committee known as the "MetroPlan Orlando Municipal Advisory Committee or MAC" is hereby created.

Section 2. Definition

For the purpose of these Bylaws, the term "the Committee" shall mean the MetroPlan Orlando Municipal Advisory Committee.

Section 3. Purpose

The municipalities of the area shall be involved in the transportation planning process by establishment of the Municipal Advisory Committee. The purpose of the Committee is to assess reaction to planning proposals and to provide comment to MetroPlan Orlando with respect to transportation concerns of the various municipalities not directly participating on the MetroPlan Orlando Board.

It shall be the function of the Committee to:

- A. Advise the MetroPlan Orlando Board as to the opinion of municipalities in formulating goals and objectives for shaping the urban environment.

- B. Conduct public information programs through open public meetings.
- C. Provide an effective review of the preliminary findings and recommendations of all transportation studies, reports, plans and/or programs and making recommendations to the MetroPlan Orlando Board.
- D. Participate in the development and review of the Orlando Urban Area Long Range Transportation Plan.
- E. Assist in other functions as deemed desirable by the MetroPlan Orlando Board.

Section 4. Membership, Appointments, Terms of Office, Vacancies

A. Committee Membership

1. Membership of the Committee shall be comprised of representatives from municipalities not participating directly on the MetroPlan Orlando Board.
2. All members shall be the Mayor or municipality's appointee. Every effort should be made for the Mayor or a member of the City Commission or Council to represent the membership on the Committee. However, where this is not feasible, a senior staff may be designated to serve. In addition, Mayors should consider the personal qualifications of the individuals relative to transportation. In all cases, an official correspondence should communicate the Mayor's desire to serve or appoint a designee. An alternate may also be designated to serve in the absence of the Mayor or designee.
3. Each year, in December, municipalities will be asked to reaffirm their intent to continue participating as a member of the Municipal Advisory Committee in writing. Those wishing to opt in or opt out may do so without penalty. Subsequently, an annual funding agreement, effective July 1, 20XX-June 30, 20XX must be executed to reaffirm or separate. A representative of the Florida Department of

Transportation, Central Florida Regional Transportation Authority (Lynx), and the Florida Turnpike Enterprise may also serve as non-voting advisors to the Committee.

4. Committee meetings shall be properly noticed in accordance with applicable Florida Government in the Sunshine laws. At the discretion of the Chairperson of the Committee, committee meetings may be held at various locations throughout the region to encourage public involvement.

B. Appointments, Terms of Office

1. Members shall assume the responsibilities of their appointment as of the next Committee meeting.
2. The term of office for a Committee member in good standing will be for a period of four (4) years or until election, or the appointment of a successor.

C. Vacancies in Membership

It is anticipated that membership on the Committee may change due to elections, resignation, and personal time demands upon representatives. The Committee should maintain its continuing nature, however, by endeavoring to fill vacancies within two (2) meetings after a vacancy occurs.

Section 5. Officers, Terms of Office, Removal from Office

- A. After the initial establishment of the Municipal Advisory Committee, the regular June monthly meeting shall be known as the Annual Meeting of the Committee, and shall be for the purpose of electing new officers and conducting such other business as may come before the members. The Municipal Advisory Committee shall elect from its membership the following officers (each of which must be an elected official):

1. Chairperson
2. Vice-Chairperson

~~3. Second Vice-Chairperson~~

- B. Each member so elected shall serve a ~~one (1)~~two (2) year term. An officer, or slate of officers, may be re-elected to serve an additional term, or until a successor is elected. Following which, said member(s) shall not be eligible again until two (2) consecutive years have elapsed.
- C. The Chairperson shall preside at all meetings of the Municipal Advisory Committee and perform all duties as may be prescribed by the Municipal Advisory Committee.
- D. The Chairperson shall represent the Municipal Advisory Committee as a voting member on the MetroPlan Orlando Board. The Chairperson's vote should reflect the position taken by the Committee on action items coming before the MetroPlan Orlando Board.
- E. The Vice-Chairperson shall assume the duties and responsibilities of the Chairperson in his or her absence and shall serve as the alternate to the Chairperson on the MetroPlan Orlando Board with all voting rights and privileges when serving in the absence of the Chairperson. Should both Chairperson and Vice-Chairperson be absent, the ~~Second Vice-~~Immediate-past Chairperson shall assume the duties and responsibilities and may be asked to attend MetroPlan Orlando Board meetings in the absence of the Chairperson.
- F. A representative may attend a meeting in the absence of an officer, however that representative shall not perform the duties of the officer such as preside over a meeting.
- G. An officer who is absent from three (3) consecutive meetings in a calendar year may be subject to removal from office. Additionally, an officer who appoints a representative to attend in his or her absence for three (3) consecutive meetings in a calendar year may be asked to appoint a designated member consistent with Section 4.A.2.
- H. Every other year~~Annually~~, in the month of May, the Chairperson shall appoint a Nominating Committee whose responsibility is to recommend a slate of officers for election at the June meeting. Nominations may also be accepted from the floor.

- I. Newly elected officers shall be declared installed following their election, and shall assume the duties of office at the first regularly scheduled meeting following July 1st.

Section 6. Rules of Procedure

- A. An annual meeting schedule will be adopted in November/December for the following year. The Chairperson of the Committee may waive a monthly meeting, however two consecutive meetings may not be waived. Business to have been conducted at the waived meeting shall be considered at the next successive monthly meeting. When necessary, the Chairperson may call special meetings to deal with immediate issues.
- B. Committee members or their appointees must be present to cast a vote. Actions taken by the Committee will require a majority of the votes of those members who are present. Business shall be transacted only at regular or called meetings and shall be duly recorded in the minutes thereof. The minutes of the Committee's proceedings and official actions shall be public record.
- C. Voting shall be by voice, but a member may have an individual vote recorded in the minutes if said member so desires. A roll call vote shall be held upon request. The most current edition of "Robert's Rules of Order" shall govern all questions or procedures unless ~~superceded~~superseded by law.

Section 7. General Policy

- A. The Committee shall maintain a broad perspective covering the range of all modes of transportation and associated facilities (including, but not limited to, roadways, bicycle and pedestrian facilities, safety, and transit) in all recommended planning work programs, so that proper study and evaluation of transportation needs shall result in a multi-modal transportation system plan, balanced with respect to area-wide needs and properly related to area-wide comprehensive plan goals and objectives.

Section 8. Subcommittees

- A. Ad hoc subcommittees or Task Forces may be designated, as needed, to investigate and report on specific subject areas of interest to the Committee.

Section 9. Bylaws Review and Amendment

- A. A subcommittee shall review these Bylaws at least every other year on odd numbered years or as may be deemed necessary. These Bylaws can be amended at any regular meeting of the MAC by voting members or appointed alternates (provided there is a quorum) if the proposed amendment has been submitted in writing to the MAC members with the proper notification of the meeting.

Established: September 6, 2001

Reviewed: 11/1//06; 05/17/06; 05/27/08; 06/04/09; 05/24/13; 01/08/2015; 07/07/2016

Updated: 03/25/02; 06/24/04; 05/05/05, 06/05/08; 08/06/09; 06/06/13; 01/08/2015; 09/08/2016

TAB 8





**FIRST AMENDED AND RESTATED
INTERLOCAL AGREEMENT
CREATING THE CENTRAL FLORIDA MPO ALLIANCE**

This Interlocal Agreement ("Agreement") is made and entered into this ____ day of _____, 2016, by and between the Orlando Urban Area Metropolitan Planning Organization d/b/a MetroPlan Orlando, the River to Sea TPO, the Space Coast TPO, the Ocala/Marion County TPO, the Lake-Sumter MPO, and the Polk TPO.

RECITALS

WHEREAS, Central Florida MPO Alliance Resolution No. 2001-01 was adopted by MetroPlan Orlando, the River to Sea TPO, the Space Coast TPO, and the Lake County Board of County Commissioners (hereinafter referred to as Lake-Sumter MPO) to create and operate the Central Florida MPO Alliance;

WHEREAS, the service areas for MetroPlan Orlando, the River to Sea TPO, the Space Coast TPO, the Ocala/Marion County TPO, the Lake-Sumter MPO and the Polk TPO are as described in each respective organization's Interlocal Agreements.

WHEREAS, Resolution No. 2003-01 was adopted by the Central Florida MPO Alliance adding the Polk Transportation Planning Organization (TPO) to its membership;

WHEREAS, Resolution No. 2004-01 was adopted by the Central Florida MPO Alliance adding the Ocala/Marion County Transportation Planning Organization (TPO) to its membership;

WHEREAS, the 2005 Florida Legislature enacted Chapter 2005-290, Laws of Florida, relating to infrastructure planning and funding (the "Act");

WHEREAS, the Act provides that regional transportation plans may be developed in regional transportation areas in accordance with an Interlocal Agreement entered into pursuant to Section 163.01, Florida Statutes, by two or more contiguous Metropolitan Planning Organizations;

WHEREAS, the parties hereto established the Central Florida MPO Alliance through the Interlocal Agreement dated October 19, 2005;

WHEREAS, the Interlocal Agreement dated October 19, 2005 was amended by Resolution of each member of the Central Florida MPO Alliance in February 2007;

WHEREAS, the Interlocal Agreement dated October 19, 2005 was further amended by Resolution of each member of the Central Florida MPO Alliance in February/March 2012;

WHEREAS, the parties hereto desire to continue the Central Florida MPO Alliance through this First Amended and Restated Interlocal Agreement in order to continue the region's collaborative transportation planning process, to comply with the applicable provisions of Chapter 2005-290, Laws of Florida, with regard to development of a regional transportation plan, and to access funds that are available to encourage regional transportation planning efforts; and

WHEREAS, Section 339.2819, Florida Statutes, creates within the Florida Department of Transportation a Transportation Regional Incentive Program (TRIP) that provides funds to improve regionally significant transportation facilities in regional transportation areas created pursuant to Section 339.155(5), Florida Statutes.

NOW, THEREFORE, in consideration of the mutual covenants, promises, and representations herein, the parties desire to be legally bound and do agree as follows:

1. The Central Florida MPO Alliance (the "Alliance") is hereby formed to:
 - a. Maintain and update a regional transportation plan;
 - b. Pursue funding opportunities to advance regionally significant facilities and services which may include the establishment of regional transportation project priorities for the TRIP;
 - c. Serve as a forum for exchanging information between members, especially on projects of regional significance;
 - d. Coordinate regional transportation planning and policy development with the Florida Department of Transportation;
 - e. Identify regional transportation opportunities;
 - f. Solve regional transportation issues; and
 - g. Establish legislative priorities that will assist in addressing the region's transportation needs.
2. Each of the six organizations comprising the Alliance shall appoint three (3) voting policy Board members to serve on the Alliance. Each of the six organizations may appoint up to three (3) alternate representative who are also policy Board members. Terms of voting and alternate members shall run from the time of appointment by the member policy Board until said members no longer serve on the member MPO Board, or until replaced by the member MPO Board.
3. The Alliance will meet quarterly. Quarterly meetings shall be held at MetroPlan Orlando located at 250 S. Orange Ave, Suite 200, Orlando, FL 32801 or a location designated and approved by the Chairperson of the Alliance. Annually, at least one meeting may be held off-site, at a mutually agreed

upon location, for the purpose of holding a joint meeting with the West Central Florida Chairs Coordinating Committee/TBARTA MPOs Chairs Coordinating Committee.

4. At the last meeting in each calendar year, members of the Alliance shall select one of its members as a Chairperson, another member as Vice-Chairperson, and a third member as Secretary. The three officers shall serve a term of one year or until their successors are selected. In the event an officer is unable to complete the term of his or her office, a successor, from the same jurisdiction, shall be elected to complete the term or the Alliance may also choose the office remain vacant until the time of the next annual elections.

By mutual agreement of the Alliance members, MetroPlan Orlando staff will provide primary administrative support to the Alliance from existing staff. MetroPlan Orlando staff shall be responsible for preparing minutes, placement of advertisements and meeting notices, working with the member Directors to prepare an agenda, preparing and distributing agenda packages to all Alliance members and other interested parties, and providing orientation briefings to incoming Alliance members along with their respective members' staff. Also by mutual agreement, each member shall provide an annual contribution in the amount of five thousand dollars (\$5,000) to MetroPlan Orlando for the purpose of covering expenses included, but not limited to, support staff as noted above, off-site meeting expenses, meeting advertising costs, copying and printing costs, technology costs, cost of postage and/or delivery service, and other publications/reports as approved by the Alliance such as a compilation of member organizations' Long Range Transportation Plans and Prioritized Project Lists into a regional document and compilation and publication of a Regional Indicators report. Other small scale studies may be approved by the Alliance based on funding availability.

5. The Alliance shall utilize the Scott, Foresman *Robert's Rules of Order* Newly Revised (9th ed. 1990), as the official rules of procedure.

6. Quorum. The Alliance shall consist of eighteen (18) members. The presence of ten (10) members at a meeting shall constitute a quorum. Every effort should be made to have at least one representative present from each member organization, however in the event this is unattainable, the Executive Director may act on behalf of their respective organization. No action shall be taken by the Alliance except upon a majority vote of those present and voting. Because the Alliance operates on the basis of consensus, no substantive action shall be adopted by the Alliance on any issue if the majority of the members of any delegation (i.e. MetroPlan Orlando, the River to Sea TPO, the Space Coast TPO, the Lake-Sumter MPO, the Polk TPO, or the Ocala/Marion County TPO) present and voting shall oppose the proposed action.

7. Technical and additional administrative support for the Alliance will be provided by existing staff from the members' respective organizations. All meetings of the Alliance shall be advertised at least three (3) days prior to said meeting by posting a notice at the office of each of the six (6) member organizations comprising the Alliance, setting forth the time, place, and date of said meeting and an agenda of said meeting, to include a notice published on the website of each organization. Further, a notice including the time, place, and date of the meeting shall be advertised in a newspaper of general circulation, as defined by Chapter 50, Florida Statutes, within Central Florida and the Florida Administrative Weekly. Minutes shall be taken at all Alliance meetings, and shall be consistent with the Government-in-the-Sunshine Act, Section 286.011, Florida Statutes. All meetings and other public records shall be maintained at the offices of MetroPlan Orlando, with a true and correct copy provided to each member organization.

8. The organizations comprising the Alliance will maintain control of their respective funding and programming responsibilities, although opportunities may be identified for cooperative ventures such as through the Transportation Regional Incentive Program (TRIP) or other discretionary programs that may be established at the federal or state level.

9. The Alliance is a regional collaborative and has no regulatory power. The Alliance shall take no position, or advocate any position, on any substantive matter, except for the substantive positions advocated by Alliance member organizations. The primary purposes of the Alliance shall be to maintain and update a regional transportation plan, pursue funding opportunities to advance regionally significant facilities and services, act as a clearinghouse with regard to regional transportation issues, and serve as a cooperative forum for member organization fact-finding and advocacy of positions espoused by its member organizations.

10. The Alliance shall compare and review, at least every five (5) years, each member organization's adopted Long Range Transportation Plan for the purpose of identifying any potential planning area conflicts and/or opportunities for further regional coordination to advance projects of mutual interest. For the purposes of this review, the regional transportation area shall be all of Orange County, Seminole County, Osceola County, Volusia County, Brevard County, Lake County, Sumter County, Polk County, and Marion County. Additionally, Beverly Beach, Flagler Beach and portions of the cities of Palm Coast and Bunnell, as well as portions of unincorporated Flagler County are also included pursuant to the designated metropolitan planning area of the River to Sea TPO. This effort will be a collaborative effort involving all members of the Alliance with MetroPlan Orlando serving as the lead agency.

11. Disagreements regarding interpretation of this Agreement or disputes relating to the development or content of the regional transportation plan shall be resolved by alternate dispute resolution, either through mediation or binding arbitration, as provided in Chapter 44 and Chapter 682, Florida Statutes.

12. Amendments or modifications to this Agreement may only be made by written agreement signed by all parties hereto, with the same formalities as the original agreement.

13. This Agreement shall remain in effect until terminated by the parties to this Agreement, or as otherwise provided by law. Any party may withdraw from this Agreement after presenting in written form to the other parties of this Agreement a notice of intent to withdraw, at least ninety (90) days prior to the intended date of withdrawal. The withdrawing party and the remaining parties shall execute a memorandum reflecting the legal withdrawal of the party and the alteration of the list of parties that are signatories to this Agreement.

14. Notices. All notices, demands, and correspondence required or provided for under this Agreement shall be in writing and delivered in person or dispatched by certified mail, postage prepaid, return receipt requested. Notice required to be given shall be addressed to each respective MPO as follows:

MetroPlan Orlando: Mr. Harold W. Barley, Executive Director 250 S. Orange Avenue, Suite 200 Orlando, FL 32801	Space Coast TPO: Mr. Bob Kamm, Executive Director 2725 Judge Fran Jamieson Way Bldg. B, MS 82 Viera, FL 32940
Lake-Sumter MPO: Mr. T J Fish, Director 1616 South 14 th Street Leesburg, FL 34748	Polk TPO: Mr. Tom Deardorff, Director Drawer TS-05 P.O. Box 9005 Bartow, FL 33831-9005
River to Sea TPO: Lois Bollenback, Executive Director 2570 W. International Speedway Blvd Suite 100 Daytona Beach, FL 32114	Ocala/Marion County TPO: Mr. Greg Slay, Executive Director 121 SE Watula Avenue Ocala, FL 34471

15. Interpretation.

a. Drafters of Agreement. The parties hereto were each represented by or afforded the opportunity for representation by legal counsel and participated in the drafting of this Agreement and in choice of wording. Consequently, no provision hereof should be more strongly construed against any party as drafter of this Agreement.

b. Severability. Invalidation of any one of the provisions of this Agreement or any part, clause, or word hereof, or the application thereof in specific circumstances, by judgment, court order, or administrative hearing or order shall not affect any other provisions or applications in other circumstances, all of which shall remain in full force and effect, provided that such remainder would then continue to conform to the terms and requirements of applicable law.

16. Enforcement by Parties Hereto. In the event of any judicial or administrative action to enforce or interpret this Agreement by any party hereto, each party shall bear its own attorney's fees in connection with such proceeding.

17. Agreement Execution; Use of Counterpart Signature Pages. This Agreement, and any amendments hereto, may be simultaneously executed in several counterparts, each of which is executed shall be deemed to be an original, and such counterparts together shall constitute one and the same instrument.

18. Effective Date; Cost of Recordation. This Agreement shall become effective upon its filing in the Office of the Clerk of the Circuit Court of each county in which a party thereto is located. Any amendment hereto shall become effective only upon its filing in the Office of the Clerk of the Circuit Court for each county in which a party hereto is located. The cost of recording shall be at the expense of each party.

IN WITNESS WHEREOF, the undersigned parties have executed this Interlocal Agreement on behalf of the referenced entities.

Signed, sealed, and delivered in the presence of:

METROPLAN ORLANDO:

BY: _____

TITLE: _____

ATTEST: _____

TITLE: _____

SPACE COAST TPO:

BY: _____

TITLE: _____

ATTEST: _____

TITLE: _____

LAKE-SUMTER MPO:

BY: _____

TITLE: _____

ATTEST: _____

TITLE: _____

POLK TPO:

BY: _____

TITLE: _____

ATTEST: _____

TITLE: _____

RIVER TO SEA TPO:

BY: _____

TITLE: _____

ATTEST: _____

TITLE: _____

OCALA/MARION COUNTY TPO:

BY: _____

TITLE: _____

ATTEST: _____

TITLE: _____

TAB 9





RESOLUTION NO. 16-13

SUBJECT:

**Declaring October 10, 2016 as “Put the Brakes on Fatalities Day®”
in the Orlando Metropolitan Area**

Whereas, October 10, 2016, is the Sixteenth Annual Put the Brakes on Fatalities Day® and

Whereas, traffic crashes across America caused 32,479 fatalities in 2011; 33,782 fatalities in 2012; 37,719 people in 2013; 32,675 in 2014; and killed 38,300 in 2015; and

Whereas, traffic crashes throughout Florida caused 2,673 fatalities in 2011; 2,661 fatalities in 2012; 2,810 fatalities in 2013; 2,768 fatalities in 2014; and killed 2,859 people in 2015; and through July 21, 2016 we have lost 1,514 lives due to traffic crashes; and

Whereas, traffic crashes here in the MetroPlan Orlando planning area caused 245 deaths in 2011; 224 in 2012; 260 in 2013; 257 in 2014; 232 in 2015; and through July 21, 2016 we have lost 135 lives due to traffic crashes; and

Whereas, MetroPlan Orlando recognizes the importance of integrating Safety Conscious Planning into the metropolitan transportation planning process; and

Whereas, a solvable distraction is unrestrained/unsafely restrained children; and

Whereas, spinal cord damage, internal bleeding and death are more likely in auto accidents involving young children if parents do not use a booster seat; and

Whereas, a young child is four times as likely to experience an injury to the head and neck and three times as likely to experience an abdominal injury when restrained with a seat belt vs. a booster seat; and

Whereas, a booster seat gives the child a much greater chance of surviving a crash injury-free; and

Whereas, Florida's children deserve to be protected; and

NOW, THEREFORE, BE IT RESOLVED by the MetroPlan Orlando Board that October 10, 2016 is designated as



“PUT THE BRAKES ON FATALITIES DAY®”

Passed and duly adopted at a regular meeting of the MetroPlan Orlando Board on the 14th day of September, 2016.

CERTIFICATE

The undersigned duly qualified serving in the role as Chairman of the MetroPlan Orlando Board certifies that the foregoing is a true and correct copy of a Resolution adopted at a legally convened meeting of the MetroPlan Orlando Board.

Commissioner Scott Boyd,
Chairman

Attest:

Lena E. Tolliver,
Senior Board Services Coordinator

TAB 10





RESOLUTION NO. 16-14

SUBJECT:

**Declaring October 15, 2016 as “Blind Americans Equality Day”
in the Orlando Metropolitan Area**

Whereas, in 1964, Congress passed a resolution allowing former President Lyndon Johnson to proclaim October 15 to be “White Cane Safety Day”; and

Whereas, it is important that all residents in the Orlando Metropolitan Area that are blind or visually impaired have the opportunity to live active, independent lives; and

Whereas, approximately 32,000 residents in Central Florida are blind or visually impaired; and

Whereas, for Floridians who are blind or visually impaired, the white cane is an important tool for self-reliance and full participation and inclusion in our society; and

Whereas, the use of white canes, dog guides, and public and private transportation programs has ensured Floridians who are blind or visually impaired can travel efficiently and safely, breaking down barriers to success and independence; and

Whereas, in 2011 “White Cane Safety Day” was named “Blind Americans Equality Day” by President Barack Obama; and

Whereas, President Obama called upon public officials, business and community leaders, educators, librarians, and Americans across the country to observe this day with appropriate ceremonies, activities, and programs; and

Whereas, we recommit to forging ahead with the work of perfecting our Union and ensuring we remain a Nation where all our people, including those living with disabilities, have every opportunity to achieve their dreams.

NOW, THEREFORE, BE IT RESOLVED by the MetroPlan Orlando Board that October 15, 2016 is designated as

“Blind Americans Equality Day”

Passed and duly adopted at a regular meeting of the MetroPlan Orlando Board on the 14th day of September, 2016.

CERTIFICATE

The undersigned duly qualified serving as Chairman of the MetroPlan Orlando Board certifies that the foregoing is a true and correct copy of a Resolution adopted at a legally convened meeting of the MetroPlan Orlando Board.

Honorable Scott Boyd, Chairman

Attest:

Lena E. Tolliver,
Senior Board Services Coordinator
and Recording Secretary

TAB 11





RESOLUTION NO. 16-12

SUBJECT:

**RATIFICATION OF ADMINISTRATIVE AMENDMENT TO THE
FY 2015/16-2019/20 & FY 2016/17-2020/21
TRANSPORTATION IMPROVEMENT PROGRAM**

WHEREAS, the Orlando Urbanized Area Metropolitan Planning Organization (MPO), d.b.a. MetroPlan Orlando, is the duly designated and constituted body responsible for carrying out the urban transportation planning and programming process for the Orlando Urbanized Area, including the Transportation Improvement Program; and

WHEREAS, the Florida Department of Transportation (FDOT) is requesting to amend the FY 2015/16-2019/20 and FY 2016/17-2020/21 Transportation Improvement Program (TIP) in accordance with the MetroPlan Orlando Internal Operating Procedures; and

WHEREAS, approval of this administrative TIP amendment by the MetroPlan Orlando Board Chairman was required prior to the September 14, 2016 Board meeting in order for the requested funding for the amended project to be allocated in a timely manner; and

WHEREAS, in the case of an administrative TIP amendment that must be approved prior to the next MetroPlan Orlando Board meeting in order for the amended project to receive funding, the MetroPlan Orlando Board Chairman is authorized to approve the amendment and sign the corresponding letter from FDOT on behalf of the Board without having to call an emergency meeting of the Board; and

WHEREAS, the requested amendment is described as follows:

Seminole County

- **FM #4326421 - SR 434 at Winding Hollow Blvd. - Add Turn Lanes - Funding consists of \$419,273 in SU funds for construction in FY 2019/20;**
- **FM #4326423 - SR 434 at Winding Hollow Blvd. - Add Turn Lanes - Funding consists of \$341,000 in SU funds for ROW in FY 2016/17 and \$21,000 in SU funds for ROW in FY 2017/18; and**

WHEREAS, the requested amendment described above is consistent with MetroPlan Orlando's project priorities and currently adopted Long Range Transportation Plan.

NOW, THEREFORE, BE IT RESOLVED that the administrative amendment to the FY 2015/16-2019/20 and FY 2016/17-2020/21 TIP requested by FDOT was approved by the MetroPlan Orlando Board Chairman, acting on behalf of the MetroPlan Orlando Board, on July 13, 2016 as reflected on the exhibit that accompanies this Resolution; and

BE IT FURTHER RESOLVED that the aforementioned amendment shall be ratified by the full MetroPlan Orlando Board on September 14, 2016.

Passed and duly adopted at a regular meeting of the MetroPlan Orlando Board on the 14th day of September, 2016.

Certificate

The undersigned duly qualified as Chairman of the MetroPlan Orlando Board certifies that the foregoing is a true and correct copy of a Resolution adopted at a legally convened meeting of the MetroPlan Orlando Board.

Honorable Scott Boyd, Chairman

Attest:

Lena E. Tolliver, Sr. Board Services Coordinator
and Recording Secretary



Florida Department of Transportation

**RICK SCOTT
GOVERNOR**

719 S. Woodland Boulevard
DeLand, Florida 32720-6834

**JIM BOXOLD
SECRETARY**

July 12, 2016

Mr. Scott Boyd
Chairman
MetroPlan Orlando
250 South Orange Ave.
Suite 200
Orlando, Florida 32801

RE: Administrative Amendment to the MetroPlan Orlando Metropolitan Planning Organization (MPO)'s Transportation Improvement Program (TIP)

Dear Mr. Boyd:

The purpose of this letter is to request that you approve an administrative amendment to the adopted MetroPlan Orlando Metropolitan Planning Organization (MPO)'s Transportation Improvement Programs (TIP) for FY 2015/16 through 2019/20 and 2016/17 through 2020/21 TIP to reconcile differences between the TIP and the Department's Adopted Five Year Work Program. As you are aware, the FY 2016/17 through 2020/21 TIP will not become recognized as effective for federal purposes until October 1, 2016. Until then, the FY 2015/16 through 2019/20 TIP will be used by FHWA and FTA for authorization of funds. The differences between the two documents need to be reconciled so that your current TIP includes the most accurate and up-to-date information.

This request follows the process outlined in Federal Aid Technical Bulletin 04-01, dated June 10, 2004. All of the project information contained in this request is exactly as it will appear in the FY 2016/17 through 2020/21 TIP that will be approved by your Board on September 14, 2016. Your approval of this request will eliminate the differences between the two documents for federally funded projects that could require federal authorization before October 1, 2016, as well as confirm their consistency with the MetroPlan Orlando Metropolitan Planning Organization (MPO)'s current Long Range Transportation Plan (LRTP). This process will not replace the usual committee review and Board approval that is followed for regular TIP amendments that are required at other times of the year. This action will simply reconcile the documents for the period between the beginning of the State and Federal fiscal years.

The projects submitted for your approval include:


FPN	Project Name	Description	Fund	Phase	FY	Amount
432642-3	SR 434 at Winding Hollow Blvd.	Add Turn Lanes	SU	ROW	2017	\$341,000.00
432642-3	SR 434 at Winding Hollow Blvd.	Add Turn Lanes	SU	ROW	2018	\$21,000.00
432642-1	SR 434 at Winding Hollow Blvd.	Add Turn Lanes	SU	CST	2020	419,273.00

Please acknowledge your approval of this administrative amendment to your current TIP by signing this letter and returning it to this office for further processing. The Department appreciates your expeditious handling of this request. If you have any questions, please feel free to contact me at (386) 943-5791.


MetroPlan Orlando MPO, Chairman

7-13-16
Date

Sincerely,


Jamil Gutierrez
FDOT, MPO Liaison

cc: Harry Barley, MetroPlan Orlando MPO
David Cooke, FDOT
Diana Fields, FDOT, MS 28
Sean Santalla, FDOT, MS 28
Lee Ann Jacobs, FHWA, MS 29

TAB 12





metropolitan orlando

A REGIONAL TRANSPORTATION PARTNERSHIP

DRAFT

Orlando Urban Area FY 2021/22 – 2039/40 Prioritized Project List

To be presented for approval to the
MetroPlan Orlando Board on September 14, 2016

August 2016

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FY 2021/22-2039/40 Prioritized Project List Executive Summary

Introduction

Each year, MetroPlan Orlando prepares a Transportation Improvement Program (TIP), which contains the highway, bicycle/pedestrian, transit, aviation and other transportation-related projects in the MetroPlan Orlando region (Orange, Osceola and Seminole Counties) that are programmed for funding over the next five years. This process begins in the summer of the previous year with the development of a Prioritized Project List (PPL). This document contains a list of unfunded highway, Transportation Systems Management and Operations, bicycle and pedestrian and transit projects that have been prioritized for funding and are described in more detail in the following section. This list of projects is scheduled to cover the period that follows the final fiscal year of the FY 2016/17-2020/21 TIP through the target year of MetroPlan Orlando's currently adopted Long Range Transportation Plan. Therefore, this PPL covers the FY 2021/22 through FY 2039/40 time period.

After this document is approved by the MetroPlan Orlando Board, it will be submitted to the Florida Department of Transportation (FDOT). FDOT will use the PPL to select projects for funding in their FY 2017/18-2021/22 Tentative Five Year Work Program based on the projects' priorities in the PPL. This Five Year Work Program will then be used by the MetroPlan Orlando staff in preparing the 2017/18-2021/22 TIP in the spring of 2017. The process will begin again in the summer of 2017 with the development of the FY 2022/23-2039/40 PPL. Once a project in the PPL has been fully funded through construction in the TIP, it is taken off the list. The projects remaining on the PPL can then be advanced to a higher priority, and new projects can eventually be added to the list. In addition, the ranking of a project on the PPL can be advanced more quickly if additional funds from local governments or other sources are applied to that project.

Project Categories

The categories of projects in the PPL are described as follows:

Highway Projects

In preparing the highway section of the FY 2021/22-2039/40 PPL, the MetroPlan Orlando Board and its subsidiary committees developed two separate lists of unfunded major highway projects that have been prioritized for funding based on their potential to help relieve traffic congestion in the area. These projects are considered to be cost feasible in MetroPlan Orlando's 2040 Long Range Transportation Plan (LRTP).

The first list, on page 9, includes major capacity improvements to I-4 that involve adding four managed toll lanes along with six general use lanes in the I-4 corridor. The second list includes the Surface Transportation Program (STP) projects, which are improvements to major arterials within the urban area, primarily on the state road system (pages 10-13). These projects include traditional road widening projects as well as non-capacity multimodal Context Sensitive projects that utilize a combination of bicycle & pedestrian, transit and intersection improvements to improve traffic flow on constrained roadways without adding lanes.

Transportation Systems Management & Operations Projects

A list of Transportation Systems Management & Operations (TSMO) projects is also included in the PPL on pages 14-16. These are relatively low-cost projects that alleviate traffic congestion on existing roadways without adding capacity and utilize such methods as adding turn lanes at intersections, computerized traffic signal systems, dynamic message signs, etc. The TSMO category includes projects pertaining to incident management, Transportation Demand Management, and other related activities.

Bicycle & Pedestrian Projects

The list of bicycle and pedestrian projects in the PPL is shown on pages 17-21. These include local and regional trail projects that can be used by cyclists and pedestrians for recreational and/or commuting purposes, on-street bicycle lanes, sidewalk improvements, particularly for safety purposes around elementary schools, and other projects that will improve overall bicycle and pedestrian mobility.

Transit Projects

The list of transit projects shown in the PPL on pages 22-24 includes what are known as “premium transit” projects. These projects are defined by the Federal Transit Administration as “transit modes that provide higher comfort, capacity, speed and frequency than typical local bus operations or create a positive perception to users.” Projects meeting this definition include commuter rail, light rail, bus rapid transit (BRT), streetcars, etc. The PPL transit section also includes ongoing federal formula transit projects pertaining to the fixed-route bus service operated by LYNX, the local transit provider. Fixed-route bus service is not considered to be premium transit.

MetroPlan Orlando has adopted a policy of using up to 30% of its state DDR funds for the operation of premium transit projects beginning in FY 2020/21. In order to qualify for the DDR funds, the projects must be identified as cost feasible in the 2040 L RTP, and must have gone through either an Alternatives Analysis or similar analysis to evaluate measures of effectiveness, costs and benefits with study results being incorporated in the L RTP. The transit projects in the PPL are divided into four categories and ranked separately based on the types of the projects and the status of the planning/feasibility studies for the projects. The four transit project categories include:

Category A: Projects identified as premium transit in the 2040 L RTP with adopted transit planning/feasibility studies; eligible for DDR operating funds

Category B: Projects requiring planning/feasibility studies; premium transit status and eligibility for DDR operating funds to be determined

Category C: Enhancements to LYNX's fixed route bus system; not premium transit and not eligible for DDR operating funds

Category D: Unranked ongoing federal formula transit projects; not premium transit and not eligible for DDR operating funds

TRIP Projects

A list of candidate projects for Transportation Regional Incentive Program (TRIP) funds is included in the PPL on pages 25-26. TRIP funds are state funds provided for the purpose of improving growth management planning and increasing available funding for regionally significant transportation facilities in regional transportation areas. Under this program, FDOT will provide up to 50% of the total cost of selected regional transportation projects, with the balance coming from local match funds. (*Some projects on the TRIP list are also on the STP list, and these projects are highlighted on both lists.*) The TRIP projects in the PPL include highway and transit projects.

Prioritization Methodology

The process of prioritizing the highway, bicycle and pedestrian, transit and TRIP projects in the PPL is the responsibility of MetroPlan Orlando's Technical Advisory Committee (TAC). TSMO projects are prioritized by the TSMO Advisory Committee. These committees rank the projects based on such factors as the need for the projects in relieving traffic congestion and/or improving safety, the readiness of the projects for implementation, the cost and availability of funding for the projects, and the balance of funding equity among the three counties.

Once the draft PPL has been compiled, it is reviewed by the TAC and TSMO Advisory Committees as well as by the Community Advisory Committee (CAC) and the Municipal Advisory Committee (MAC). The PPL is then reviewed by the Regional Leadership Council (RLC), comprised of the officers of the four advisory committees and the MetroPlan Orlando Board, which makes its recommendation to the MetroPlan Orlando Board, and the Board gives final approval to the PPL before it is submitted to FDOT.

MetroPlan Orlando has created an online Project Application Tool (PAT) for TAC and TSMO representatives to use to streamline the information-gathering process for new projects being submitted for inclusion in the PPL. Once representatives complete the online application, the PAT creates a Priority Projects Programming Process (4P) application that can be submitted to FDOT. This is helpful in moving projects forward, since a PPL project must have the 4P application submitted to FDOT by the sponsoring jurisdiction in order for the project to be eligible for programming in FDOT's Five Year Work Program and the TIP once funding becomes available.

The PAT also compiles data inputs for each project and produces reports that can be used by TAC and TSMO representatives and by MetroPlan Orlando staff to review and evaluate projects as part of the prioritization process. These data inputs pertain to such factors as:

- Current and future volume/capacity ratios
- Annual average daily traffic (AADT) and truck volume
- Crash data (rate, intensity, density)
- Land use context (population and employment concentrations)
- Planning consistency (LRTP, comprehensive plans, etc.)
- Environmental sensitivity (wetlands and natural lands)
- Environmental justice (neighborhood demographics)
- Local funding contribution

It should be emphasized that the PAT does not automatically prioritize the projects in the PPL or dictate outcomes to decision makers on how projects should be ranked. As previously described, decisions on project prioritization are initially recommended by the TAC and TSMO committees, with input from the CAC, MAC and RLC, and are ultimately approved by the MetroPlan Orlando Board.

Estimated Funding Allocations

There are four categories of funds that the projects in the PPL are candidates for. The main funding category is the federal Surface Transportation Program funds, which are shown by the funding code SU. The SU funds are flexible and can be used for various types of surface transportation projects, including the highway, TSMO, bicycle and pedestrian and transit projects in the PPL.

Due to this flexibility, MetroPlan Orlando has a policy in place to divide the SU funds into percentages for these different types of projects. The policy for the SU funds in the FY 2021/22-2039/40 PPL is that these funds be allocated based on a percentage split of 32% for highway projects, 30% for transit projects, 21% for TSMO projects and 17% for bicycle and pedestrian projects. This percentage split is reevaluated each year.

The other three categories of funds include District Dedicated Revenue (DDR) funds, National Highway System (NHS) funds and Transportation Regional Incentive Program (TRIP) funds. DDR funds are state funds, of which up to 30% can be used for the operation of premium transit projects as described on page 3. The remaining DDR funds are combined with the SU funds for the highway projects in the PPL in order to advance these projects more quickly.

The NHS funds are federal funds primarily used for projects on the interstate highway system, so the I-4 projects in the PPL are candidates for these funds. As mentioned previously, the TRIP funds are state funds that are described in more detail on page 4.

The funding allocations shown in the PPL are only for the first fiscal year of the document. Thus, the estimated SU, DDR, NHS and TRIP funding allocations shown below are for FY 2021/22. *(These FY 2021/22 allocations were estimated by averaging the amounts of funding in these categories that were programmed during the previous five fiscal years. The actual allocations will vary from year to year.)*

The SU funding percentage split, the funding allocations, and the prioritization methodology described above, will be subject to revision in developing future Prioritized Project Lists.

FY 2021/22 Funding Allocation Estimates

- Surface Transportation Program (SU) funds = Approx. \$27.3 million (Annual average of SU funds programmed from FY 2016/17 through 2020/21)
 - 32% of \$27.3 million for Highway Projects = \$8.7 million
 - 30% of \$27.3 million for Transit Projects = \$8.2 million
 - 21% of \$27.3 million for TSMO Projects = \$5.7 million
 - 17% of \$27.3 million for Bicycle & Pedestrian (Enhancement) Projects = \$4.7 million
- District Dedicated Revenue (DDR) funds = Approx. \$71.7 million (Annual average of DDR highway funds programmed from FY 2016/17 through 2020/21) – up to 30% (\$21.5 million) to be used for the operation of premium transit projects beginning in FY 2020/21
- National Highway System (NHS) funds = Approx. \$111.1 million (Annual average of NHS funds programmed from FY 2016/17 through 2020/21)
- Transportation Regional Incentive Program (TRIP) funds = Approx. \$8.1 million (Annual average of TRIP funds programmed from FY 2016/17 through 2020/21)

Abbreviations and Acronyms

Funding Categories

DDR	District Dedicated Revenue funds (State)
FTA	Federal Transit Administration funds
NHS	National Highway System funds (Federal) - used on interstate highway projects
SU	Surface Transportation Program funds (Federal) - may be used on highway, transit, or enhancement (bicycle/pedestrian, beautification, etc.) projects in urban areas of greater than 200,000 population
TRIP	Transportation Regional Incentive Program funds (State) – used on regionally significant projects with a minimum of 50% in local matching funds required

Project Phases

CST	Construction
PD&E	Project Development and Environmental Study
PE	Preliminary Engineering (Design)
ROW	Right-of-Way Acquisition

DRAFT**MetroPlan Orlando****FY 2021/22-2039/40 Prioritized Project List****Highway Projects****National Highway System (NH) Funded Projects**

Priority Number/County	FDOT Financial Management Number	Project Name or Designation	From	To	Length (Miles)	Work Description	Latest Project Phase Funded	Project Phase(s) Remaining Unfunded	Estimated Remaining Cost (Present-Day)
1 Orange Co.	2424847	I-4	W of SR 528/Beachline Expy.	W of SR 435/Kirkman Rd.	3.90	Ultimate Configuration for General Use & Managed Lanes	Partial PE 2015/16	Remaining PE/ ROW/CST ①	\$324,270,000
2 Orange Co./ Osceola Co.	2424848 & 4314561	I-4	W of CR 532 (Polk/Osceola Line)	W of SR 528/Beachline Expy.	16.45	Ultimate Configuration for General Use & Managed Lanes	Partial PE 2015/16	Remaining PE/ ROW/CST	\$1,731,919,000
3 Seminole Co.	2425924	I-4	E of SR 434	Seminole/Volusia Co. Line	10.30	Ultimate Configuration for General Use & Managed Lanes	Partial PE 2015/16	Remaining PE/ ROW/CST	\$472,061,000
--② Volusia Co.	4084642	I-4	Seminole/Volusia Co. Line	SR 472 in Volusia Co.		Ultimate Configuration for General Use & Managed Lanes	PE 2015/16	ROW/CST	\$469,736,000
--② Polk Co.	2012103	I-4	W of US 27 in Polk Co.	W of CR 532 (Polk/Osceola Line)		Ultimate Configuration for General Use & Managed Lanes	PE 2015/16	ROW/CST	\$63,227,000

Note: The ranking of priorities and the project limits were changed from that of previous PPLs to reflect FDOT's current I-4 Beyond the Ultimate plan and schedule as well as the SIS priorities adopted in July 2015 by the Central Florida MPO Alliance and the MetroPlan Orlando Board.

① The I-4 Beyond the Ultimate project from west of SR 528 to west of Kirkman Road will be funded for construction from 2025 to 2027 based on FDOT's 10-year SIS plan, beyond the scope of the FY 2016/17-2020/21 Five Year Work Program/TIP.

② Although they are outside the MetroPlan Orlando region, the I-4 Beyond the Ultimate projects from the Seminole/Volusia Co. line to SR 472 in Volusia County and from west of US 27 to the Polk/Osceola County Line in Polk County are included in MetroPlan Orlando's PPL for information purposes in order to show the entire length of the I-4 Beyond the Ultimate improvements.

DRAFT**MetroPlan Orlando****FY 2021/22-2039/40 Prioritized Project List****Highway Projects****Surface Transportation Program (SU/DDR) Funds**

Priority Number/Jurisdiction	FDOT Financial Management Number	Project Name or Designation	From	To	Length (Miles)	Work Description	Latest Project Phase Funded	Project Phase(s) Remaining Unfunded	Estimated Remaining Cost (Present-Day)
1a Seminole Co. (TRIP #8)	---	SR 434	at CR 427			Improve Intersection/	Partial CST 2019/20	Remaining CST	\$10,000,000
1b Longwood (TRIP #8)	---	SR 434	Range Line Rd.	US 17/92	2.10	Multimodal/Context Sensitive Improvements ^①	Planning Study underway	PE/ROW/CST	\$14,000,000
2 Oviedo (TRIP #4)	4150303	SR 426/CR 419	Pine Ave.	Avenue B	1.40	Widen to 4 Lanes - Phase 2	Partial ROW 2015/16/ CST 2020/21	Remaining ROW	\$16,730,000
3 Orange Co.	2392037 2392038	CR 419	Avenue B	Bishop Dr.	1.20	Widen to 4 Lanes - Phase 3	PD&E completed	PE/ROW/CST	\$16,000,000
4 Orange Co.	---	SR 50	Avalon Park Blvd. Chuluota Rd.	Chuluota Rd. SR 520	2.15 3.11	Widen to 6 Lanes Widen to 6 Lanes	ROW 2015/16 PE 2014/15	CST ROW/CST	\$22,300,000
5 Orange Co.	---	SR 527/Orange Ave.	SR 482/Sand Lake Rd.	SR 15/Hoffner Ave.	1.80	Multimodal/Context Sensitive Improvements	Planning Study completed	PE/CST	\$1,275,000 (PE only) ^②
6 Winter Park	---	SR 434/Alafaya Tr.	SR 50	McCulloch Rd.	3.00	Multimodal/Context Sensitive Improvements	Planning Study completed	PE/CST	\$2,347,500 (PE only)
7 Seminole Co. (TRIP #16)	4084291	SR 15/600/US 17/92 &	Norfolk Ave.	Monroe St.	2.00	Construct medians/improve intersections	PD&E re-evaluation underway	PE/ROW/CST	\$16,000,000
8 Osceola Co./ Kissimmee	---	SR 434	SR 417	Mitchell Hammock Rd.	3.60	Widen to 4 Lanes	PE/Partial ROW 2020/21	Remaining ROW/ CST	to be determined
9 Orange Co./ Osceola Co.	4184033	John Young Pkwy.	Pleasant Hill Rd.	Portage St.	2.20	Widen to 6 Lanes & Flyover at Pleasant Hill Rd.	ROW 2019/20	CST	\$39,500,000
	4371741 4371751	SR 535 SR 535	US 192 SR 536/World Center Dr.	SR 536/World Center Dr. I-4	3.06 1.50	Widen to 6 Lanes Widen to 8 Lanes	PD&E 2019/20 PD&E 2019/20	PE/ROW/CST PE/ROW/CST	to be determined to be determined

^① Multimodal/Context Sensitive improvements are non-capacity projects designed to improve traffic flow on constrained roadways without adding lanes. These projects can include such improvements as bicycle & pedestrian facilities (bike lanes, wider sidewalks, etc.), transit improvements (bus rapid transit/BRT, designated transit lanes, bus bays and shelters, etc.) as well as minor intersection improvements, landscaping and drainage improvements that help improve traffic flow on existing roads without adding capacity.

^② Those projects that are candidates for state funds for only the PD&E and design phases have cost estimates available just for those phases. The full cost estimates for these projects will eventually also include the right-of-way (if applicable) and construction phases, and these full cost estimates will be shown on this list once they have been provided by the local jurisdictions. Once the full cost estimates for these projects have been provided, the projects may eventually be reprioritized in order to maximize funding equity among the three counties.

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MetroPlan Orlando
FY 2021/22-2039/40 Prioritized Project List
Highway Projects

Surface Transportation Program (SU/DDR) Funds

Priority Number/Jurisdiction	FDOT Financial Management Number	Project Name or Designation	From	To	Length (Miles)	Work Description	Latest Project Phase Funded	Project Phase Remaining Unfunded	Estimated Remaining Cost (Present-Day)
10 Ocoee	---	SR 438/Silver Star Rd.	SR 429	Bluford Ave.	0.90	Multimodal/Context Sensitive Improvements	--	PE/CST	to be determined
11 Orlando	---	SR 527/Orange Ave.	Pineloch Ave.	Anderson St.	1.80	Multimodal/Context Sensitive Improvements	Planning Study completed	PE/CST	\$2,000,000 (PE only)
12a Seminole Co./Casselberry	---	SR 436	US 17/92	Wilshire Dr.	1.00	Multimodal/Context Sensitive Improvements	Planning Study completed	PE ROW CST	\$220,000 \$5,100,000 \$1,340,000
12b Alt. Springs (TRIP #12)	---	SR 436	Newburyport Ave.	CR 427/Ronald Reagan Blvd.	0.12	Intersection Improvements	PE 2016	ROW CST	\$4,900,000 \$2,400,000
12c Alt. Springs	---	SR 436	I-4	US 17/92	3.00	Multimodal/Context Sensitive Improvements	Partial CST 2020/21	Remaining CST	to be determined
12d Casselberry	---	SR 436	Wilshire Dr.	Orange/Seminole Co. Line	3.50	Multimodal/Context Sensitive Improvements	--	PD&E/PE/ROW/CST	\$2,250,000 (PD&E/PE only)
13 Longwood	---	US 17/92	Dog Track Rd.	Shepard Rd.	2.50	Multimodal/Context Sensitive Improvements	--	PE/CST	\$1,500,000 (PE only)
14 Osceola Co.	4372001	US 17/92	Polk/Osceola Co. Line	1,900' W of Poinciana Blvd.	4.53	Widen to 4 Lanes	PD&E 2019/20	PE/ROW/CST	to be determined
15 Sanford	---	US 17/92	SR 417	SR 46/1st St.	2.80	Multimodal/Context Sensitive Improvements	Planning Study underway	PE/CST	\$1,500,000 (PE only)
16 Orange Co./Orlando	---	SR 436	Orlando International Airport	Orange/Seminole Co. Line	11.00	Multimodal/Context Sensitive Improvements (to include BRT)	--	PD&E/PE/ROW/CST	\$2,500,000 (PD&E only)
17 Orlando	---	SR 527/Orange Ave.	SR 50	Princeton St.	1.30	Multimodal/Context Sensitive Improvements	--	PE/CST	\$1,000,000 (PE only)
18 Orlando	---	Virginia Dr./Forest Ave./Corrine Dr.	SR 527/Orange Ave.	Bennett Rd.	2.60	Multimodal/Context Sensitive Improvements	--	PE/CST	\$1,000,000 (PE only)
19 Orange Co.	---	SR 15/Conway Rd.	at Gatlin Ave.			Add Turn Lanes	--	PD&E/PE/ROW/CST	\$500,000 (PD&E/PE only)
20 Seminole Co.	2402168	SR 46	SR 415	CR 426	7.50	Widen to 4 Lanes - Phase 2	PE 2020/21	ROW/CST	\$85,740,000

DRAFT**MetroPlan Orlando****FY 2021/22-2039/40 Prioritized Project List****Highway Projects****Surface Transportation Program (SU/DDR) Funds**

Priority Number/Jurisdiction	FDOT Financial Management Number	Project Name or Designation	From	To	Length (Miles)	Work Description	Latest Project Phase Funded	Project Phase Remaining Unfunded	Estimated Remaining Cost (Present-Day)
21 Orange Co.	---	SR 424/Edgewater Dr.	at SR 426/Fairbanks Ave.			Add Turn Lanes	---	PD&E/PE/ ROW/CST	\$500,000 (PD&E/PE only)
22 Orange Co.	---	SR 500/US 441	at Piedmont Wekiva Rd.			Add Turn Lanes	---	PD&E/PE/ ROW/CST	\$500,000 (PD&E/PE only)
23 Orange Co.	---	SR 551/Goldenrod Rd.	SR 408	SR 50	2.00	Multimodal/Context Sensitive Improvements	---	PE/CST	\$1,432,500 (PE only)
24 Orlando	---	SR 526/Robinson St.	Rosalind Ave.	Maguire Blvd.	1.89	Multimodal/Context Sensitive Improvements	---	PE/CST	\$1,000,000 (PE only)
25 Orange Co.	---	SR 424/Edgewater Dr.	at SR 423/Lee Rd.			Add Turn Lanes	---	PD&E/PE/ ROW/CST	\$500,000 (PD&E/PE only)
26 Orange Co./ Orlando	---	SR 436	Orlando International Airport	Orange/Seminole Co. Line	11.00	Multimodal/Context Sensitive Improvements (to include BRT)	---	PD&E/PE/ ROW/CST	\$5,400,000 (PE only)
27 Orange Co.	---	SR 426/Aloma Ave.	SR 436	Orange/Seminole Co. Line	1.50	Multimodal/Context Sensitive Improvements	---	PE/CST	\$1,185,000 (PE only)
28 Orange Co.	---	SR 482/Sand Lake Rd.	SR 500/US 441	SR 527/Orange Ave.	2.30	Multimodal/Context Sensitive Improvements	---	PE/CST	\$1,695,000 (PE only)
29 Orlando	---	SR 50	Bunby Ave.	Old Cheney Hwy.	1.90	Multimodal/Context Sensitive Improvements	---	PE/CST	\$1,500,000 (PE only)
30 Orlando	---	SR 552/Curry Ford Rd.	Crystal Lake Dr.	SR 436	2.03	Multimodal/Context Sensitive Improvements	---	PE/CST	\$1,000,000 (PE only)
31 Orange Co.	---	SR 423/Lee Rd.	at I-4			Add Turn Lanes	---	PD&E/PE/ ROW/CST	\$500,000 (PD&E/PE only)
32 Orlando	---	SR 435/Kirkman Rd.	SR 482/Sand Lake Rd.	SR 50	7.00	Multimodal/Context Sensitive Improvements	---	PE/CST	\$500,000 (PE only)
33 Alt. Springs	---	SR 434	Maitland Blvd.	SR 436	2.00	Multimodal/Context Sensitive Improvements	---	PE/CST	\$750,000 (PE only)
34 Orange Co.	---	SR 500/US 441	at Plymouth Sorrento Rd.			Add Turn Lanes	---	PD&E/PE/ ROW/CST	\$500,000 (PD&E/PE only)
35 Orlando	---	SR 50	N. Tampa Ave.	Hughey Ave.	1.40	Multimodal/Context Sensitive Improvements	---	PE/CST	\$750,000 (PE only)

DRAFT**MetroPlan Orlando****FY 2021/22-2039/40 Prioritized Project List****Highway Projects****Surface Transportation Program (SU/DDR) Funds**

Priority Number/Jurisdiction	FDOT Financial Management Number	Project Name or Designation	From	To	Length (Miles)	Work Description	Latest Project Phase Funded	Project Phase Remaining Unfunded	Estimated Remaining Cost (Present-Day)
36 Orlando	---	SR 500/US 441	SR 50	Clarcona-Ocoee Rd.	4.80	Convert roadway segment from rural to urban	---	PE/CST	\$750,000 (PE only)
37 Orlando	---	SR 50	SR 435/Kirkman Rd.	N. Tampa Ave.	3.10	Multimodal/Context Sensitive Improvements	---	PE/CST	\$500,000 (PE only)
38 Seminole Co.	---	SR 434	SR 436	Montgomery Rd	2.50	Widen to 6 Lanes	---	PD&E/PE/ ROW/CST	\$1,000,000 (PD&E only)
39 Osceola Co.	---	SR 500/US 441	US 192	Osceola Pkwy.	2.25	Multimodal/Context Sensitive Improvements	---	PE/CST	\$1,000,000 (PE only)
40 Osceola Co.	---	US 17/92	Poinciana Blvd.	Pleasant Hill Rd.	3.10	Multimodal/Context Sensitive Improvements	---	PE/CST	\$500,000 (PE only)
41 Osceola Co. (TRIP #10)	---	CR 525/Neptune Rd.	Partin Settlement Rd.	US 192	3.96	Widen to 4 Lanes	---	PD&E/PE/ ROW/CST	\$750,000 (PD&E only)
42 Osceola Co.	---	CR 527/Orange Ave.	Osceola Pkwy.	Orange/Osceola Co. Line	0.54	Widen to 4 Lanes	---	PD&E/PE/ CST	\$500,000 (PD&E only)
43 Osceola Co.	---	CR 530/Simpson Rd. CR 530/Simpson Rd.	US 192 Hilliard Isle Rd.	Fortune Rd. CR 531/Boggy Creek Rd.	1.25 3.20	Widen to 4 Lanes Widen to 4 Lanes	---	PD&E/PE/ ROW/CST	\$750,000 (PD&E only)
44 Osceola Co.	---	CR 534/Hickory Tree Rd.	Hunting Lodge Rd.	US 192	5.10	Widen to 4 Lanes	---	PD&E/PE/ ROW/CST	\$750,000 (PD&E only)
45 Orange Co.	---	CR 527/Orange Ave.	Orange/Osceola Co. Line	Florida's Turnpike Bridge	0.69	Widen to 4 Lanes	---	PD&E/PE/ ROW/CST	\$400,000 (PD&E only)
46 Seminole Co.	---	SR 414/Maitland Blvd.	Bear Lake Rd.	Orange/Seminole Co. Line	2.20	Widen to 6 Lanes	---	PD&E/PE/ ROW/CST	\$1,300,000 (PD&E only)
47 Seminole Co.	---	Goldsboro Community Gateway	SR 46	Persimmon Ave./8th St.	0.52	New Access Road into Goldsboro Community	---	ROW/CST	to be determined
48 Winter Garden	---	Dillard St.	SR 50	Plant St.	1.00	4 Lanes to 2 Lanes/Bike Lane/ Widen Sidewalks/Landscaping/ Roundabouts	---	PE/ROW/CST	\$13,100,000

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MetroPlan Orlando
FY 2021/22-2039/40 Prioritized Project List
Transportation Systems Management & Operations Projects

Priority Number	Jurisdiction	Project Name or Designation	From	To	Length (Miles)	Work Description	Latest Project Phase Funded	Project Phase(s) Remaining Unfunded	Estimated Remaining Cost (Present-Day)
--①	Orange Co. Osceola Co. Seminole Co.	Traffic Signal Coordination	Regionwide			Coordinate traffic signal timing on various corridors	PE underway	CST	\$750,000
1	CFX	Laser Scan	Regionwide			Purchase 3D Laser Scanners for Traffic Homicide Investigations	---	Study	\$100,000
2	Orlando	CCTV Expansion Phase 1				Instal CCTV at 28 Intersections	---	CST	\$168,000
3	Seminole Co.	CR 419	at Lockwood Blvd.			Improve intersection	---	CST	\$426,246
4	Seminole Co.	Airport Blvd.	W of US 17/92	E of US 47/92		Operational Improvements	---	PE ROW CST	\$150,000 \$75,000 \$1,050,000
5	Orlando	SR 50/Colonial Dr.	Primrose Ave.	Old Cheney Hwy.		Video Detection Upgrade - 1	---	CST	\$210,000
6	Osceola Co.	Osceola County ATMS Phase 4	throughout Osceola County			Expansion of ATMS	---	PE CST	\$220,000 \$2,263,700
7	Osceola Co.	Poinciana Blvd.	at Siesta Lago Blvd.			Mast Arm Traffic Signal	---	CST	\$250,000
8	Orange Co.	Orange County ATMS Phase 4	throughout Orange County			Expansion of ATMS	---	Design/Build	\$3,691,000
9	Seminole Co.	Seminole County ATMS	throughout Seminole County			Expansion of ATMS	---	Design/Build	\$3,119,000
10	Orlando	CCTV Replacement Phase 1				Replace CCTV at 15 Intersections	---	CST	\$60,000
11	Orlando	CCTV Expansion Phase 2				Instal CCTV at 31 Intersections	---	CST	\$194,000
12	Orlando	Kirkman Rd.	Conroy Rd.	Old Winter Garden Rd.		Replace Fiber Optic Cable	---	CST	\$70,000
13	Orlando	SR 50/Colonial Dr.	Pete Parish Blvd.	Springdale Dr.		Video Detection Upgrade - 3	---	CST	\$280,000
14	Orlando	CCTV Expansion Phase 3				Instal CCTV at 29 Intersections	---	CST	\$174,000
15	Orlando	Cyber Lock System				Install Cyber Locks in Traffic Signals & Communication Hub Cabinets	---	CST	\$122,800
16	Orlando	Hiwassee Rd.	Mardell Ct.	Kirkman Rd. & Metrowest Blvd.		Replace Fiber Optic Cable	---	CST	\$100,000
17	Orlando	SR 50/Colonial Dr.	Paramore Ave.	Coy Dr.		Video Detection Upgrade - 2	---	CST	\$280,000
18	Osceola Co.	County Adaptive Travel Time System	Various Corridors			ITS Adaptive System Equipment	---	PE CST	\$100,000 \$1,000,000

① The traffic signal coordination project is a high-priority project that will need to be funded in the near future. The TAC recommended including this project at the top of the TSMO list without a priority number since this is an ongoing project from year to year.

DRAFT**MetroPlan Orlando****FY 2021/22-2039/40 Prioritized Project List****Transportation Systems Management & Operations Projects**

Priority Number	Jurisdiction	Project Name or Designation	From	To	Length (Miles)	Work Description	Latest Project Phase Funded	Project Phase(s) Remaining Unfunded	Estimated Remaining Cost (Present-Day)
19	Kissimmee	City of Kissimmee ATMS Phase 1				15 ATMS traffic signals	---	CST	\$2,000,000
20	Orange Co.	Sadler Rd.	at US 441			Improve intersection	---	CST	\$360,000
21	Orange Co.	Texas Ave.	at Rio Grande Ave.			Improve intersection	---	CST	\$960,000
22	Orange Co.	Woodbury Rd.	at Waterford Lakes Pkwy.			Improve intersection	---	PE CST	\$75,000 \$150,000
23	Orange Co.	Woodbury Rd.	at Golfway Blvd.			Improve intersection	---	PE CST	\$200,000 \$480,000
24	Orange Co.	Woodbury Rd.	at SR 50			Improve intersection	---	PE CST	\$150,000 \$360,000
25	Orange Co.	Sand Lake Rd.	at Sandpoint Blvd.			Improve intersection	---	PE	\$150,000
26	Orange Co.	Turkey Lake Rd.	at Vineland Rd.			Improve intersection	---	PE CST	\$150,000 \$500,000
27	Seminole Co.	SR 436	at Montgomery Rd.			Exten EB dual left turn lanes	---	PE CST	\$100,000 \$400,000
28	Seminole Co.	Dike Rd.	at Lake Howell HS			Additional turn lanes	---	PE CST	\$100,000 \$400,000
29	Seminole Co.	SR 419	at US 17/92			Additional turn lanes	---	PE CST	\$150,000 \$650,000
30	Orange Co.	University Blvd.	at Dean Rd.			Improve intersection	---	PE ROW CST	\$400,000 \$250,000 \$1,500,000
31	Orange Co.	SR 438/Silver Star Rd.	at Hiwassee Rd.			Improve intersection	---	PE CST	\$250,000 to be determined
32	Orange Co.	SR 438/Silver Star Rd.	at Pine Hills Rd.			Improve intersection	---	PE CST	\$250,000 to be determined
33	Orlando	Fiber Optic Extension Dowden Rd.	at Narcoossee Rd.			Extend ROSS to Randal Park, SR 417, Innovation Way	---	CST	\$250,000
34	Kissimmee	ATMS Phase 2				Expansion of ATMS	---	CST	\$1,800,000
35	Osceola Co.	Osceola Pkwy.	at US 441			Add lanes/improve intersections	---	PE CST	\$134,600 \$1,650,000

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FY 2021/22-2039/40 Prioritized Project List
Transportation Systems Management & Operations Projects

Priority Number	Jurisdiction	Project Name or Designation	From	To	Length (Miles)	Work Description	Latest Project Phase Funded	Project Phase(s) Remaining Unfunded	Estimated Remaining Cost (Present-Day)
<i>Unranked New TSMO Projects</i>									
---	Orange Co.	Rouse Rd.	at University Blvd.			Improve intersection	---	PE CST	\$150,000 \$200,000
---	Orange Co.	Town Center Blvd.	at Town Loop Blvd.			Improve intersection	---	PE CST	\$150,000 \$300,000
---	Orange Co.	Winter Garden Vineland Rd.	at Lake Sheen Reserve Blvd.			Improve intersection	---	PE CST	\$180,000 \$320,000
---	Orange Co.	Orange Ave.	at Sand Lake Rd.			Improve intersection	---	PE/CST	to be determined
---	Orange Co.	Lakeview Rd.	at US 441			Improve intersection	---	PE/CST	to be determined
---	Winter Park	Fairbanks Ave.	Harper St.	Ward Ave.		Extend Left Turn Lane	---	PE/CST	to be determined
---	Casselberry	Casselton Rd.	at SR 436			Operational Improvements	---	PE CST	\$30,000 \$220,000
---	Orlando	Pedestrian Traffic Signals	throughout City of Orlando			ADA Traffic Signal System	---	PE/CST	to be determined
---	Casselberry	Carmel Cir.	at SR 436			Operational Improvements	---	PE CST	\$30,000 \$220,000
---	Orlando	CCTV Replacement Phase 2				Replace CCTV at 15 Intersections	---	CST	\$92,100
---	Orlando	CCTV Replacement Phase 3				Replace CCTV at 15 Intersections	---	CST	\$92,100
---	Osceola Co.	Pleasant Hill Rd.	Eagle Lake Rd./Oak Point Blvd.			Mast Arm Traffic Signal	---	CST	\$340,232
---	Osceola Co.	Osceola Pkwy.	Coralwood Cir./Plumwood Cir.			Mast Arm Traffic Signal	---	CST	\$358,567
---	Osceola Co.	Thacker Ave.	East-West Loop Driveways			Mast Arm Traffic Signal	---	CST	\$364,005
---	Osceola Co.	Simpson Rd.	Royal Palm Dr.			Improve intersection	---	PE CST	\$55,155 \$510,000
---	Orlando	SR 436	Frontage Rd./TG Lee Blvd.			Replace Fiber Optic Cable	---	CST	\$100,000
---	Orlando	Dowden Rd.	Lake District Ln./Randal Park Blvd.			Install Fiber Optic Cable	---	PE CST	\$25,000 \$200,000

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FY 2021/22-2039/40 Prioritized Project List
Bicycle and Pedestrian Projects

Priority Number	Project Type	Project Sponsor	Project Name or Designation	From	To	Length (Miles)	Work Description	Latest Project Phase Funded	Project Phase(s) Remaining Unfunded	Estimated Remaining Cost (Present-Day)
--①	RST	Orange Co.	Pine Hills Trail Ph. 3	Clarcona-Ocoee Rd.	Orange/Seminole Co. Line	3.00	Shared Use Path	--	PE/ROW/CST	\$9,948,000
--①	RST	Orange Co.	Clarcona-Ocoee Trail	Pine Hills Trail	Hiawassee Rd.	1.50	Shared Use Path	Partial CST 2020/21	PE/ROW/CST	\$4,371,600
1	SRTS	Osceola Co.	Buenaventura Blvd. Safe Routes to School	Sidewalks along north side of Buenaventura Blvd.			Sidewalk	--	PE/CST	\$244,448
2	SRTS	Maitland	Tuscarora Tr.	Temple Tr.	Brookside Rd.	0.60	Sidewalk	--	CST	\$197,500
1a	RST	Orange Co.	Shingle Creek Trail Phase 3c	Town Loop Blvd.	Taft-Vineyard Rd.		Shared Use Path	--	PE/CST	\$4,000,000
1b	RST	Osceola Co.	Shingle Creek Trail Phase 4	Kissimmee Lakefront Park	Orange/Osceola Co. Line		Shared Use Path	Partial CST 2016/17	Remaining CST	\$3,000,000
1c	RST	Orange Co.	Shingle Creek Trail Phase 3b	Orange/Osceola Co. Line	Town Loop Blvd.	2.00	Shared Use Path	PE 2011/12	ROW/CST	\$4,000,000
2	RST	Sanford	Riverwalk Phase 3	Mangustine Ave.	Central Florida Zoo	2.35	Shared Use Path	--	PE/CST	\$4,000,000
3	Mobility	Kissimmee	Central Ave. Bike & Ped Project	Martin Luther King Blvd.	Donegan Ave.	1.50	Complete Streets Project	Study 2015/16	PE/CST	\$3,000,000
4	RST	Orange Co.	Little Econ Trail Phase 3	Forsyth Rd.	SR 436	1.07	Shared Use Path with overpass at SR 436	--	PE/CST	\$5,175,000
5	Mobility	Oviedo	Pine. Ave. Sidewalks			0.60	Sidewalks connecting streets & Cross Seminole Trail	--	PE/CST	\$308,466
6	Mobility	LYNX	LYNX Systemwide Bicycle Parking				Bike racks & lockers at various LYNX stops	--	PE/CST	\$269,000
7	Mobility	Kissimmee	Downtown Kissimmee Streetscape Phase 1	Broadway Ave. from Neptune Rd. to Ruby Ave. Sproule Ave. from Church St. to Broadway Ave.		0.42	Streetscape		PE/CST	\$3,708,000

① The Pine Hills Trail Phase 3 and Clarcona-Ocoee Trail projects will help close the gaps in the Coast-to-Coast Trail system within the MetroPlan Orlando area. As a result, MetroPlan Orlando considers these to be high-priority projects, and has placed these projects at the top of the bicycle & pedestrian section of the PPL without priority numbers, since they are candidates for special funding that could become available and will not be competing for SU funds with the other projects on the list.

② MetroPlan Orlando's policy for Safe Routes to School projects is that 20% of the share of Surface Transportation Program (SU) funds for bicycle & pedestrian projects and Transportation Alternative (TALU) funds be set aside each year for these projects. The TAC has recommended that the Safe Routes to School projects be ranked separately since there is a specific federal funding category for these projects. The statewide and district-wide TALU funds are directed toward regionally significant trail projects.

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Bicycle and Pedestrian Projects

Priority Number	Project Type	Project Sponsor	Project Name or Designation	From	To	Length (Miles)	Work Description	Latest Project Phase Funded	Project Phase(s) Remaining Unfunded	Estimated Remaining Cost (Present-Day)
8a	Mobility	Kissimmee	Downtown Kissimmee Streetscape - Phase 2	Dakin Ave. - Church St. to Broadway Ave. Monument Ave. - Church St. to Broadway Ave.		0.15	Streetscape		PE/CST	\$2,200,000
8b	Mobility	Kissimmee	Downtown Kissimmee Streetscape - Phase 3	Stewart Ave. - Church st. to Broadway Ave. Darlington Ave. - Church st. to Pleasant St.		0.20	Streetscape		PE/CST	\$2,200,000
9a	Mobility	Orlando	Edgewater Dr. Streetscape	Lakeview St.	Par St.	1.50	Streetscape & bicycle & pedestrian improvements	--	PE	\$1,000,000
9b	Mobility	Orlando	Edgewater Dr. Streetscape	Lakeview St.	Par St.	1.50	Streetscape & bicycle & pedestrian improvements	--	CST	\$4,000,000
10	Mobility	Orange Co.	Orange Blossom Trail Pedestrian Enhancement Phase 2b	Church St.	SR 50	0.90	Upgrade sidewalks; remove impediments; correct ADA violations	--	PE/CST	\$2,500,000
11	Mobility	Winter Springs	Town Center Sidewalks			0.93	Connector paths & sidewalks along various streets in Winter Springs Town Center	--	PE/CST	\$292,363
12	Mobility	Casselberry	US 17/92 to Sunset Connector			0.20	Shared Use Path	--	PE/CST	\$300,000
13	Mobility	Winter Springs	North Village Connectivity			1.40	Sidewalks along various streets in Winter Springs	--	PE/CST	\$296,204
14	Mobility	Casselberry	Southcot Dr. Sidewalk	Sunset Dr.	Triplet Lake Dr.	0.25	Sidewalk & shared lane markings	--	PE/CST	\$300,000
15	Mobility	Oviedo	Lake Jessup Ave. Sidewalks	Mitchell Hammock Rd.	Artesia St.	2.00	Sidewalks	--	PE/CST	\$193,000
16	Mobility	Kissimmee	Downtown Kissimmee Path Connector	US 192	Martin Luther King Blvd.	0.45	Shared Use Path	--	PE/CST	\$147,500
17	Mobility	Orlando	Downtown Orlando Bicycle Study	Community Redevelopment Area of Downtown Orlando			Planning Study for bicyclist accommodation	--	Study	\$200,000
18	Mobility	St. Cloud	St. Cloud Sidewalks	along Delaware Ave., Vermont Ave. & Columbia Ave.		1.45	Sidewalks	--	PE/CST	\$294,073

Note: In 2010, due to the high cost estimates for priorities #8, 9 and 10, the Bicycle & Pedestrian Advisory Committee (BPAC) established a cost cap for the bicycle & pedestrian projects in the Prioritized Project List. Based on the cap adopted by the BPAC, any new project with a cost estimate greater than \$4 million will be broken into phases of not more than \$4 million per phase. As a result of this action, the original project limits of priorities #8, 9 and 10 were split into phases, and this action applies to all future projects on the list.

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Bicycle and Pedestrian Projects

Priority Number	Project Type	Project Sponsor	Project Name or Designation	From	To	Length (Miles)	Work Description	Latest Project Phase Funded	Project Phase(s) Remaining Unfunded	Estimated Remaining Cost (Present-Day)
19	Mobility	Longwood	Longwood East Pedestrian Corridors Segments 2, 3 & 4	on Church Ave. & Grant St.		1.20	Widen substandard sidewalks	--	PE/CST	\$380,000
20	Mobility	Longwood	Longwood South Pedestrian Corridors Segments 1 & 4	on Church Ave. & Warren Ave.		1.00	Widen substandard sidewalks	--	PE/CST	\$270,000
21	Mobility	Orlando	Orlando Southeast Trail	Medical City Area		1.40	Shared Use Path	--	PE/CST	\$3,000,000
22	RST	Orange Co.	West Orange Trail Phase 4	Rock Springs Rd./ Welch Rd. Intersection	Kelly Park & Wekiva Springs State Park	6.80	Shared Use Path	--	PE/CST	\$4,000,000
23	Mobility	Casselberry	Sunset Dr. Livable Streets Improvement	Button Rd.	Oxford Rd.	1.10	Widen substandard sidewalk & add shared lane markings	--	PE/CST	\$1,704,555
24	Mobility	Longwood	CR 427	Orange Ave.	SR 434	0.45	Widen sidewalks, on-street parking & streetscaping	--	PE/CST	\$650,000
25	RST	Seminole Co.	Lake Monroe Loop	along Mellonville Ave. & Celery Rd.		3.60	Shared Use Path	--	PE/CST	\$3,000,000
26	Mobility	Orlando	Shingle Creek Trail Connector	along Metrowest Blvd. & Kirkman Rd.		0.74	Shared Use Path	--	PE/CST	\$300,000
27	Mobility	Longwood	Cross Seminole Trail Connector	along Grant St. from Timocuan Way to Church Ave. & along Church Ave. to SR 427		1.68	Shared Use Path & Shared Lane Markings	--	PE/CST	\$300,000
28	Mobility	Kissimmee	Emory Canal Trail South	John Young Pkwy.	Shingle Creek Trail	0.40	Shared Use Path	--	PE/CST	\$200,000
29	Mobility	St. Cloud	17th St.	Canoe Creek Rd.	Missouri Ave.	0.20	Sidewalk	--	PE/CST	\$62,694
30	Mobility	Casselberry	Quail Pond Circle Connectivity	Connector path & sidewalk between Sunset Drive & Lake Concord Park			Shared Use Path	--	PE/CST	\$287,000
31	Mobility	Kissimmee	Emory Canal Trail North	Mabbette St. US 192	John Young Pkwy. Mabbette St.	1.89	Shared Use Path Bicycle Boulevard	--	PE/CST	\$580,200
32	RST	Osceola Co.	Kissimmee-St. Cloud Connector	along C-Gate Canal from Neptune Rd. to East Lake Shore Blvd.		1.39	Shared Use Path	--	PE/CST	\$703,570
33	RST	Orlando	Fill Gaps in Orlando Urban Trail	from Magnolia Ave. to Park Lake St. at Orange Ave. & from South St. to Orlando Health SunRail stop		1.28	Shared Use Path	--	PE/CST	\$4,000,000

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Bicycle and Pedestrian Projects

Priority Number	Project Type	Project Sponsor	Project Name or Designation	From	To	Length (Miles)	Work Description	Latest Project Phase Funded	Project Phase(s) Remaining Unfunded	Estimated Remaining Cost (Present-Day)
34	Mobility	Orlando	Citywide Pedestrian Safety Crossing Improvements	High-Emphasis Crosswalks along S. Orange Ave. & Michigan St.			Crosswalks	--	PE/CST	\$300,000
35	Mobility	Kissimmee	Toho-Valencia Trail Phase 2	on US 192 from Mill Slough to Valencia Community College			Shared Use Path	--	PE/CST	\$295,038
36	Mobility	Longwood	Longwood South Pedestrian Corridors Segment 3	on Church Ave. & Rangeline Rd. from Transmission Line to E.E. Williamson Rd.		1.00	Widen substandard sidewalks	--	PE/CST	\$220,000
37	RST	Osceola Co.	Fortune/Lakeshore Trail	along Fortune Road & Lakeshore Blvd. from US 192 to Georgia Blvd.			Shared Use Path	PE 2015/16	CST	\$2,808,000
38	RST	Orange Co.	Pine Hills Trail Phase 2	Silver Star Rd.	Clarcona-Ocoee Rd.		Shared Use Path	--	PE/CST	\$1,591,942
39	RST	Orlando	East/West Trail Connector	Bruton Blvd.	Inglewood Elementary School		Shared Use Path	--	PE/CST	\$2,500,000
40	Mobility	Osceola Co.	Buenaventura Blvd.	S of Osceola Pkwy.	S of Trotter Cir. North/ Florida Pkwy. North	0.72	Bicycle & Pedestrian Improvements	PE underway	CST	\$1,950,000
41	Mobility	Oakland	Oakland Bicycle/Pedestrian Mobility Plan				Mobility Plan	--	Planning Development	\$60,000
42	Mobility	Seminole Co.	Cross Seminole Trail Overpass Pedestrian Connections	at US 17/92			Staircases & Sidewalk	--	CST	\$200,000
43	Mobility	Winter Park	Church Trail	Lakemont Ave.	Perth Ln.	0.24	Shared Use Path	--	CST	\$92,423
44	RST	Orange Co.	Lake Apopka Connector Trail	Lake Apopka Loop Trail	West Orange Trail	4.80	Shared Use Path	--	PE CST	\$509,666 \$2,548,332
45	Mobility	Orlando	SW Orlando Bicycle/Pedestrian Study	SR 408	Sand Lake Rd.		Improve Safety & Multimodal Connectivity	--	Planning Development	\$300,000
46	Mobility	Casselberry	Central Casselberry Connectivity Improvements	Hibiscus Rd at SR 436	Marigold Rd. at S. Winter Park Dr.	1.02	Shared Use Path	--	CST	\$1,536,800
47	Mobility	Kissimmee	Columbia Ave. Complete Streets	N. Hoagland Blvd.	Dyer Blvd.	0.55	Bicycle & Pedestrian Improvements	---	PE CST	\$39,572 \$221,603

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Bicycle and Pedestrian Projects

Priority Number	Project Type	Project Sponsor	Project Name or Designation	From	To	Length (Miles)	Work Description	Latest Project Phase Funded	Project Phase(s) Remaining Unfunded	Estimated Remaining Cost (Present-Day)
48	Mobility	Orlando	W. Gore St. Corridor Study	S. Rio Grande Ave.	Delaney Ave.	1.61	Road Diet/Complete Street Corridor Study	--	Planning Development	\$300,000
49	Mobility	Kissimmee	Carroll St. Bicycle/Pedestrian Improvement Plan	Donegan Ave.	Thacker Ave.	1.50	Shared Use Path	--	PE CST	\$76,853 \$384,265
Unranked Bicycle and Pedestrian Projects										
--①	Mobility	Orlando	I-4 Pedestrian Bridge & Ivanhoe Gateway	New Hampshire St.	Ivanhoe Blvd.	0.30	Pedestrian Bridge across Lake Ivanhoe next to I-4	--	PE/CST	To be determined

① The I-4 pedestrian bridge project is unranked since the City of Orlando is requesting funding for the project other than SU funds.

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FY 2021/22-2039/40 Prioritized Project List
Transit Projects

Project Ranking	Project Description	Estimated Remaining Cost (Present-Day)	Funding Sources	Responsible Agency	Consistent with Transit Development Plan?	DDR Eligible?	Comments
Category A: Premium Transit Projects							
1	SunRail Phase 3 Project Development Design Construction	TBD TBD \$225,000,000	FTA/FDOT/Local	FDOT	Yes	Yes	Rail connection from the SunRail Main Line south of the Sand Lake Road station to OIA. Project development underway. Design funded in FY 2016/17.
2	OIA Bus Rapid Transit ^① Project Development Design Construction	\$3,000,000 \$24,000,000 \$200,000,000	FTA/FDOT/Local	LYNX/Orange Co.	Yes	TBD	BRT from Orlando International Airport to the Convention Center. PD&E funded in FY 2017/18.
3	US 192 Bus Rapid Transit Design Construction	\$15,600,000 \$120,000,000	FTA/FDOT/Local	LYNX/Osceola	Yes	Yes	BRT on US 192 from US 27 to Shady Lane (Florida's Turnpike). Partial project development funded in FY 2016/17.
4	SR 50 Bus Rapid Transit Project Development Phase Design Construction	\$540,000 \$4,320,000 \$36,000,000	FTA, FDOT, LF	LYNX	Yes	Yes	BRT on SR 50 from Powers Drive to Goldenrod Rd & Express Bus system from Downtown Orlando to UCF. Alternative Analysis with a selected LPA was adopted in March 2015.
5	Downtown Orlando Bus Rapid Transit Project Development Phase Design Construction	\$480,000 \$3,520,000 \$32,000,000	FTA/FDOT/Local	LYNX	Yes	Yes	North/South expansion of the Lymmo system in downtown Orlando. LPA adopted in 2012.
6	ITS Enhanced Transit ^② Capital & Operations	TBD	FDOT/Local/Private	Altamonte Springs Casselberry Longwood Maitland	Yes	TBD	Capital & operation of expansion of ITS enhanced transit service within the 4-city service area.
Category B: Projects Requiring Transit Planning/Feasibility Studies							
1	SR 436 Corridor Premium Transit/Complete Streets Feasibility Study	\$1,250,000	FDOT/Local	LYNX/FDOT	Yes	TBD	Feasibility study of potential forms of mobility (ie. BRT, LRT, etc.) in the SR 436 corridor from SR 434 to Orlando International Airport.
2	Innovation Way Corridor Feasibility Study	TBD	FDOT/FTA/Local/Private	FDOT	Yes	TBD	Corridor Study of the proposed leg of an enhanced transit system from International Drive to the Innovation Way/Lake Nona/Medical City/Osceola Co. NE District corridor. ¹⁵

Note: The transit projects in the new PPL have been divided into four categories and ranked separately based on their status. The 13 prioritized transit projects are in Categories A through C, with those projects in Category A being premium transit projects eligible for DDR operating funds. The ongoing federal formula transit projects are in Category D and are unranked.

① The Locally Preferred Alternative (LPA) for the OIA Bus Rapid Transit project has not been adopted.

② Planning studies for the ITS Enhanced Transit project were completed in previous years. This project is included under Category A as a premium transit project pending further clarification by the sponsoring municipalities on the specific operational characteristics of the project.

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FY 2021/22-2039/40 Prioritized Project List
Transit Projects

Project Ranking	Project Description	Estimated Remaining Cost (Present-Day)	Funding Sources	Responsible Agency	Consistent with Transit Development Plan?	DDR Eligible?	Comments
3	I-Drive Area Fixed Transit Circulator System Study	TBD	FTA/Local/ Private	Orange Co.	Yes	TBD	Study to evaluate potential technologies that can be utilized in implementing a circulator transportation system in the vicinity of the Orange Co. Convention Center.
4	International Drive Area Intermodal Station	\$15,000,000	FTA/FDOT/Local	Orange Co.	Yes	No	Design and construction of an intermodal station at International Drive and Canadian Court on property owned by Orange Co.
Category C: Enhancements to Existing LYNX System							
1	Kissimmee Transit Circulator Capital Cost	TBD	FDOT/Local	Kissimmee	Yes	No	Local bus circulator connecting major employment centers to Downtown Kissimmee and SunRail.
2	Bus Expansion Operational COA Enhancements	\$51,500,000	FTA/FDOT/Local	LYNX	Yes	No	Capital funds for additional vehicles to improve fixed route transit services as determined by the LYNX Comprehensive Operational Analysis.
3	Corridor Express Service	\$1,600,000	FTA/FDOT/Local	LYNX	Yes	No	Expanded bus service along major corridors in the region. The corridors to be determined by LYNX Comprehensive Operations Analysis.
Category D: Unranked Federal Formula Funded Transit Projects							
---	Operating Assistance	\$1,000,000 \$478,000 \$9,038,000 \$127,300,000	FTA Sec.5307 DU Sec. 5311 DS/Local/OSR	LYNX	Yes	No	Fixed Route operating and ADA cost. Includes SunRail feeder service.
---	Capital Cost of Contracting	\$2,000,000	FTA Sec. 5307	LYNX	Yes	No	Federal assistance for the capital costs of contracting with private providers for demand-response and PickUpLine service.
---	Seniors/Individuals with Disabilities Program	\$1,500,000 \$500,000	FTA Sec. 5310 FDOT/Local	LYNX	Yes	No	Enhanced mobility projects for the special needs of transit dependent populations beyond traditional public transportation and ADA complementary paratransit services.
---	Purchase Transit Coaches	\$11,992,000 \$6,538,000 \$4,366,000	FTA Sec. 5307/5339 XU/Local	LYNX	Yes	No	New buses for replacement of retired buses and service expansion. Includes 60-foot buses.
---	Purchase Commuter Vans	\$1,068,000 \$267,000	FTA Sec. 5307/5339 Local	LYNX	Yes	No	New vans for replacement of retired vans and service expansion.
---	Facility Improvements/Equipment	\$2,000,000 \$500,000	FTA/Local	LYNX	Yes	No	Capital expenditures for upgrades to operating and administrative facilities. This includes the cost of depreciation of vehicles and maintenance facilities provided by private contractors for public transportation service during the contract period.

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FY 2021/22-2039/40 Prioritized Project List
Transit Projects

Project Ranking	Project Description	Estimated Remaining Cost (Present-Day)	Funding Sources	Responsible Agency	Consistent with Transit Development Plan?	DDR Eligible?	Comments
---	Associated Capital Maintenance and Support Equipment	\$13,000,000 \$3,250,000	FTA, FDOT, Local	LYNX	Yes	No	Associated support equipment needed to service and maintain the bus fleet.
---	Passenger Amenities	\$2,000,000	FTA/Local/Private	LYNX	Yes	No	Shelters, signs, benches, trash receptacles and kiosks throughout the region.
---	SunRail Essential Buses (27)	\$11,039,000	FTA/FDOT/Local	LYNX	Yes	No	Commuter buses essential to support access to SunRail (within 3 miles of SunRail stations). These are replacement buses needed beyond what will be funded by SunRail.
---	Marketing & Consumer Information	\$500,000	FTA Sec. 5307 Local/Private	LYNX	Yes	No	Expanded customer information and marketing of transit services.
---	Intelligent Transportation Systems/Customer Information Systems/Travel Planning	\$3,250,000	FTA/FDOT/Local/Private	LYNX	Yes	No	Continued implementation of capital equipment and software to support and implement new ITS initiatives.
---	Transit Centers/Super Stops	\$1,650,000 \$413,000	FTA 5307/5339 FDOT, LF	LYNX	Yes	No	Facilities to accommodate cross town bus routes and connection points for local and regional service.
---	Third Operating Base Design, Construction, & Equipment Phases	\$12,000,000 \$3,000,000	FTA Sec. 5339 Local	LYNX	Yes	No	Costs related to construction of satellite operating and maintenance base in the southern part of LYNX's service area.
---	Fourth Operating Base Design, Construction, & Equipment Phases	\$12,000,000 \$3,000,000	FTA Sec. 5339 Local	LYNX	Yes	No	Costs related to construction of satellite operating and maintenance base in the northern part of LYNX's service area.
---	Livable/Sustainable Development Support	\$500,000	FTA Sec. 5309	LYNX	Yes	No	Facility and customer enhancements and innovative services customized to address activity center needs. Projects to be determined.

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FY 2021/22 - 2039/40 Prioritized Project List
Candidate Projects for Transportation Regional Incentive Program (TRIP) Funds

Project ID #	Project Sponsor	Project Name	From	To	Length (miles)	Work Description	Project Phase(s)	Fiscal Year	Estimated Cost of Phase(s) (Present Day)	TRIP Funds Requested	Matching Funds Previously Provided	Additional Matching Funds to be Provided	Total Matching Funds
1	Orange Co.	North-South Rd.	Orange/Osceola Co. Line	SR 528/BeachLine Expy.		New Roadway	PE/ROW/CST	TBD	\$52,000,000	\$25,000,000	\$0	\$26,000,000	\$26,000,000
2	Osceola Co.	Simpson Rd. Phase 1	Myers Rd.	Boggy Creek Rd. Intersection	1.88	Widen to 4 Lanes	CST	2014/15	\$31,225,000	\$15,612,500	\$6,500,000	\$9,112,500	\$15,612,500
3	LYNX	Expand Bus Fleet				Purchase 20 new buses	Purchase	2015/16	\$12,000,000	\$6,000,000	\$0	\$6,000,000	\$6,000,000
4	Seminole Co. & Oviedo	SR 426/CR 419	Pine Ave. Avenue B	Avenue B Bishop Dr.	1.30	Widen to 4 Lanes	Remain. ROW	2021/22	\$16,430,000	\$24,700,000	\$17,300,000	\$9,000,000	\$26,300,000
(STP #2)		CR 419	Avenue B	Bishop Dr.	1.20	Widen to 4 Lanes	PE/ROW/CST	2017/18	\$16,000,000				
5	Orange Co.	Boggy Creek Rd.	CR 530/Simmons Rd.	SR 417	1.50	Widen to 4 Lanes	ROW	2014/15	\$5,600,000	\$2,800,000	\$0	\$2,800,000	\$2,800,000
							CST	2017/18	\$9,500,000	\$4,750,000	\$0	\$4,750,000	\$4,750,000
							Total		\$15,100,000	\$7,550,000	\$0	\$7,550,000	\$7,550,000
6	Osceola Co.	Neptune Rd. Phase III	Old Canoe Creek Rd.	US 192/441	0.49	Widen to 4 Lanes	CST	2016/17	\$9,500,000	\$4,300,000	\$150,000	\$5,050,000	\$5,200,000
7	LYNX	South Operating Base				Design and Construct a south bus operating base to replace temporary base in Kissimmee.	Design/Build	2015/16	\$14,000,000	\$7,000,000	\$0	\$7,000,000	\$7,000,000
8	Seminole Co.	SR 434 at CR 427	Wilma St.	Myrtle St.	0.37	Add dual left & right turn lanes	PE/ROW/CST	2016/17	\$15,000,000	\$5,000,000	\$1,000,000	\$9,000,000	\$10,000,000
(STP #1)													
9	Orange Co.	CR 438A/Kennedy Blvd.	SR 434/Forest City Rd.	Wymore Rd.	1.80	Widen to 4 Lanes	ROW	2015/16	\$12,000,000	\$6,000,000	\$0	\$6,000,000	\$6,000,000
							CST	2018/19	\$15,000,000	\$7,500,000	\$0	\$7,500,000	\$7,500,000
							Total		\$27,000,000	\$13,500,000	\$0	\$13,500,000	\$13,500,000
10a	Osceola Co.	Neptune Rd. Phase IIa	Partin Settlement Rd.	Canal (Turnpike Bridge)	2.28	Widen to 4 Lanes	PE/ROW/CST	2019/20	\$30,680,000	\$7,500,000	\$1,400,000	\$21,780,000	\$23,180,000
(STP #44)													
10b	Osceola Co.	Neptune Rd. Phase IIb	Canal (Turnpike Bridge)	Old Canoe Creek Rd.	1.17	Widen to 4 Lanes	PE/ROW/CST	2019/20	\$19,000,000	\$7,000,000	\$377,000	\$11,623,000	\$12,000,000
(STP #41)													
11	Winter Springs	Michael Blake Blvd.	SR 434			Intersection Improvements	PE/CST	2014/15	\$608,000	\$250,000	\$258,000	\$100,000	\$358,000
12	Seminole Co.	SR 436 at CR 427 Intersection improvements	Newburyport Ave	RR Crossing	0.16	Add left turn lanes & access modifications	ROW/CST	2016/17	\$2,500,000	\$1,225,000	\$75,000	\$1,200,000	\$1,275,000
(STP #12b)													
13	Seminole Co.	SR 436	Maitland Ave (CR 427) Weathersfield Ave.	Palm Springs Dr Lynchfield Dr.	0.50 0.50	Add 4th Lane - Aux lane	PE/CST	2015/16	\$3,250,000	\$1,625,000	\$0	\$1,625,000	\$1,625,000
14	Orlando	President Barack Obama Pkwy. Phase 2	Metrowest Blvd.	Raleigh St.	0.80	New 4-Lane Divided Roadway	PE	2013/14	\$1,895,000	\$0	\$1,200,000	\$695,000	\$1,895,000
							CST	2014/15	\$12,286,000	\$7,090,500	\$0	\$5,195,500	\$5,195,500
							Total		\$14,181,000	\$7,090,500	\$1,200,000	\$5,890,500	\$7,090,500
15	Osceola Co.	Simpson Rd. Phase 2	Hilliard Isle Rd.	Osceola Pkwy. (Myers Rd.)	1.4	Widen to 4 Lanes	ROW/CST	2017/18	\$14,700,000	\$4,000,000	\$2,550,000	\$8,150,000	\$10,700,000
16	Seminole Co., Oviedo & Winter Springs	SR 434	SR 417	Mitchell Hammock Rd.	3.42	Widen to 4 Lanes	Remain. ROW/CST	2021/22	\$31,000,000	\$15,500,000	\$0	\$15,500,000	\$15,500,000
(STP #7)													

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Candidate Projects for Transportation Regional Incentive Program (TRIP) Funds

Project ID #	Project Sponsor	Project Name	From	To	Length (miles)	Work Description	Project Phase(s)	Fiscal Year	Estimated Cost of Phase(s) (Present Day)	TRIP Funds Requested	Matching Funds Previously Provided	Additional Matching Funds to be Provided	Total Matching Funds
17	Orlando	Econlockhatchee Tr.	Dowden Rd.	Curry Ford Rd.		Widen to 4 Lanes	PE CST Total	2014/15 2016/17	\$1,250,000 \$14,600,000 \$15,850,000	\$0 \$7,925,000 \$7,925,000	\$0 \$0 \$0	\$1,250,000 \$6,675,000 \$7,925,000	\$1,250,000 \$6,675,000 \$7,925,000
18	Osceola Co.	Shady Lane	Partin Settlement Rd.	US 192	0.55	Widen to 5 Lanes	ROW/CST	2021/22	\$16,900,000	\$6,000,000	\$630,000	\$10,270,000	\$10,900,000
19	Oviedo	Mitchell Hammock Rd.	SR 426	Lockwood Blvd.	0.50	Intersection improvements	PE/ROW/CST	2016/17	\$2,500,000	\$1,250,000	\$0	\$1,250,000	\$1,250,000
20	Orange Co.	Hamlin Rd. Extension	New Independence Pkwy.	Tiny Rd.		New 4-Lane Road	PE/ROW/CST	2015/16	\$8,000,000	\$4,000,000	\$0	\$4,000,000	\$4,000,000
21	Lake Mary	Rinehart Rd.	W Lake Mary Blvd.	CR 46A	2.08	Widen to 6 Lanes	PE/CST	2018/19	\$10,000,000	\$5,000,000	\$0	\$5,000,000	\$5,000,000
22	Orlando	Boggy Creek Rd.	SR 417	Jetport Dr.	6.90	Widen to 4 Lanes	ROW PE/CST Total	2017/18 2018/19	\$20,000,000 \$42,700,000 \$62,700,000	\$10,000,000 \$21,350,000 \$31,350,000	\$0 \$0 \$0	\$10,000,000 \$21,350,000 \$31,350,000	\$10,000,000 \$21,350,000 \$31,350,000
23	Seminole Co.	CR 46A	Orange Blvd.	Cherry Laurel Dr.	1.07	Widen to 6 Lanes	PE/CST	2018/19	\$10,000,000	\$4,900,000	\$100,000	\$5,000,000	\$5,100,000
24	Orlando	President Barack Obama Pkwy, Phase 3	Raleigh St.	Old Winter Garden Rd.	1.10	New 4-Lane Divided Roadway	PE CST Total	2016/17 2018/19	\$2,606,000 \$16,895,000 \$19,501,000	\$0 \$9,750,500 \$9,750,500	\$0 \$0 \$0	\$2,606,000 \$7,144,500 \$9,750,500	\$2,606,000 \$7,144,500 \$9,750,500
25	Orlando	Innovation Way North/ Dowden Rd. Extension	SR 417	SR 528 Interchange	3.20	New 4-Lane Roadway	CST	2018/19	\$34,170,000	\$17,085,000	\$0	\$17,085,000	\$17,085,000
26	Seminole Co.	New Oxford Rd.	US 17/92 at Prairie Lake Dr.	SR 436 at Oxford Rd.	0.70	Reconstruction & Extension	PE/ROW/CST	2016/17	\$11,814,218	\$2,000,000	\$1,098,767	\$8,715,451	\$9,814,218
Added													

TAB 13



CENTRAL FLORIDA MPO ALLIANCE
FY 2016-2017 SIS HIGHWAY PROJECTS FOR PRIORITIZATION
DRAFT

Priority	FDOT Financial Management Number	Project Name or Designation	From	To	Length (Miles)	Work Description	Latest Project Phase Funded	Project Phase(s) Remaining Unfunded	Estimated Remaining Cost (Present-Day)	MPO/TPO
1	4269054	Ellis Rd Widening	I-95 (John Rhodes Blvd)	Wickham Rd.	2.00	Widening 2 to 4 Lanes	ROW 2020-2023	CST	\$10,000,000	Space Coast TPO
2	4336521	I-75 Interchange Impr. at SR 40	SW 40th Avenue	---	1.25	Operations and capacity improvements	Design underway: ROW \$8M 2017/18-2018/19	CST	\$15,000,000	Ocala/Marion TPO
3a	2424847	I-4	S of SR 528/Beachline Expy.	W of SR 435/Kirkman Rd.	3.90	Ultimate Configuration for General Use & Managed Lanes	Partial PE 2015/16	ROW/CST	\$324,270,000	MetroPlan
3b	2424848	I-4	W of CR 532 (Polk/Osceola Line)	W of SR 528/Beachline Expy.	16.45	Ultimate Configuration for General Use & Managed Lanes	Partial PE 2015/16	ROW/CST	\$1,731,919,000	MetroPlan
4a	2425924	I-4	E of SR 434	Seminole/Volusia Co. Line	10.30	Ultimate Configuration for General Use & Managed Lanes	Partial PE 2015/16	ROW/CST	\$472,061,000	MetroPlan
4b	4084642	I-4	Volusia/Seminole Co. Line	SR 472	---	Ultimate Configuration for General Use & Managed Lanes	PE 2015/16	ROW/CST	\$469,736,000	River to Sea TPO
4c	2012103	I-4	W of US 27	W of CR 532 (Polk/Osceola Line)	---	Ultimate Configuration for General Use & Managed Lanes	PE 2015/16	ROW/CST	\$63,227,000	Polk TPO
5	4102511	SR 15 (US 17)	Ponce de Leon Blvd.	SR 40	---	Widen 2 to 4 lanes	ROW 2014/15	CST	\$40,000,000	River to Sea TPO
6	4371811 4074023 4074024	SR 528 (Turnpike) SR 528 SR 528	SR 520 SR 524 (Industry) SR 3	SR 524 (Industry) East of SR 3 Port Canaveral Interchange	13.60 3.70 5.10	Widen to General Use & Managed Lanes to include Multiuse Trail	PD&E Design Design	DES/ROW/CST ROW/CST ROW/CST	TBD \$421,924,750 \$269,405,898	Space Coast TPO
7	4289471	SR 40	Williamson Blvd.	Breakaway Trail	---	Widen 4 to 6 lanes	PD&E complete	ROW/CST	\$30,420,000	River to Sea TPO
8	2408371	SR 40	Cone Rd.	SR 11	---	Widen 2 to 4 lanes	ENV 2012/13	ROW/CST	\$43,800,000	River to Sea TPO
9	N/A	SR 25/US 27	CR 561 (west)	Florida's Turnpike (northern ramps)	2.14	Widen to 6 lanes	---	PD&E/PE/ ROW/CST	\$25,000,000	Lake-Sumter MPO
10	2408361	SR 40	SR 11	SR 15	---	Widen 2 to 4 lanes	PE 2013/14 ENV 2014/15	ROW/CST	\$38,000,000	River to Sea TPO
11	410674-3	SR 40	CR 314	CR 314A	6.1	Widen to 4 lanes w/ multi-use trail (Black Bear Scenic Trail)	DES underway	ROW/CST	\$93,000,000	Ocala/Marion TPO
12	410674-4	SR 40	CR 314A	Levy Hammock Road	2.8	Widen to 4 lanes w/ multi-use trail (Black Bear Scenic Trail)	-	DES/ROW/CST	\$35,000,000	Ocala/Marion TPO

I-4 Ultimate Configuration is noted as a PPP project.

CENTRAL FLORIDA MPO ALLIANCE
SIS HIGHWAY PROJECTS FOR PRIORITIZATION
FUNDED FOR CONSTRUCTION

Old Priority #	FDOT Financial Management Number	Project Name or Designation	From	To	Length (Miles)	Work Description	Latest Project Phase Funded	Project Phase(s) Remaining Unfunded	Estimated Remaining Cost (Present-Day)	MPO/TPO
1	2427152	I-95/I-4 Systems Interchange	---	---	---	Interchange upgrade	CST 2014/15	---	---	River to Sea TPO
3a	4269053	I-95/Ellis Road Interchange	---	---	---	New Interchange	CST 2016/17	---	---	Space Coast TPO
5	2384221	SR 25/US 27	Boggy Marsh Rd.	Lake Louisa Rd.	6.70	Widen to 6 lanes	CST 2015/16	---	---	Lake-Sumter
10	4106742	SR 40	SR 35	CR 314	4.5	Widen 2 to 4 lanes	CST 2019/2020	---	---	Ocala/Marion TPO

NOTE: Although funded for construction, projects will continue to be shown until construction starts.

FY 2016-17 CFMPOA Regional Trail Priorities

Priorities Programmed Through Construction					DRAFT		
Trail Name	FM Number	Limits A	Limits B	Length (Miles)	Mega- Trails	Latest Project Phase Funded	MPO
Seminole Volusia Gap	436434-1	Wayside Park (Seminole County)	Spring to Spring Trail (Volusia County)	0.8	Heart of Florida: Coast to Coast	CST \$1,379,067 in FY 2017/18	River to Sea/Metroplan Orlando
South Lake Trail Phase 3B	422570-3	SR 33 (Crittenden St.)	Silver Eagle Road	2.1	Heart of Florida: Coast to Coast	Update of PD&E Study and Design underway - ROW 2017-19, CST 2020	Lake-Sumter
Clarcona-Ocoee Trail		West Orange Trail	Clarcona-Ocoee Road	0.2	Heart of Florida: Coast-to-Coast	ROW programmed for 2018; Construction programmed for 2020	MetroPlan Orlando
Land Bridge Gap	436358-1	SR 200	SW 49th Ave Trailhead	5.2	Heart of Florida: Coast-to-Coast	Design/build - Out for bid	Ocala/Marion
Santos Gap	436291-1	SW 49th Ave Trailhead	Santos Trailhead	9.0	Heart of Florida	Design/build - Out for bid	Ocala/Marion
Silver Springs Gap	435486-1	SE 64th Ave Trailhead	Silver Springs State Park	6.0	Heart of Florida	In Design, Construction - FY 2018	Ocala/Marion
East Central FL Rail Trail; Garden St Pedestrian	424040-6	Canaveral Avenue	Drac Road	0.6	River-to-Sea: Coast-to-Coast	Under Construction	Space Coast
East Central FL Rail Trail	424040-4	Kingman Road	Volusia County Line	12.8	River-to-Sea: Coast-to-Coast	Under Construction	Space Coast
South Lake Trail Phase 4	435893-1	Van Fleet Trail	CR 565A (Villa City Rd.)	8.4	Heart of Florida: Coast-to-Coast	Design Phase underway; ROW 2018-21, CST 2022	Lake-Sumter
Pruitt Gap				9.5	Heart of Florida: Coast to Coast	In Design, Construction - FY 2021	Ocala/Marion
East Central FL Rail Trail	4154348	Guise Road	Gobblers Lodge	3.5	Coast to Coast: St. Johns River to Sea Loop	Construction funded in FY 2018/19 - \$4,083,500	River to Sea
Hallfax River Greenway - Beach Street	4361391	Wilder Blvd	Shady Place	0.5	East Coast Greenway	Construction funded in FY 2018/19 - \$525,517	River to Sea
Hallfax River Greenway - Donnelly Place	438983-1	Shady Place	Bellevue Ave.	0.3	East Coast Greenway	Construction funded in FY 2017/18 - \$215,512	River to Sea
Space Coast Trail	426187-1 436187-2	Canaveral Avenue	W. Max Brewer Bridge	1.9	River to Sea: Coast-to-Coast: East Coast Greenway	Downtown connector/ ECFRRT to MINWR; Construction FY 2020/21 \$1,707,000 but City of Titusville will build with local \$ in FY 2016/17; Fully funded through construction by City of Titusville	Space Coast
Total Mileage of Priorities Programmed				60.8			

FY 2016-17 CFMPOA Regional Trail Priorities

DRAFT

Ranked Priorities										
SUNTrails Tier One (Coast to Coast Trail)										
Priority	Trail Name	FM Number	Limits A	Limits B	Length (Miles)	Mega-Trails	Latest Project Phase Funded	Project Phase(s) Remaining Unfunded	Estimated Remaining Cost (Present Day)	MPO
T1-1	Space Coast Trail	4371873	Max Brewer Bridge East end	Merritt Island National Wildlife Refuge Entrance	1.9	River to Sea: Coast-to-Coast; East Coast Greenway	Downtown connector/ ECFRRT to MINWR; Feasibility Study FY 2014/15 \$160,124; Design FY 17/18; Construction partially funded FY 19/20	Partially funded through construction with FDOT resurfacing project	\$800,000	Space Coast
T1-2	Space Coast Trail	437093-1	Playalinda Rd. West End/ Merritt Island NWR Entrance	Playalinda Rd. East End	10.5	River to Sea: Coast-to-Coast; East Coast Greenway	PD&E \$1,400,000 FY 15/16; Design \$4,500,000 FY 17/18	Construction	\$10,500,000	Space Coast
			Playalinda Road	US 1 (Volusia Co. Line)	12.9				\$12,900,000	
T1-3	Clarcona-Ocoee Trail	436435-1	Pine Hills Trail	Hiwassee Road	1.5	Heart of Florida: Coast-to-Coast	PD&E 2014/15	Design, right-of-way & construction	\$4,371,600	MetroPlan Orlando
T1-4	Pine Hills Trail Phase 3	436433-1	Clarcona-Ocoee Rd.	Seminole County Line	3.0	Heart of Florida: Coast-to-Coast	PD&E 2014/15	Design, right-of-way & construction	\$9,948,000	MetroPlan Orlando
T1-5	South Sumter Connector	435471-1	Withlacoochee Trail	Van Fleet Trail	19.5	Heart of Florida: Coast-to-Coast	PD&E programmed for 2017, Design 2019, ROW 2021	CST projected for 2023	\$16,705,923	Lake-Sumter
T1-6	South Lake Trail Phase 3C	427056-1	CR 565A (Villa City Rd.)	SR 33 (Crittenden St.)	1.1	Heart of Florida: Coast-to-Coast	Design Underway	ROW and CST - * tied to SR 50 Realignment	\$20,000,000	Lake-Sumter
Total Mileage of Tier One					50.4	Total Estimated Remaining Costs for Tier One				\$75,225,523

FY 2016-17 CFMPOA Regional Trail Priorities

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SUNTrails Tier Two (St. Johns River to Sea Loop) Projects Ready for Design, ROW & Construction										
DRAFT										
Priority	Trail Name	FM Number	Limits A	Limits B	Length (Miles)	Mega-Trails	Latest Project Phase Funded	Project Phase(s) Remaining Unfunded	Estimated Remaining Cost (Present Day)	MPO
Unranked	Dale Ave. to 10th Street Trail	439863-1	Dale Ave.	10th Street	1.2	River to Sea, East Coast Greenway	Design/Permitting funded in FY 2016/17	Construction	\$1,100,000	River-to-Sea
Unranked	US 17 Trail (Pierson)	439877-1	Washington Ave.	Palmetto Ave.	1.1	River-to-Sea	Design/Permitting funded in FY 2016/17	Construction	\$1,000,000	River-to-Sea
Unranked	Halifax River Greenway	439868-1	Bellevue Ave.	Marina Point Drive	0.23	River to Sea, East Coast Greenway	Design/Permitting funded in FY 2016/17	ROW & Construction	\$300,000	River-to-Sea
Unranked	Halifax River Greenway	439869-1	Marina Point Drive	Orange Ave.	0.51	River to Sea, East Coast Greenway	Design/Permitting funded in FY 2016/17	ROW & Construction	\$450,000	River-to-Sea
Unranked	Halifax River Greenway	439871-1	Sickler Drive	2nd Street	0.57	River to Sea, East Coast Greenway	Design/Permitting funded in FY 2016/17	Construction	\$100,000	River-to-Sea
Unranked	Halifax River Greenway	439870-1	Ballough Road Bridge	Ballough Road Bridge	0.06	River to Sea, East Coast Greenway	Design/Permitting funded in FY 2016/17	Construction	\$100,000	River-to-Sea
Unranked	Spring to Spring Trail, Seg. 3a	439039-1	Detroit Terrace	US 17/92	6.0	Heart of Florida; River to Sea	Design in FY 2017/18 - \$396,000	Construction	\$6,500,000	River to Sea
Unranked	10th Street to Canal Street Trail	439864-1	10th Street	Canal Street	1.6	River to Sea; East Coast Greenway	Design/Permitting funded in FY 2016/17	ROW & Construction	\$1,950,000	River-to-Sea
Unranked	Spring to Spring Trail	439875-1	Grand Ave./Baxter Street	US 17	1.3	Heart of Florida; River-to-Sea	Design/Permitting funded in FY 2016/17	ROW & Construction	\$4,500,000	River-to-Sea
Projects Requiring Study										
Unranked	US 1 Trail	439865-1	Canal Street	Beville Road	13	River to Sea; East Coast Greenway	Feasibility Study/PD&E Study funded in FY 2016/17	Design	\$3,500,000	River-to-Sea
Unranked	Spring to Spring Trail, Segs 5 & 6	439874-1	Lake Beresford Park	Grand Ave.	3.60	Heart of Florida; River-to-Sea	\$750,000 PD&E FY 2016/17	Design, ROW & CST Phases needed	\$2,000,000	River-to-Sea
Unranked	SR 40 Trail	439872-1	Cassen Park	SR A1A	1.1	River to Sea	Feasibility Study funded in FY 2016/17	Design, ROW, Construction		River-to-Sea
Unranked	Flagler Beach Trail	439873-1	South 26th Street	North 9th Street	2.9	River to Sea; East Coast Greenway	Feasibility Study/PD&E Study funded in FY 2016/17	Design, ROW, Construction	\$2,500,000	River-to-Sea
Unranked	Oak Hill to Edgewater Trail	439862-1	US 1/Kennedy Parkway	Dale Ave.	11.6	River to Sea, East Coast Greenway	PD&E Study funded in FY 2016/17	Design, ROW, Construction		River-to-Sea
Unranked	US 17 Trail	439876-1	SR 40	Putnam County line	14.0	River-to-Sea	Feasibility Study/PD&E Study funded in FY 2016/17	Design	\$1,500,000	River-to-Sea
					Total Mileage of Tier Two	Total Estimated Remaining Costs for Tier Two				
					58.2	\$25,500,000				

FY 2016-17 CFMPOA Regional Trail Priorities

DRAFT

SUNTrails Tier Three & Transportation Alternatives Eligible

Priority	Trail Name	FM Number	Limits A	Limits B	Length (Miles)	Mega-Trails	Latest Project Phase Funded	Project Phase(s) Remaining Unfunded	Estimated Remaining Cost (Present Day)	MPO
T3-1	Wekiva Trail		Tremain St.	Hojin Street	9.8	Heart of Florida; Mt. Dora Bikeway	PD&E Underway/ Design Funded 2016	Design \$1,700,000, ROW \$5,000,000, CST \$4,000,000	\$10,700,000	Lake-Sumter
T3-2	Shingle Creek Trail 3C		Taft-Viheland Road	Town Loop Blvd.	2.8	Shingle Creek Regional Trail		Design, ROW & CST	\$6,376,000	MetroPlan Orlando
T3-3	Silver Springs to Mount Dora		SE 64th Ave Trailhead	CR 42	16.6	Heart of Florida; Mt. Dora Bikeway	Trail in Marion County will be on existing public lands.	Design and construction	\$7,300,000	Ocala/Marion
T3-4	East Coast Greenway/SR 528	407402-3 407402-4	US 1	Port Canaveral	8.8	East Coast Greenway	Design funded FY 2016/17; part of two widening/reconstr. projects	CST phase needed in same FY as road widening/reconstruction of roadway	\$8,810,000	Space Coast
T3-5	Black Bear Scenic Trail		Volusia County Line	Marion County Line	7.7	Heart of Florida	PD&E Funded in FY2020	Design, ROW & CST Phases needed	\$6,500,000	Lake-Sumter
T3-6	Shingle Creek Trail 4	430225-1 430225-7	Orange/Osceola Co. Line	Kissimmee Lakefront Park	11.8	Shingle Creek Regional Trail	Some segments completed; some programmed	ROW & CST	\$30,346,000	MetroPlan Orlando
T3-7	Black Bear Scenic Trail	436360-1	Levy Hammock Road	Lake County Line	13.6	Heart of Florida	PD&E Funded in FY2019/20	Design, ROW & CST Phases needed	\$13,600,000	Ocala/Marion
T3-8	Space Coast Trail/US 1		SR 50	Grace Street	3.1	East Coast Greenway	Feasibility Study complete	Design, CST Phases needed	\$3,700,000	Space Coast
T3-9	Tav-Lee Trail Phase 2		Lakes Blvd.	Sleepy Hollow	3.9	Mt. Dora Bikeway	PD&E Complete	Design, ROW & CST Phases needed	\$2,902,000	Lake-Sumter
T3-10	Shingle Creek Trail 3B	430225-2	Town Loop Blvd.	Orange/Osceola Co. Line	2.0	Shingle Creek Regional Trail		Design, ROW & CST	\$4,000,000	MetroPlan Orlando
T3-11	Trail/Sabal Bluff Connector		Tav-Lee Trail	Marion County Line	12.2	Mt. Dora Bikeway	Trail MasterPlan Complete	PD&E, Design, ROW & CST Phases needed	\$9,157,000	Lake-Sumter
T3-12	West Orange Trail Phase 5a		Lester Road	Kelly Park	4.2	Heart of Florida; Mt. Dora Bikeway	ROW and design needed		\$7,800,000	MetroPlan Orlando
T3-13	Tav-Dora Trail		Tremain St	Wootton Park	8.3	Mt. Dora Bikeway	Trail MasterPlan Complete	PD&E, Design, ROW & CST Phases needed	\$4,500,000	Lake-Sumter
T3-14	West Orange Trail Phase 5b		Rock Springs Road	Wekiva Springs SP entrance	2.8	Heart of Florida; Mt. Dora Bikeway		Design, ROW & CST Phases needed	\$5,200,000	MetroPlan Orlando
T3-15	Pine Hills Trail Phase 2		Silver Star Road	Clarcona-Ocoee Road	2.30	Shingle Creek Regional Trail		Design, ROW & CST Phases needed	\$1,591,942	MetroPlan Orlando
T3-16	Neighborhood Lakes Trail		Kelly Park	CR 435 in Orange Co.	3.7	Heart of Florida; Mt. Dora Bikeway		Design, ROW & CST Phases needed	\$1,300,000	MetroPlan Orlando
T3-17	Black Bear Scenic Trail		Volusia County Line	US 17	6.4	Heart of Florida	Study completed	Design, ROW & CST Phases needed	\$5,381,630	River-to-Sea
T3-18	N. Merritt Island Heritage Trail		SR 528	Federal Lands	12.5	East Coast Greenway		Feasibility (\$125,000), PD&E, ROW, Design, & CST		Space Coast
T3-19	North Lake Trail		CR 450	SR 40	19.5	Heart of Florida		Design, ROW & CST needed	\$24,857,000	Lake-Sumter
T3-20	Space Coast Loop		US 1	Aurantia Rd/ECFRRT	9.4	Space Coast Loop		North connector ECFRRT/KSC loop; no ROW or PD&E needed	\$3,200,000	Space Coast
Total Estimated Remaining Costs for Tier Three and TA									\$157,221,572	
Total Estimated Remaining Costs of Ranked Priorities									\$257,947,095	



2017 Regional Transit Priorities

DRAFT

Proposed transit priorities are focused on high capacity rail or bus projects requiring a significant investment of federal, state and local funds. These are shown in three tiers: (1) projects currently underway; (2) projects with regional commitments that need to be fulfilled; (3) prospective projects currently being studied; and (4) future projects that will be studied. Privately-funded projects are shown for information purposes.

Transit Projects Currently Underway

- SunRail - Phase II South (Sand Lake Road to Poinciana)

Transit Projects with Regional Commitments that Need to be Fulfilled

- SunRail - Phase II North (DeBary-Deland)

Prospective Transit Projects Currently Being Studied or in Development

- SunRail - Phase III (Meadow Wood Station to OIA)
- OIA Refresh Alternatives Analysis
- US 192 Bus Rapid Transit
- SR 50 Bus Rapid Transit
- Lymmo Expansion (North/South)
- Volusia Transit Connector Study
- Prospective Brightline Brevard Station Study

Future Transit Projects That Will Be Studied

- East Central Florida Corridor Task Force Transit Study

Privately-Funded Transit Projects

- Brightline (Orlando-West Palm Beach-Ft. Lauderdale-Miami)
- EMMI/AMT (Orange County Convention Center to Orlando International Airport)

TAB 14





250 SOUTH ORANGE AVENUE
SUITE 200
ORLANDO, FLORIDA 32801

PH: 407.481.5672
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July 25, 2016

Ms. Deirdre Macnab
Chair, Transportation Committee
Orange County League of Women Voters
P.O. Box 1901
Winter Park, Florida 32790

Dear Ms. Macnab:

This is to acknowledge receipt of your letter dated July 12, 2016 regarding the League's concerns about the variable toll express lane projects in Central Florida that area being implemented by Florida's Turnpike Enterprise.

A copy of your letter was provided to all Board members at our Board meeting on July 13, 2016. This was tied into the recommended approval of our Five-Year Transportation Improvement Program which had the support of our Advisory Committees.

Our General Counsel has opined that the MetroPlan Orlando Board does not have the authority to block projects being funded by Florida's Turnpike Enterprise and that we are required by law to include them for information purposes in our Transportation Improvement Program. However, we can influence their implementation, as was done with the state's decision to delay one of these projects on SR 417 in Seminole County. Our Board also deferred action on a companion project at last month's meeting until additional information is provided.

Documents having to do with FDOT's express lane policy (which also apply to Florida's Turnpike Enterprise) are being reviewed. This will be a topic for an upcoming MetroPlan Orlando Board meeting or perhaps at a special workshop. We will let you know when this has been scheduled.

Sincerely,

Harold W. Barley
Executive Director

MEMORANDUM

TO: Harry Barley, Executive Director, MetroPlan Orlando

FROM: Steven R. Bechtel
Mateer & Harbert, P.A.

DATE: July 25, 2016

RE: RELATIONSHIP OF FLORIDA TURNPIKE ENTERPRISE PROJECTS
TO MetroPlan ORLANDO TRANSPORTATION IMPROVEMENT
PROGRAM (TIP)

This will enumerate the Florida statutes and provisions of the federal law which pertain to the relationship of Florida Turnpike Enterprise Projects and the requirement for those projects to be included in the MetroPlan TIP.

1. The Florida Statutes which pertain to Florida Turnpike Enterprise projects are as follows:

Section 338.22 et. seq., the “Florida Turnpike Enterprise Law” provides:

Section 338.22 (1) No governmental entity other than the Department may acquire, construct, maintain or operate the turnpike system subsequent to the enactment of this law, except upon specific authorization of the Legislature.

Section 338.223(1)(b) Turnpike projects that add capacity, alter access, affect feeder roads, or affect the operation of the local transportation system shall be included in the transportation improvement plan of the affected metropolitan planning organization.

2. Federal law that is pertinent is as follows:

23 U.S.C. 134 and 49 U.S.C. 5303 (the Federal Transit Acts) of the federal statutes establish metropolitan planning organizations and authorize the promulgation of regulations. 23 C.F.R. Section 450.326 dealing with TIP requirements provides in subsection (f) the TIP shall contain “all regionally significant projects requiring an action by the FHWA or the FTA whether or not the projects are to be funded under title 23 U.S.C. Chapter 1 and 2 or Title 49 U.S.C. Chapter 53 (e.g. addition of an interchange to the interstate system with State, local and/or private funds if designated projects not funded under 23 U.S.C. or 49 U.S.C. Chapter 53). For public information and conformity purposes the TIP shall include all regionally significant projects proposed to be funded with federal funds other than those measured by the FHWA or the FTA as well as all regionally significant projects to be funded with non-federal funds.

3. Section 339.175 Florida Statutes pertains to metropolitan planning organizations. Section 339.175(8) provides that an MPO shall in cooperation with the State develop a TIP.

Section 339.175(8)(d) provides that projects included in the transportation improvement program and that have advanced to the design stage of preliminary engineering may be removed from or rescheduled in a subsequent transportation improvement program only by joint action of the MPO and the department.

It may appear that this statute provides an opportunity for the MetroPlan Board to remove a project from the TIP which has not advanced to the design stage of preliminary engineering without the consent of the department. However, to be consistent with section 338.223 and in accordance with the principle of *in pari materia*, a rule of statutory construction which says that the laws of the same matter and on the same subject must be construed with reference to each other so as to promote uniformity and predictability, Section 339.175(8)(d) should be construed so as to not apply to Florida Turnpike Enterprise projects but only to other projects in the TIP.

Conclusion: The MetroPlan Orlando TIP must include all Florida Turnpike Enterprise Projects. These may be shown as for informational purposes only.



Florida Department of Transportation

RICK SCOTT
GOVERNOR

Florida's Turnpike Enterprise
P.O. Box 613069, Ocoee, FL 34761
407-532-3999

JIM BOXOLD
SECRETARY

August 4, 2016

Harry Barley, Executive Director
MetroPlan Orlando
250 S. Orange Ave., Suite 200
Orlando, Florida 32801

Re: Adoption of Transportation Improvement Program, FY 2016/17 – FY2020/21

Dear Mr. Barley:

Florida's Turnpike Enterprise (FTE) is in receipt of the Transportation Improvement Program adopted by MetroPlan Orlando's board on July 13, 2016. Per Resolution No. 16-11, the MetroPlan Orlando Board voted to table action for the variable toll express lanes project on SR 417 from SR 434 to north of CR 427 pending further discussion and additional information on the project from Florida's Turnpike Enterprise ("FTE"). I am pleased to share with you once again the State's vision for express lanes.

As you are aware, the Orlando metro area is one of the fastest growing areas in the nation. According to the U.S. Census, the Orlando metro area gained more than 50,000 residents between 2014 and 2015. Correspondingly, FTE's toll transactions grew nearly 12 percent between FY 2015 and FY 2016 on the SR 417 in Seminole County. FTE's programmed widenings are scheduled to help meet this growing travel demand in advance of the occurrence of major congestion. The widenings include express lanes and are consistent with MetroPlan Orlando's Transportation Demand Management Strategies contained in the 2040 Long Range Transportation Plan, which strategies include congestion pricing as a congestion management solution. The FTE express lane concept is also consistent with statewide FDOT policy, which requires consideration of express lanes for all new capacity projects on limited access facilities on the State Highway System. For your reference, FDOT and FTE express lanes are governed by Rule 14-100.003, Florida Administrative Code, *Express Lane Tolling*.

Express lanes offer an innovative Transportation System Management and Operations solution for congestion management. Florida's Turnpike customers, already familiar with the choice to use toll facilities, can choose to use express lanes for a more predictable travel time. Express lanes are market driven; toll amounts are based on traffic volume and operating speeds inside the express lanes. Only the southernmost eight miles of 95 Express in Miami-Dade County have an established maximum toll amount. FTE express lanes leverage technology to efficiently collect tolls from interoperable transponder-based accounts, thus lowering operating costs and investing more money back into the Turnpike System as well as preparing to manage congestion well into the future. To discourage unauthorized use of express lanes, FDOT has implemented a \$25 violation charge if the customer does not have a prepaid account. Understanding that some visitors to Florida inadvertently enter the express lanes without having an interoperable transponder-based account, the SunPass

Harry Barley, Executive Director
August 4, 2016
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Customer Service Center has trained representatives ready to work with travelers who have inadvertently entered an express lane. Express lane tolls can be billed through the toll payment options offered by most major rental car companies to their customers in the same manner as other tolls. FTE has also been working diligently to expand SunPass interoperability from statewide to nationwide, and a growing number of visitors may use the toll roads and express lanes in our state with their "home" transponders. FTE is currently interoperable with North Carolina and Georgia, and South Carolina will soon become our newest interoperability partner. Our next goal is to connect our SunPass Customer Service Center with the Central U.S. Interoperability Hub in Texas. This connection will provide toll road and express lane interoperability for travelers from Kansas, Oklahoma, Texas, and Louisiana.

With direct connections to Interstate 4, the FTE express lanes in Central Florida will form a network of high-speed, efficient lanes which drivers may choose to use on their daily commutes or for important occasions when timeliness is required. Transit buses using FTE express lanes will only be charged the toll amounts associated with the general toll lanes thereby offering an opportunity for the creation of Bus Rapid Transit routes, which in turn will promote reliable and affordable mobility options for transit customers. Like all of our projects, FTE express lanes will be designed and constructed using FTE funds and FTE revenue bonds, not with federal or state gas tax revenues.

The FTE express lanes are part of FTE's continuing strong commitment to Central Florida. FTE has invested \$335 million in Central Florida infrastructure improvements in the last 24 months alone. Each dollar that is invested in transportation infrastructure yields \$5.50 of economic benefits. The aggregate economic benefit to the Central Florida region from FTE's investments over the last 24 months is \$1.8 billion. FTE's investments have also benefited other local agency projects such as the build out of the SR 417/Turnpike Interchange (MP 251), which had an FTE investment of \$83 million. FTE is committed to keeping its operating costs low so that it can continue to invest in the capital infrastructure that will meet the growing needs of the State of Florida. Among the important FTE projects that will provide needed mobility to the region are the new Turnpike interchange at Sand Lake Road and the widening of SR 528, SR 417, and the northern portion of the Turnpike mainline.

FTE takes great pride in the work we are able to accomplish and is committed to regional partnerships. We are happy to have a strong partnership with MetroPlan Orlando and thank you for your interest in our program.

Very Truly Yours,



Diane Gutierrez-Scaccetti,
Executive Director

DGS/CS/emd



Florida Department of Transportation

RICK SCOTT
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

JIM BOXOLD
SECRETARY

August 10, 2016

Mayor Teresa Jacobs
Orange County Board of County Commissioners
201 S. Rosalind Avenue, 5th Floor
Orlando, Florida 32801

Re: Central Florida Expressway Authority

Dear Mayor Jacobs:

This letter follows our conversations concerning the Central Florida Expressway Authority's interest in utilizing FDOT's State Road 50 right-of-way to extend the authority's Spessard L. Holland East-West Expressway. As you know, the Department has previously advised that this request is not workable. At your request, we have taken a more intensive look at the issue, which has yielded the same conclusion.

Earlier this year, authority staff advised Department management that the authority was contemplating the use of Department owned right-of-way for this purpose. Because SR50 is a federal-aid facility, the Department is responsible for ensuring compliance with applicable federal law and regulations. In accordance with that responsibility, the Department has adopted procedures under which a third party, such as the authority, may request permission to utilize federal-aid facility right-of-way. These procedures provide a process for thorough review and consideration of any proposal, both at the Department's district and central office levels. To my knowledge, the authority has not made a request to use this right-of-way in accordance with these procedures. Nonetheless, in the interests of being a good partner, the Department has broadly evaluated the authority's expressed interest under the applicable criteria.

Our understanding is that the authority's proposal would extend its expressway in some areas by constructing elevated lanes in the SR50 right-of-way along the existing state facility. In other areas, the authority proposes to place the new expressway at-grade in the existing SR50 right-of-way. This would necessitate the purchase of additional right of way on which to relocate the existing federal-aid facility. As a logical and practical matter, this seems somewhat convoluted.

The simple fact is that the Department does not have excess right-of-way in the area of interest to the authority. All of the right-of-way in the Department's ownership is needed for the current and foreseeable future maintenance and operation of SR50. Title 2 of the Code of Federal Regulations, section 200.311(b), requires the Department to use its federal-aid right-of-way for the originally authorized purpose for which the right-of-way was acquired, as long as it is needed for that purpose. Title 23 of the Code of Federal Regulations, sections 1.23(b) and 710.403(a), requires the Department to ensure that all real property, including airspace, within the boundaries of a federal-aid facility is devoted exclusively to the purposes of the federal-aid facility and is preserved free of all other public or private uses, except as specifically permitted by federal law and regulation.

While federal law and regulation do authorize state transportation departments to lease federal-aid facility right-of-way that is not currently needed for the purposes of the federal-aid facility, there are a number of requirements:

- (i) Any use by lease must be consistent with the continued operation, maintenance, and safety of the federal-aid facility and must not impair the federal-aid highway or interfere with the free and safe flow of traffic thereon (23 CFR 710.403(a) and (d) and 23 CFR 1.23(c));
- (ii) A lease must include terms that allow the State transportation department to revoke the lease in the event that the leased property becomes needed for the purposes of the federal-aid facility, as well as terms requiring removal of improvements at no cost to the Federal Highway Administration and adequate insurance to hold the State and the FHWA harmless (23 CFR 710.407(a) and http://www.fhwa.dot.gov/real_estate/right-ofway/corridor_management/airspace_guidelines.cfm); and
- (iii) State transportation departments are required to charge at least fair market value for other uses of federal-aid right-of-way (23 USC 156 and 23 CFR 710.403(d)).

Even if the Department had excess right-of-way available for potential lease, all of these requirements would apply to the authority's contemplated use. The requirement that the lease provide for revocation of the lease and removal of the non-federal highway improvements is obviously problematic from both the Department's and the authority's perspective given the significant cost of the improvements the authority wishes to construct. The Department was also advised that the authority's concept was not cost effective if it would be required to pay fair market value for use of Department property. The only exceptions to the federal fair market rent

requirement are for high speed rail, public utilities, other federal-aid transportation projects, public transit non-highway facilities, railroads, bikeways and pedestrian walkways, and (with FHWA approval when the exception is clearly within the overall public interest for social, environmental, or economic purposes) for non-proprietary governmental uses (i.e., governmental uses that do not generate net income) (23 United States Code 156(a) and 23 CFR 710.403(d)(1)-(5)). None of these exceptions are applicable to a special district owned toll facility, even if the Department had excess right-of-way available. In addition to the federal requirement, Department policy is to require fair market rent for third party uses of Department right-of-way.

As you know, the authority has pointed to the state's express lanes and the SR 46/Wekiva Parkway improvements as a potential path forward for the authority's request. However, from a federal law perspective, those projects are not analogous to the authority's proposal. Federal law and regulations specifically authorize state transportation departments to use express lanes to improve the operation of a federal-aid facility. There is a separate process that governs express lanes, and the express lanes are actually considered to be part of the federal-aid facility. This is fundamentally different than co-locating a separate special district owned toll facility, as proposed by the authority.

The improvements to SR46 that are being constructed as part of the Wekiva Parkway project are also wholly distinguishable from the authority's proposal. The Department is widening and improving portions of SR 46 on the west and the east ends of the project, but those portions will not be tolled. The Department is also reconstructing part of SR 46 from the new interchange with Section 4 B of the Wekiva Parkway to Orange Boulevard as a toll facility with non-tolled service roads for local travel. Unlike the authority's proposed addition of a special district revenue producing facility to SR 50, these modifications are expressly authorized by existing federal law. Pursuant to 23 USC 129, a State transportation department may reconstruct a non-Interstate federal highway and convert it to a toll facility. A State may also add new toll lanes to a non-Interstate federal highway that increase the highway's capacity as long as it does not reduce the number of free lanes. In either case, federal law requires that revenues generated on the new tolled lanes be used only for: debt service for that project; operation, maintenance, repair and restoration of that project; and other purposes for which federal funds may be obligated by the Department.

Finally, the authority's concept would require the Department to abandon widening improvements to SR 50 that are on the MetroPlan Orlando prioritized project list and are well into design. The Department does not believe that abandonment of these projects would be a cost effective use of public funds or consistent with its obligations.

Mayor Teresa Jacobs
August 10, 2016
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In sum, the Department has concluded that the authority's proposed use of SR50 right-of-way is unworkable and inconsistent with our obligations. As you know, the Department has its own tolling arm, Florida's Turnpike Enterprise. We do not co-locate Turnpike toll facilities with federal-aid right-of-way for the same reasons that we are unable to accommodate the authority's request.

I understand from you that at this week's board meeting, the authority will consider moving forward on an alternative approach to this project that does not involve the use of Department owned federal-aid facility right-of-way. As evidenced by this letter, the Department has expended significant time and effort on this issue, but we are not amenable to the use of SR50 right of way as proposed by the authority. Thank you.

Sincerely,



Jim Boxold
Secretary



Florida Department of Transportation

RICK SCOTT
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

JIM BOXOLD
SECRETARY

August 17, 2016

Gregory G. Nadeau, Administrator
Federal Highway Administration
U.S. Department of Transportation
1200 New Jersey Avenue S.E.
Washington, DC 20590

Carolyn Flowers, Acting Administrator
Federal Transit Administration
U.S. Department of Transportation
1200 New Jersey Avenue S.E.
Washington, DC 20590

Re: Docket No. FHWA-2016-0016

Dear Administrators Nadeau and Flowers:

The Florida Department of Transportation (FDOT) is pleased to comment on a Notice of Proposed Rulemaking (NPRM) issued by the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) in the June 27, 2016 Federal Register. The NPRM titled "Metropolitan Planning Organization Coordination and Planning Area Reform" proposes revisions to transportation planning requirements.

FDOT has collaborated closely with the Florida Metropolitan Planning Organization Advisory Council (MPOAC). The MPOAC is a statewide planning and policy organization created by the Florida Legislature 30 years ago. We recommend that the MPOAC comments on this rulemaking also be given careful consideration.

Our detailed comments which follow can be summarized as follows:

1. Florida is impacted by the NPRM more than any other state
2. Florida is a model of collaboration with its planning stakeholders
3. There is no clear direction for this NPRM in legislation
4. States and MPOs can follow the intent of the NPRM on their own
5. This rulemaking should be suspended until legislation is enacted that clarifies the Congressional intent
6. The highly prescriptive approach of the NPRM is not good governance consistent with established principles of federalism. FHWA and FTA can practice good governance by suspending the rulemaking

1. Florida is Impacted by the NPRM More Than Any Other State

There are currently 27 metropolitan planning organizations (MPOs) in Florida. This is more than any other state. As determined by FHWA, 22 of these MPOs will be impacted by the proposed rule, more than any other state. As the third most populous state, our population of 20 million people will grow by more than 7 million more people by 2045. Each year more than 106 million

people visit Florida. Clearly, Florida has a great stake in this proposed rulemaking and its perspectives therefore must be closely considered.

2. Florida is a Model of Collaboration With Its Planning Stakeholders

Prior to the 2010 census and the addition of one more MPO, a total of 22 of Florida's 26 MPOs had entered into formal arrangements to coordinate regional transportation planning activities with one or more neighboring MPOs. Four of those efforts involve three or more MPOs working through a regional association of MPOs, while the rest include two contiguous MPOs working together to coordinate regional transportation planning and decision-making. Six MPOs participate in more than one alliance (Polk TPO, Martin MPO, St. Lucie TPO, Charlotte County-Punta Gorda MPO, Lee County MPO, and Sarasota/Manatee MPO). These regional coordinating efforts of MPOs are listed in the table below including the number of member MPOs, acronym, and formation date for each (as applicable):

MPO Regional Coordinating Efforts			
<i>Name of MPO Alliance</i>	<i>Number of Member MPOs</i>	<i>Acronym</i>	<i>Year Formed</i>
Regional Alliances of MPOs (three or more MPOs working together)			
Central Florida MPO Alliance	6*	CFMPOA	1997
Southeast Florida Transportation Council	3	SEFTC	2005
Treasure Coast Transportation Council	3	TCTC	2006
West Central Florida MPO Chairs Coordinating Committee	6*	CCC	1992
Contiguous MPOs (two MPOs working together)			
Charlotte County-Punta Gorda MPO and Lee County MPO			2010
Charlotte County-Punta Gorda MPO and Sarasota/Manatee MPO			2004
Collier County MPO and Lee County MPO			2004
Martin MPO and St. Lucie TPO			2006
Northwest Florida Regional Transportation Planning Organization		NWFLRTPO	2004
*Polk TPO is a member of both the CFMPOA and the CCC			

Given the widespread existence of regional MPO alliances, many regional transportation planning products have been generated; including but not limited to:

- regional long range transportation plans
- regional goals and objectives
- regional project priority lists
- regional congestion management systems
- regional freight plans
- regional public involvement programs

As a result of regional MPO coordination, a variety of regionally significant transportation projects have been planned, programmed, and constructed all across the state. Regional MPO coordination efforts have also resulted in regional long range transportation plans and numerous joint regional priorities lists that are developed and supported by multiple MPOs.

Examples of regional alliances of three or more MPOs working together are highlighted below:

Central Florida MPO Alliance (CFMPOA)

The Orlando-Volusia Alliance was formed in 1997 by MetroPlan Orlando and the Volusia County MPO (now the River to Sea TPO) as a regional collaborative to focus on transportation planning issues of mutual interest. In 2001 the Space Coast TPO, the Lake-Sumter MPO, the Ocala-Marion County TPO, and the Polk TPO joined MetroPlan Orlando and the River to Sea TPO to formally establish the Central Florida MPO Alliance (CFMPOA). Below is a list of regional documents produced by the CFMPOA and status of activity.

CFMPOA Documents Produced, Documents In Progress, and Ongoing Activities	
<i>Document/Activity</i>	<i>Progress</i>
2025 Regional Long Range Transportation Plan	Completed
Legislative Priorities List	Ongoing
Myregion.org	Ongoing
Regional Prioritization Priorities and Process Document	Completed
Regional Prioritization Initiative	Ongoing
Regional Tracking the Trends Document	Ongoing

Southeast Florida Transportation Council (SEFTC)

The three MPOs in Southeast Florida (the Broward MPO, the Miami-Dade Urbanized Area MPO, and the Palm Beach MPO) have been coordinating formally on regional transportation planning issues for many years. Documents of regional significance are listed below.

SEFTC Documents Produced, Documents in Progress, and Ongoing Activities	
<i>Document/Activity</i>	<i>Progress</i>
2035 RL RTP	Completed
2040 Regional Transportation Plan	In Progress
Annual Prioritized List of Regional Transportation Projects	Ongoing
Cargo 2040	In Progress
Regional Greenway Plan	In Progress
Regional Performance Standards	In Progress
Regional Public Involvement Plan	Completed
Regional Transit System Plan	In Progress
Southeast Florida Passenger Rail Evaluation	Completed
South Florida Regional Freight Plan	Completed
South Florida East Coast Corridor Study	In Progress

Treasure Coast Transportation Council (TCTC)

The Ft. Pierce Urbanized Area (UZA) was designated following the 1980 census and the St. Lucie County MPO (now the St. Lucie TPO) was formed to conduct metropolitan transportation planning in that new metropolitan area. Following the 1990 census, the Martin County MPO (now the Martin MPO) and the Indian River County MPO were formed to conduct metropolitan transportation planning for the newly designated Stuart and Vero Beach UZAs. These three Treasure Coast MPOs coordinated informally on regional transportation planning issues during the 1990's and early 2000's, but no formal coordination mechanism was in place.

Between 1990 and 2000, the Ft. Pierce and Stuart UZAs grew and crossed county lines and with the 2000 census, the two UZAs were merged to form the single Port St. Lucie UZA. On April 10th, 2006 the Martin, St. Lucie, and Indian River County MPOs entered into an interlocal agreement to create the Treasure Coast Transportation Council (TCTC). The TCTC was created foremost to secure TRIP funding but it has since come to serve as a forum for formal coordination and communication among agencies and organizations involved in regional transportation planning.

The Council consists of the chair and vice-chair from each MPO Board for a total of six voting members plus three ex-officio, non-voting advisors, one from FDOT District 4, one from the Florida Turnpike Enterprise, and one from the Treasure Coast Regional Planning Council. The administrative duties of the TCTC are performed by each of the three member MPOs on a rotating basis. The TCTC meets annually to coordinate regional planning issues, projects, and funding.

The TCTC developed a document in 2007 detailing the regional project prioritization criteria that was used to develop the Regionally Ranked 2030 Needs Projects document. These documents are listed below.

TCTC Documents Produced, Documents in Progress, and Ongoing Activities	
<i>Document/Activity</i>	<i>Progress</i>
Regional Project Prioritization Criteria Document	Completed
Regionally Ranked 2030 Needs Projects	Completed

West Central Florida MPO Chairs Coordinating Committee (CCC)

In early 1989, the Hillsborough County MPO and Pinellas County MPO staff directors began meeting to coordinate regional transportation planning and were joined by the Pasco County MPO later that same year. The West Central Florida MPO Chairs Coordinating Committee (CCC) was officially formed in 1992 following the 1990 census and the Governor's re-designation of the MPOs. This was the first formal regional MPO alliance in Florida and the only one to be required in Florida Statute. In 1993, the Spring Hill/Hernando MPO (now Hernando County MPO) joined the CCC and the name was changed to the Tampa Bay Area's Chairman's Coordinating Committee. In 2000, the Polk TPO and the Sarasota/Manatee MPO joined the Tampa Bay Area's Chairman's Coordinating Committee by amendment to Florida Statute (s. 339.175, F. S.) and the name was again changed to the West Central Florida Chairs Coordinating Committee. In 2004, an interlocal agreement was signed by members of the CCC and amended in 2006 to add the Citrus County Board of County Commissioners as a voting member for the purpose of participating in the Transportation Regional Incentive Program.

The voting membership of the CCC Governing Board is comprised of the chairs from six individual MPOs including the Hernando Citrus County MPO, the Hillsborough County MPO, the Pasco County MPO, the Pinellas County MPO, the Polk TPO, and the Sarasota/Manatee MPO. Additional non-voting partner entities of the CCC Board include the Florida Department of Transportation (FDOT) District 1 and 7 Secretaries, a representative from Florida's Turnpike Enterprise, representatives from four Regional Planning Councils (the Central Florida, Southwest Florida, Withlacoochee, and Tampa Bay RPCs), and a representative from the Tampa Bay Area

Regional Transportation Authority (TBARTA). Major modal providers participate on an ad hoc basis.

The CCC Board meets quarterly to discuss regional transportation issues, to develop solutions to those issues, and to ensure a consistent regional planning approach in the West Central Florida region. All administrative duties for the CCC are performed by TBARTA through a contract with the CCC, but the Chair of the CCC rotates annually among each of the voting members. The CCC Staff Directors Coordination Team, comprised of member MPO Directors, FDOT and RPC managers, and staff from other partner agencies, meets bi-weekly to carry-out the regional work program and coordinating process.

The CCC hosts a website (<http://www.regionaltransportation.org/>) where relevant documents and other information, including meeting schedules and minutes, are posted.

The CCC developed the Joint Citizens Advisory Committee (JCAC) to provide public input and a citizen perspective. JCAC members come from the Citizens Advisory Committees of each of the member MPOs.

The 2035 RL RTP, adopted in draft form in November 2009, is the CCC's primary means for coordination in the west central Florida region. The RL RTP was developed using a top down approach in which member MPOs agreed upon the following:

- a regional multi-modal transportation network
- needs on the regional transportation network
- viable regional transportation improvement strategies
- regional goals, objectives and measures of effectiveness
- available revenue sources that could be applied to the regional transportation network
- a fiscally constrained list of regional transportation projects

In essence, the 2035 RL RTP was developed using a long range transportation planning process that would be used by any individual MPO, including public involvement activities and an advisory committee process. Each of the individual member MPO LRTPs contain elements of the RL RTP appropriate for their individual MPO needs, effectively implementing the policies and project priorities of the RLTP. The CCC had delayed the development of the 2040 LRTP so that it could be coordinated with the next TBARTA Master Plan update completed in 2015. This document and other documents of regional significance are listed below.

CCC Documents Produced, Documents In Progress, and Ongoing Activities	
<i>Document/Activity</i>	<i>Progress</i>
2035 Regional Long Range Transportation Plan	Completed
CMP List	Completed
FDOT District 1 and District 7 TRIP Priorities List	Completed
High Priority Regional Transportation Initiatives List	Completed
Regional Multi-Use Trails Element	Completed
Regional Public Participation Plan	Completed

Tampa Bay Transportation Management Area Leadership Group (TMA)

In the spring of 2013, the three MPOs covering the Tampa-St. Petersburg Urbanized Area (the Hillsborough County MPO, the Pinellas County MPO, and the Pasco County MPO) began to discuss ways to improve Transportation Management Area (TMA) level planning and programming coordination within the context of the broader CCC process. To date, no formal approach has been agreed upon, but the three MPO boards have agreed to establish a working group (to be called the Tampa Bay Transportation Management Area or TBTMA) comprised of three members from each MPO Board. The MPO boards also agreed that TBARTA and FDOT staff should be included in the working group. Further, there is a general consensus among the MPOs that to coordinate transportation planning activities in the larger region, the CCC process should be integrated with TBARTA planning process. In 2014, the TBTMA agreed upon a prioritized list of regional projects for the three MPOs.

Examples of two contiguous MPOs working together are:

Charlotte County-Punta Gorda MPO and Lee County MPO

Charlotte County-Punta Gorda MPO and Sarasota/Manatee MPO

Collier County MPO and Lee County MPO

Northwest Florida Regional Transportation Planning Organization (NWFLRTPO)

FDOT-MPO Performance Collaboration Efforts

On May 6, 2016, FDOT kicked off collaboration efforts with four pilot MPOs. Rather than work with all 27 MPOs to explore data development for performance measures by MPO area, four MPOs were chosen, of varying size and complexity, as a pilot for all MPOs. The MPOs are Gainesville, Hillsborough, Indian River and Broward. The pilot will help FDOT and MPO partners become better prepared to adopt FHWA's national measures of performance across Florida and to determine how to use these measures to support Florida's own performance management needs.

FDOT is also currently planning for the third Florida Metropolitan Planning Partnership (FMPP) group face-to-face annual meeting in September, 2016. The FMPP is the new name of the group consisting of FTA planning team, FHWA Division Office planning team, MPOs and FDOT. A major portion of this one and a half day meeting will be performance measures discussion and target collaboration. FDOT and Florida's MPOs can be showcased nationally as a model of collaboration through FHWA and FTA technical assistance. Replication and adaptation of such best practices may have far greater positive impact than an aggressive regulatory approach.

3. There is No Clear Direction for This NPRM in Legislation

The NPRM states that "since 2007, the language of the regulation has supported the possibility of multiple MPOs within an urbanized area rather than within an MPA. The FHWA and FTA have concluded this 2007 change in the regulatory definition has fostered confusion about the

statutory requirements and resulted in less efficient planning outcomes where multiple TIPs and metropolitan transportation plans are developed within a single urbanized area. This proposed rule is designed to correct the problems that have occurred under the 2007 rule and return to the structure embodied in the rule before the 2007 amendments and envisioned in statute.”

There have been no changes in 23 U.S.C. 134 or 135 for metropolitan and statewide transportation planning in the SAFETEA-LU (2005), MAP-21 (2012) or FAST Act (2015) legislation to warrant the changes in this NPRM. Further, the Final Regulations for planning issued on May 27, 2016 after nearly two years and extensive comments gave no indication that this new rulemaking was forthcoming or needed. Caution and restraint must be objectively exercised so as not to regulate beyond the scope of associated statutes.

4. States and MPOs Can Follow the Intent of the NPRM on Their Own

During the July 15, 2016 webinar conducted by FHWA and FTA on this NPRM someone asked, “Couldn’t all these revisions be accomplished under current law if the MPOs and states, and transit agree?” The response to this question was yes. FDOT will gladly volunteer to pursue further collaboration and consolidation efforts with our MPOs (and FHWA and FTA) and share our results with others. Once again, FHWA and FTA can carry out a highly value-adding approach of encouraging best practices through technical assistance programs.

5. This Rulemaking Should Be Suspended Until Legislation is Enacted That Clarifies the Congressional Intent

FDOT recommends that this NPRM be suspended and that state DOTs and MPOs be encouraged to pursue regional planning opportunities on a voluntary basis. FHWA and FTA could pursue clarification of the legislative language with the Congressional Committees that have responsibility for federal transportation legislation.

FDOT will continue to work cooperatively with all Florida MPOs and our federal partners to further improve our transportation planning products and the delivery of projects that achieve our Mission in providing a safe transportation system that ensures the mobility of people and goods, enhances economic prosperity and preserves the quality of our environment and communities. The recommended short-term action of suspending the rulemaking can produce a far greater long-term benefit through a federal-state-local collaboration around common goals and how best to achieve them. FDOT offers to be part of such a process.

6. The Highly Prescriptive Approach of the NPRM is Not Good Governance Consistent with Established Principles of Federalism. FHWA and FTA Can Practice Good Governance by Suspending the Rulemaking

Page 41480 of the NPRM contains the following Federalism Assessment:

D. Executive Order 13132 (Federalism Assessment)

The FHWA and FTA have analyzed this NPRM in accordance with the principles and criteria contained in Executive Order 13132. The FHWA and FTA have determined that this action does not have sufficient federalism implications to warrant the preparation of a federalism assessment. The FHWA and FTA have also determined that this action does not preempt any State law or State regulation or affect the States' ability to discharge traditional State governmental functions.

Section 6 of Executive Order 13132 states:

Sec. 6. Consultation.

(a) Each agency shall have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications. Within 90 days after the effective date of this order, the head of each agency shall designate an official with principal responsibility for the agency's implementation of this order and that designated official shall submit to the Office of Management and Budget a description of the agency's consultation process.

(b) To the extent practicable and permitted by law, no agency shall promulgate any regulation that has federalism implications, that imposes substantial direct compliance costs on State and local governments, and that is not required by statute, unless:

(1) funds necessary to pay the direct costs incurred by the State and local governments in complying with the regulation are provided by the Federal Government; or

(2) the agency, prior to the formal promulgation of the regulation,

(A) consulted with State and local officials early in the process of developing the proposed regulation;

(B) in a separately identified portion of the preamble to the regulation as it is to be issued in the Federal Register, provides to the Director of the Office of Management and Budget a federalism summary impact statement, which consists of a description of the extent of the agency's prior consultation with State and local officials, a summary of the nature of their concerns and the agency's position supporting the need to issue the regulation, and a statement of the extent to which the concerns of State and local officials have been met; and

(C) makes available to the Director of the Office of Management and Budget any written communications submitted to the agency by State and local officials.

(c) To the extent practicable and permitted by law, no agency shall promulgate any regulation that has federalism implications and that preempts State law, unless the agency, prior to the formal promulgation of the regulation,

(1) consulted with State and local officials early in the process of developing the proposed regulation;

(2) in a separately identified portion of the preamble to the regulation as it is to be issued in the Federal Register, provides to the Director of the Office of Management and Budget a federalism summary impact.

Simply put, FDOT does not believe that the Consultation requirements of Executive Order 13132 have been met. The American Association of State Highway and Transportation Officials conducts multiple meetings each year in which FHWA and FTA officials are provided an opportunity to discuss matters such as this. Also, each state has a Division Office of FHWA which meets with the state DOT and MPOs in that state. The early consultation with state DOTs and MPOs in the process of developing this NPRM simply did not take place. Executive Order 13132 is an important and timely document even after nearly two decades since its issuance in 1999. It can be an invaluable resource for a federal-state dialogue about strengthening our intergovernmental approaches to be both more effective and efficient.

The foundation for rulemaking (and for any other federal-state-local policy or program) must be an understanding and application of federalism principles to ensure that our intergovernmental relationship is as effective and efficient as possible.

We appreciate the opportunity to comment on this Notice of Proposed Rulemaking. Thank you. Please do not hesitate to contact us in regards to any of our comments. Mr. David Lee should be your primary point of contact at (850) 414-4802 or david.lee@dot.state.fl.us

Sincerely,



Jim Boxold
Secretary

JB/dl



The Florida Metropolitan Planning Organization Advisory Council

Mayor Susan Haynie
Chairperson

Docket Management Facility
United States Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

RE: Docket Number FHWA-2016-0016
FHWA RIN 2125-AF68; FTA RIN 2132-AB28
Notice of Proposed Rulemaking (NPRM); Request for Comments
Metropolitan Planning Organization Coordination and Planning Area Reform
As published in the Federal Register, Monday, June 27, 2016

Dear Secretary Foxx,

On behalf of the 27 member Metropolitan Planning Organizations (MPOs) of the Florida MPO Advisory Council (MPOAC), I want to thank you for the opportunity to comment on the proposed metropolitan planning organization coordination and planning area reform rules. While we agree that MPO coordination and geography are important aspects of transportation planning decision making (as demonstrated by the extensive and formalized MPO coordination efforts found in Florida), we do not believe that the proposed rules will result in improved planning decisions or more efficient processes. Rather, we believe that the one-size-fits all approach of the proposed rules will make transportation planning less accessible to the general public by increasing MPOs' size and scope. This would also mute the voice of locally elected officials in the metropolitan transportation planning process and undermine the original purpose for the creation of MPOs, which was to provide for local input in transportation decision making. We, therefore, stand strongly in opposition to the proposed metropolitan planning organization coordination and planning area reform rules and respectfully request that they be withdrawn without further action.

While we have a number of comments to the proposed rule (enumerated later in this letter), our primary concerns are the lack of a clearly defined, evidence-based "problem" with existing MPO coordination efforts and a cookie cutter "solution" which would be extremely difficult, if not impossible, to enact in Florida without creating nonsensical metropolitan planning area (MPA) boundaries.

Numerous declarative statements are made in the proposed rule regarding the believed issues with existing MPO coordination efforts across the country and the supposed improvements the proposed rule will make. However, none of those perceived problems or proposed cures are supported by objective research findings. The problems of poor coordination between existing MPOs and the necessity to "right-size" planning geography has not been the subject of conference panels,

research papers, peer-to-peer exchanges or any of the typical mechanisms used by the federal agencies (the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA)) to highlight and resolve issues they see in planning practice, giving the proposed rule an “out of the blue” quality. In fact, language relating to MPO coordination and geography remained unchanged in the final metropolitan transportation planning rules issued on May 27, 2016.

The proposed “solution” to this perceived lack of coordination is to force MPOs in the same urbanized areas (UZAs) to either merge or adopt a unified plan and program. In states like Florida, increases in population density have led the US Census Bureau to consolidate formerly separate UZAs over time. However, these UZA consolidations do not take into account transportation complexity, land use patterns, economic development patterns or other factors that make a UZA the appropriate area for conducting metropolitan transportation planning and programming. In fact, in many areas of Florida, now-consolidated UZAs stretch out for miles and link areas that have limited connections to each other in any meaningful planning metric (e.g. travel patterns, culture and identity, demographics, etc.). The fact that MPAs must also include areas expected to be part of the UZA based on 20-year growth projections further exacerbates this problem. The proposed rule doubles-down on this approach by strongly encouraging consolidation of MPAs for areas where UZAs are contiguous. In Florida, where UZAs are contiguous up and down both coasts and across the I-4 corridor, identifying appropriate boundaries between MPAs will be nearly impossible and result in MPO processes that will not in any way correspond to what the local populations consider to be their metropolitan area.

We have no doubt that MPO coordination across the country could be improved, particularly between MPOs in the same urbanized area. However, we strongly believe that any proposed rules should be based on objective research and that any potential solutions should be flexible enough to fit the local planning and regulatory context of each metropolitan area. We would support voluntary, incentive-based approaches to solving any identified problems.

The concept of voluntary coordination is something that Florida MPOs have been implementing for a number of years with great success at both the state and MPO level. FHWA even recognized the successes of MPO coordination in Florida through the Every Day Counts program (EDC-3 Innovations) in 2016. The South East Florida Transportation Council (SEFTC) was highlighted as a best practice for multi-MPO cooperation and collaboration for their ongoing and formalized planning efforts that include freight planning and coordinated identification of project priorities. In fact, 22 of Florida’s 27 MPOs (all those with a neighboring MPO) have entered into written agreements to coordinate with one or more nearby MPOs on a voluntary basis. Of those, 17 are members of formal MPO alliances that include three or more MPOs (see Table 1). Many transportation planning products have been generated, including but not limited to:

- Long-range transportation policy plans covering multiple MPO areas
- Shared goals and objectives
- Collaborative Shared project priority lists

- Congestion management processes covering multiple MPO areas
- Multi-county freight plans

Table 1. MPO Regional Coordinating Efforts in Florida

Name of MPO Alliance	Number of Member MPOs	Acronym	Year Formed
Regional Alliances of MPOs (three or more MPOs working together)			
Central Florida MPO Alliance	6*	CFMPOA	1997
Southeast Florida Transportation Council	3	SEFTC	2005
Treasure Coast Transportation Council	3	TCTC	2006
West Central Florida MPO Chairs Coordinating Committee	6*	CCC	1992

*Polk TPO is a member of both the CFMPOA and the CCC

Additionally, all 27 Florida MPOs belong to the Florida MPO Advisory Council (MPOAC), which is a statewide forum for collaboration and statewide transportation policy development. The MPOAC meets quarterly and provides regular opportunities for the Florida DOT, FHWA and FTA to provide updates of national and statewide significance. This voluntary collaboration demonstrates that MPOs in Florida recognize the value of speaking with a collective voice on transportation issues at a statewide level. This has been demonstrated in a variety of ways including the development of financial guidelines for MPO plans and, in partnership with the Florida DOT, an estimate of unfunded statewide transportation needs in Florida's urbanized areas. As a result, the funding allocated by the Florida legislature for transportation has been growing and exceeded \$12.2 billion for the current state fiscal year (only 25% of that is federally funded).

Clearly, Florida already recognizes the value of partnerships and collaboration. We would like to see a process where MPOs are not forced to merge or forcibly coordinate, but rather are encouraged with incentives to develop partnerships that suit their unique metropolitan areas. We are open to several ideas and would suggest that any incentives offer additional funding beyond FHWA and FTA planning funds. We would be happy to assist USDOT and other states by sharing our experiences in Florida and assisting other areas in establishing voluntary cooperative planning agreements and structures.

Additional MPOAC comments to the proposed metropolitan planning organization coordination and planning area reform rules are stated below. Chief concerns include:

Lack of Authority in Law

As stated in the proposed rule, the interpretation of the terms Urbanized Area (UZA) and Metropolitan Planning Area (MPA) has stood for many years. We cannot find a requirement in federal law stating that neighboring MPOs sharing a UZA need to produce joint documents (Metropolitan Transportation Plan (MTP) and Transportation Improvement Program (TIP)) unless the definition is rewritten as proposed. In that case, we believe that the definition is being rewritten to achieve a goal that is beyond the original intent of Congress. We, therefore, contend it is an act of administrative overreach, and potentially not a legal action by USDOT. We ask USDOT to provide a legal opinion that demonstrates

Congressional intent in this area and provides authority for USDOT to undertake the actions proposed in this rulemaking.

Loss of Coordination Between Transportation and Other Planning Processes

One of the primary functions of MPOs, as is clearly illustrated in federal law through the planning factors, is to coordinate transportation planning with other forms of planning. MPA boundaries in our state are frequently drawn to correspond to the same geography as other planning processes, particularly land use planning. By forcing MPO planning and programming documents to be adopted for a larger geographic area than is currently the case in many areas of Florida, this proposal will dramatically complicate the ability to coordinate transportation planning with land use, economic development and other planning processes. Any rule on MPO coordination should maintain flexibility in the designation of MPA boundaries to allow MPOs to "right size" for this important planning coordination function.

Complications of State Open Government Laws

Florida has very strong and very specific open government laws that require the vast majority of transportation planning related discussions and decisions to be made during noticed meetings. These laws pertain not only to members of decision-making bodies such as MPO governing boards, but also to all MPO advisory committees (i.e. technical advisory committees, bicycle/pedestrian advisory committees, citizen/community advisory committees, freight advisory committees), most of which are comprised of local and state agency employees. As written, the proposed rule would greatly complicate coordinating decision-making processes across political boundaries in states with strong open government laws by requiring MPO planning processes to cover increasingly large areas. This would be particularly true for transit agencies that are currently covered by different MPOs, but would be covered by the same MPO under the proposed rule, dramatically limiting their ability to communicate with decision makers outside of publicly noticed meetings.

Loss of Local Perspective

The original motive behind the creation of MPOs was to incorporate the local perspective into transportation decisions that up until that time were made exclusively by state DOTs. This proposal will result in fewer, but much larger, MPO areas where the decision-making process will be further removed from communities and the people for whom MPOs were originally intended to provide engagement opportunities.

Negative Impacts to Low-Income and Minority Communities

MPOs are required to actively encourage the participation of transportation-disadvantaged populations and to continuously monitor and improve outreach techniques for that purpose. When larger MPOs hold meetings, they may try to either meet in a centralized location or move about the larger region. This would result in many citizens having to travel

further to engage in the transportation planning and programming process in person and will have a substantial impact on low-income and minority populations who may have limitations in terms of time, money, or mobility. We anticipate that the USDOT response will be that good public involvement will prevent this issue. We counter that participating in an MPO governing board meeting in person is more meaningful than any other form of participation. The additional travel that would result from this rule will create a barrier for low-income and minority populations to participate. We find it very concerning that USDOT would propose a rule that would potentially disengage individuals whom MPOs spend so much time and effort reaching.

Larger MPOs Will Not Necessarily Create Better Planning

As discussed earlier in these comments, we believe that the result of this proposed rule will be fewer and significantly larger MPOs that will not necessarily cover a geography that makes sense from a planning or programming perspective. This, in turn, will result in fewer creative solutions to address localized issues. Small MPOs provide customized transportation planning and solutions to their areas. As MPOs grow, they become less familiar with each individual sub-area of their region and less able to fully appreciate the impacts of their transportation decisions on local communities. MPOs were created to give a local voice to transportation planning. State DOTs are not always able to fully appreciate all of the individualized urban concerns due to the fact that they operate on a much larger scale and scope than individual MPOs. This NPRM, if implemented, will create MPOs that are larger than some states due to the contiguous nature of Florida's UZAs. Florida already has five (5) MPOs with larger populations than the five (5) smallest states. This seems counter to the original purpose for creating MPOs.

Polycentric and Monocentric Regions: Not All UZAs are Alike

Each UZA or group of contiguous UZAs has a specific character and nature. Some areas grew from a singular, easily-identified, urban core outward (like an amoeba) and are generally monocentric regions. These monocentric regions grew organically from a core over long periods of time and the entire area generally shares a common identity. Other areas started as individual urbanized areas, each with their own identifiable urban core, which grew together (like interlocked fingers) and now comprise a single, census-defined UZA with multiple long-established urban cores. These are polycentric regions, which are quite different from monocentric regions in a variety of ways that are important to transportation planning and programming. For example, many polycentric areas in Florida have multiple commercial airports, multiple transit agencies, multiple expressway authorities, multiple seaports and multiple intermodal logistic centers. These polycentric areas do not share an identity and, though connected through a fluke of population density, continue to behave like a series of separate areas. As such, we do not believe that a one-size-fits-all approach to transportation planning is appropriate and propose that the federal agencies promulgate rules that allow for flexible and voluntary approaches to coordinated planning and programming. Such an approach would allow polycentric regions to address transportation issues of universal concern in a collaborative manner through

visioning efforts and general policy plans that guide and inform individual MPO planning and programming processes.

The Term "Region" is Not Defined

The word "region" is used repeatedly in the NPRM, but is not defined in the proposed rule or 23 CFR 450. "Region" may mean different things to different people.

The Proposed Rule Gives Governors "Veto" Power over MPOs

In a case where a governor will accept nothing other than merger of existing MPOs, the proposed rule would give the governor what amounts to veto power over the decision to allow MPOs to remain separate, creating a powerful weapon for that governor. The proposed rule states that most MPOs are not meeting the federal MPA boundary requirements and presumably would have to establish a new planning boundary or face receiving a corrective action during their next Transportation Management Area (TMA) certification review for not serving the entire MPA. The MPO could not re-establish its planning boundary to correct the deficiency identified in the certification review without approval from the governor. This rulemaking would give the governor the ability to compel MPO mergers by waiting out the process until a federal certification review. The affected MPOs would be forced to choose between being de-certified by FHWA/FTA for not serving the entire MPA or going along with a coerced merger if the governor decides that is what he/she wants. This proposed rule gives undue influence to the governor in these cases.

Factual Statements Made in NPRM Need Verification

As previously mentioned, a number of declarative statements are made in the proposed rule without explanation of how these statements are known to be factual. There are no citations of completed research, peer exchanges, or studies to establish the veracity of the statements, and the lack of proof leaves the reader unsure of what is actual fact. Examples include:

- A statement that economies of scale would be achieved by combining MPOs (page 41474).
- A statement that the proposed rule will correct problems that have occurred under the 2007 rule (what problems are we referring to?) (Page 41475).
- A declaration that planning has become inefficient in MPAs with multiple MPOs (page 41475).
- "However, it is the opinion of the Secretary of Transportation that there must be adequate cooperation between states and MPOs." (Page 41476).
- USDOT states that multiple separate MPOs jointly developing unified planning products should not create a large burden and in some cases reduce overall planning costs (Page 41480).
- A declaration that the costs to the affected MPOs should be minimal (Page 41480).

Appropriateness of Census Data and related Census Policies to set UZAs

The proposed rule does not address how changing policies within the US Census Bureau could impact the structure and size of MPOs in the future. It is important to note that the US Census Bureau creates their data and UZA boundaries without regard to the needs and uses of the transportation community. Therefore, the results of census policies may have significant unintended impacts on transportation decision making. We note that the decennial census of 2010 did not merge any UZAs due to a policy decision that any named area identified in the 2000 census as a UZA would continue in 2010 to be an independently named UZA (please see the August 24, 2011 Federal Register, page 53041, middle column). This policy may not carry forward into future census efforts, which could cause Florida eventually to have one UZA along the entire Atlantic Coast (see Figure 1). The Atlantic Coast is a high growth area of our state, and the multiple existing MPOs will continue to have connected UZAs. It is conceivable that Florida could have one UZA that extends from Miami-Dade to Jacksonville, a distance of about 400 miles. We maintain that an MPO of this size would be nonsensical and unable to effectively or efficiently conduct a metropolitan planning process that represents local interests and engages local communities. Perhaps it is time to reconsider the census-defined urbanized area as the sole basis for MPO geography and for the necessity of an MPO process.

Two (2) Years to Implement Is Not Enough Time

The proposed rule requires that this change be implemented in two (2) years. The MPOAC does not believe that this time frame is reasonable given the multiple moving parts involved in this decision. In Florida, for example, not only would multiple MPOs and the State need agree to a course of action, but changes to state law would also be required, a process completely out of the control of the MPOs and governor. Additionally, this would require negotiating membership on a combined board, merging of staffs, and presumably in some cases may require state DOTs to alter their field office/district boundaries to better align with new MPO boundaries. All of this takes time and any changes would be best aligned with new census data when the 2020 census UZA boundaries are released.

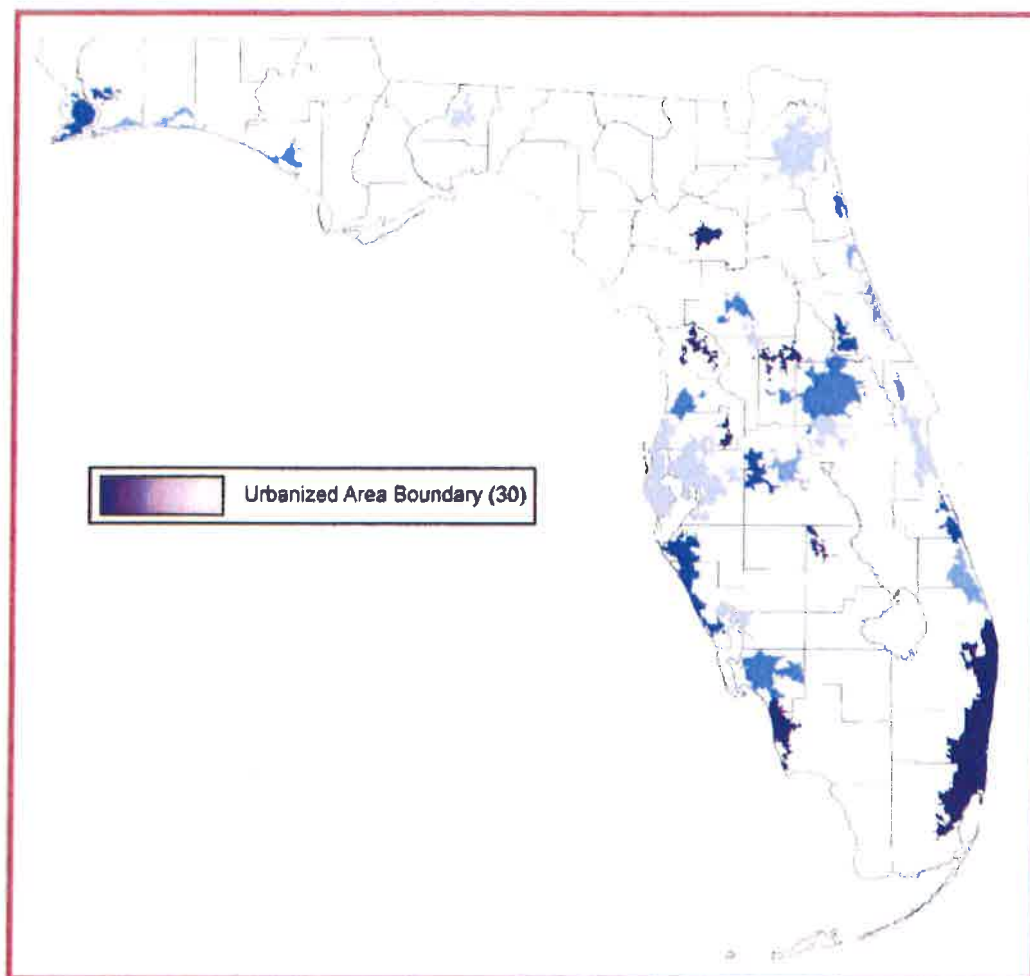


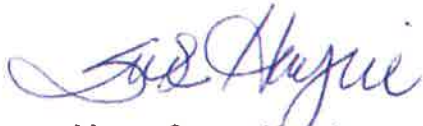
Figure 1. 2010 Florida Urbanized Area Boundaries.

Establishing One Performance Target per UZA

Establishing joint performance targets for MPOs within a common UZA ignores the fact that within a UZA there are often different priorities and characteristics among the multiple sub-areas and MPOs. In the case of a large UZA with multiple MPOs we could have an example where transit usage and the transit system is very different in one MPO than in the other MPOs. For example, the UZA that covers Southeast Florida includes four separate MPOs (Miami-Dade, Broward, Palm Beach, and Martin). Miami-Dade MPO has a well-developed transit system, with rail and bus rapid transit, whereas Martin County is much lower density and offers a smaller system with four fixed routes and paratransit services. Establishing a single performance target would be difficult because one target would not fairly represent all areas of the UZA. A low target may work well for a suburban area like Martin, but be well under the actual performance of an urban center, like Miami-Dade. Conversely, a target designed for an urban area would result in the suburban areas consistently failing to meet the target. We recommend that in the case of multiple MPOs, the UZA be allowed to set multiple targets that are specific to each MPO.

Thank you again for the opportunity to comment on the proposed metropolitan planning organization coordination and planning area reform rules. We look forward to our continued work with the FHWA and FTA and our transportation partners at the state and local levels to plan and implement our nation's transportation system. Please feel free to call me at 850-414-4062 should you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Susan Haynie".

Mayor Susan Haynie
MPOAC Chair

A handwritten signature in blue ink, appearing to read "Carl Mikyska".

Carl Mikyska
Executive Director

List of FHWA Comment Requests in MPO Coordination and Planning Area Reform NPRM

II. Background

1. Coordination Between States and MPOs, Page 41476.

The purpose of the Planning program is to use public funds effectively and FHWA and FTA welcome ideas to improve our planning processes. As such, FHWA and FTA seek comment on how DOT can incorporate processes to further ensure that Federal funds are used efficiently by States and MPOs. How can the Statewide and Non metropolitan and Metropolitan Transportation Planning process provide stronger incentives to States and MPOs to manage transportation funding more effectively?

MPOAC Response: Project readiness and completing projects that have been started are key elements to insuring that all funds are used to their highest level of effectiveness. Obviously this also best serves the taxpayers who fund the transportation improvements we are discussing. Commonly, MPOs do the planning and State DOTs handle the NEPA process. Because the NEPA process is so difficult and time intensive, most MPOs do not have the expertise in-house to take on the effort with the limited funding MPOs have available. The passing of knowledge from the MPOs to the State DOTs will minimize the number of alternatives required to be reviewed in the NEPA process because they were already considered and eliminated in the planning process.

III. Section-by-Section Discussion

2. Section 450.104—Definitions, Page 41476.

The FHWA and FTA specifically ask for comments on whether the rule ought to expressly address how States and MPOs should determine MPA boundaries where two or more MPAs are contiguous or can be expected to be contiguous in the near future. For example, should the rule provide that such MPAs must merge? Alternatively, should the rule allow the States and MPOs to tailor the MPA boundaries and the 20-year urbanization forecast to take the proximity of other MPAs into account?

MPOAC Response: In Florida contiguous MPAs coordinate their planning efforts and have done so for a number of years with success. This current process works well in Florida and we ask that the current process whereby multiple MPOs within one UZA be allowed to work in coordination for visioning efforts and that each MPO produce their own Long Range Plan and TIP that reflects the land use policies and other policies of their membership and area. While this may not be working in other parts of the country, Florida finds that it does work well in our state. For areas where collaboration is not occurring, we ask that these areas be addressed specifically by the field offices of FHWA and FTA rather than through a nationwide rulemaking that affects everyone instead of addressing problems explicitly where they are occurring.

3. **Section 450.226—Phase-In of New Requirements, Page 41476 and Section 450.340—Phase-In of New Requirements, Page 41479.**

The FHWA and FTA seek comments on the appropriateness of the proposed 2-year phase-in period.

MPOAC Response: This is clearly not enough time to actually implement changes as proposed in this NPRM. Some states have legislatively incorporated MPO requirements into their laws. Implementing this NPRM would require legislative action by the state legislature and Governor. As we are sure USDOT can understand in trying to get federal transportation bills passed in a timely fashion, this can be an unpredictable process. USDOT has allowed States to place additional requirements on MPOs and this NPRM seems to ignore that latitude and control that USDOT has given to States. MPOs are responsible for, and subject to, the previous actions and decisions of others. In this case the previous decisions and actions of both USDOT and State Legislatures combined with this proposed action by USDOT would likely render the MPOs unable to comply with both State and Federal requirements. To not comply with each set of requirements could ultimately result in funding to the MPOs being restricted. Two years is not enough time and additionally, USDOT should not allow States to place additional requirements or restrictions on MPOs.

Section 450.306—Scope of the Metropolitan Transportation Planning Process, Page 41477. The FHWA and FTA request comments on the proposed language, and request ideas for alternatives that might better accomplish the goals embodied in the proposal.

MPOAC Response: As identified in this section of the NPRM, USDOT states that the goal is to select an appropriate performance target and avoid a situation where the MPOs within a single MPA select inconsistent or conflicting performance targets. We fear that by forcing the selection of a single performance target for a large region some sub-areas will be working with a performance target that is not appropriate or realistic. In a large area with a dense core area and less dense areas at the edge, the characteristics and nature of the transportation system are likely to be quite different. The question becomes which sub-area do you set a performance target for, a high target for the dense core or a lower target for the less dense areas? Either way, the target is not doing justice to one of these areas. We can see this being particularly true for transit targets. Having individual targets for each MPO, where multiple MPOs exist in a single UZA, would be more appropriate in that each area can work on achieving something that is realistic and meaningful.

4. **Section 450.314—Metropolitan Planning Agreements, Page 41478.**

The FHWA and FTA seek comments on what, if any, exemptions ought to be contained in the rule from these requirements, and what criteria might be used for such an exemption.

MPOAC Response: It is the position of MPOAC and the 27 MPOs of Florida that the proposed rule should be withdrawn and therefore exemptions would not be needed. Suggesting exemptions seems as if MPOAC is signaling some form of approval to USDOT to proceed forward in the implementation of this rule. The existing process is working well in Florida and we again ask that if USDOT finds that collaboration is not working in some areas of the nation that these areas be addressed directly by the division offices of FHWA and FTA instead of creating a nationwide rule.

5. **Section 450.324—Development and Content of the Metropolitan Transportation Plan, Page 41479.**

The FHWA and FTA seek comments on what, if any, exemptions ought to be contained in the rule from these requirements, and what criteria might be used for such an exemption. The FHWA and FTA also request comments on the question whether additional changes are needed in FHWA and FTA regulations on performance measures and target setting (e.g., 23 CFR part 490) to cross-reference this new planning provision on target-setting.

MPOAC Response: It is the position of MPOAC and the 27 MPOs of Florida that the proposed rule should be withdrawn and therefore exemptions would not be needed. Suggesting exemptions seems as if MPOAC is signaling some form of approval to USDOT to proceed forward in the implementation of this rule. The existing process is working well in Florida and we again ask that if USDOT finds that collaboration is not working in some areas of the nation that these areas be addressed directly by the division offices of FHWA and FTA instead of creating a nationwide rule.

Additionally, in the NPRM USDOT states that the goal is to select an appropriate performance target and avoid a situation where the MPOs within a single MPA select inconsistent or conflicting performance targets. We fear that by forcing the selection of a single performance target for a large region some sub-areas will be working with a performance target that is not appropriate or realistic. In a large area with a dense core area and less dense areas at the edge, the characteristics and nature of the transportation system are likely to be quite different. The question becomes which sub-area do you set a performance target for, a high target for the dense core or a lower target for the less dense areas? Either way, the target is not doing justice to one of these areas. We can see this being particularly true for transit targets. Having individual targets for each MPO would be more appropriate in that each area can work on achieving something that is realistic and meaningful.

6. **Section 450.326—Development and Content of the Transportation Improvement Program, Page 41479.**

The FHWA and FTA seek comments on what, if any, exemptions ought to be contained in the rule from these requirements, and what criteria might be used for such an exemption.

MPOAC Response: It is the position of MPOAC and the 27 MPOs of Florida that the proposed rule should be withdrawn and therefore exemptions would not be needed. Suggesting exemptions seems as if MPOAC is signaling some form of approval to USDOT to proceed forward in the implementation of this rule. The existing process is working well in Florida and we again ask that if USDOT finds that collaboration is not working in some areas of the nation that these areas be addressed directly by the division offices of FHWA and FTA instead of creating a nationwide rule.

IV. Regulatory Analyses and Notices

7. **A. Executive Order 12866 (Regulatory Planning and Review), Executive Order 13563 (Improving Regulation and Regulatory Review), and DOT Regulatory Policies and Procedures, Page 41479-41480.**

The FHWA and FTA are seeking comments on what other options affected MPOs could exercise to reduce the overlap while meeting the statutory and regulatory requirements. The FHWA and FTA expect that such responses will reduce the number of MPOs ultimately affected by these coordination requirements.

MPOAC Response: We are strongly opposed to the proposed rule. We find the approach taken in the NPRM to be inappropriate and respectfully ask that the Proposed Rule be withdrawn. For a national policy we ask that FHWA and FTA incentivize MPO collaboration and coordination, not mandate it. We would be supportive of a program that rewards voluntary efforts of MPOs to collaborate and coordinate on both multi-MPO and statewide levels, while at the same time not create a default punishment or exclusion from benefits for those MPOs that already have a one UZA to one MPO ratio.

8. **A. Executive Order 12866 (Regulatory Planning and Review), Executive Order 13563 (Improving Regulation and Regulatory Review), and DOT Regulatory Policies and Procedures, Page 41480.**

The FHWA and FTA seek comments and available data on the costs and benefits of the proposals of this rulemaking.

MPOAC Response: This is an excellent question and we would like to know the answer to this as well. It is our opinion that this should have been researched by FHWA and FTA prior to launching this effort and the answers provided in the NPRM. We are aware of a previous effort by FHWA to combine the duties and staffs of the Delaware and Maryland field offices. Looking at the FHWA website, we note that the two offices appear to be separate and question why a similar approach being mandated onto the MPOs would deliver any sort of benefit that was not realized by the FHWA effort. We ask that FHWA provide information pertaining to the realized cost savings from their merger of the two field offices and explain why it was not appropriate for FHWA to continue this merger but would be appropriate for MPOs to merge. If the answer is that operationally it was not working, we would ask why it will work operationally for MPOs when it did not for FHWA? The reasons for not merging two FHWA field offices would be the same reasons for not merging MPOs.

9. **A. Executive Order 12866 (Regulatory Planning and Review), Executive Order 13563 (Improving Regulation and Regulatory Review), and DOT Regulatory Policies and Procedures, Page 41480.**

The FHWA and FTA seek comments and available data on the costs and benefits of the proposals of this rulemaking.

MPOAC Response: This is an excellent question and we would like to know the answer to this as well. It is our opinion that this should have been researched by FHWA and FTA prior to launching this effort and the answers provided in the NPRM. It is the understanding of Florida MPOAC that two MPOs in Connecticut voluntarily merged and that effort took 4 years.



August 25, 2016

The Honorable Anthony Foxx
Secretary
United States Department of Transportation
1200 New Jersey Avenue SE
Washington, DC 20590
Attn: Docket Management Facility

RE: Federal Register/Vol. 81, No. 123/Monday, June 27, 2016/Proposed Rules
Docket No. FHWA-2016-0016; FHWA RIN 2125-AF68; FTA RIN 2132-AB28;
Metropolitan Planning Organization Coordination and Planning Area Reform

Dear Secretary Foxx:

The Association of Metropolitan Planning Organizations (AMPO), National Association of Development Organizations (NADO), and National Association of Regional Councils (NARC) are pleased to offer the following analyses, comments, and responses to questions regarding the proposed *"revisions to the transportation planning regulations to promote more effective regional planning by States and metropolitan planning organizations (MPO)"* from the United States Department of Transportation (USDOT), the Federal Highway Administration (FHWA), and the Federal Transit Administration (FTA). For the reasons detailed within these comments, we respectfully request that USDOT withdraw the current NPRM.

As noted in the July 5, 2016 joint request from AMPO and the American Association of State Highway Transportation Officials (AASHTO) for extension of the comment period, the NPRM would make far-reaching changes to the planning processes, practices, and common understandings that have been in effect since MPOs were first introduced in the Federal Highway Act of 1962 and in federal regulation since 1993. The complexity of this NPRM was further noted in a joint request on July 8, 2016 from AMPO, NADO, and NARC for extension of the comment period. With the restricted timeline for comment, below we have attempted to summarize the concerns expressed by our member organizations. The problems outlined by our members are explained in some detail below, but will also be spelled out in greater detail in the comments submitted by MPOs from across the nation.

We feel there is a shared interest between USDOT and our members on this important issue. Improving regional planning is a goal our organizations and the organizations we represent are constantly striving to achieve. We welcome the opportunity to work with USDOT to cooperatively determine how best to improve coordination in transportation planning.

Overview

We appreciate the Secretary's stated interest in improving transportation planning. We agree that coordination between MPOs, states, providers of public transportation, and other necessary or interested parties should be carried out to the maximum extent practicable, and we welcome the opportunity to work with USDOT to cooperatively determine how best to improve coordination in transportation planning. We would like to better understand, through research or other means, USDOT's perspective on how pervasive this perceived lack of coordination is across the MPO community and to coordinate with USDOT to develop effective, efficient, and targeted solutions where required.

Our members have concluded this NPRM is highly problematic because:

1. The proposed changes to the planning process will be highly disruptive to existing and ongoing regulatory obligations, and create unknown and potentially problematic conflict with new performance management regulations currently being promulgated by the agencies.
2. The new requirements imposed by the NPRM will force MPOs to spend significant amounts of money, negatively impacting budgets and disrupting tasks to which funding was already designated. That 80 percent of the cost of meeting the NPRM's requirements can be reimbursed from federal funds is inconsequential because no new federal money will be made available. Fulfilling the NPRM's requirements would mean other things don't get done.
3. The additional costs imposed by the NPRM would far outweigh the benefits.

The NPRM would change the regulatory definition of Metropolitan Planning Area (MPA) from the area defined by the MPO and its Governor to one that requires it to include, at a minimum, the entire urbanized area and the contiguous area expected to become urbanized in the next twenty years. Under the NPRM, when multiple MPOs exist within these redrawn MPAs, the MPOs are mandated to either merge or produce unified planning documents – transportation plan, transportation improvement program (TIP), and performance targets – for the entire MPA. In consultation with our members, we have identified a host of challenges and problems with the approach proposed by USDOT.

During debate of both MAP-21 and the more recently passed FAST Act, AMPO, NADO, NARC, and other organizations submitted legislative recommendations to Congress regarding how to improve metropolitan, statewide, and nonmetropolitan transportation planning. MAP-21 established, for the first time, a performance-based planning process and made changes to the board structure of MPOs that serve transportation management areas. On May 27, 2016, USDOT released a planning final rule (docket # FHWA-2013-0037) integrating changes to the planning provisions contained in both MAP-21 and the FAST Act. Just one month later, USDOT released this current NPRM, proposing major new changes to the planning regulations that are not predicated upon any legislative language contained in the two most recent surface transportation authorization bills.

As an alternative to this NPRM, we suggest that USDOT coordinate with AMPO, NADO, NARC, our members, and other interested organizations to discuss methods to remedy the specific issues the Secretary, and FHWA/FTA have identified as hindering regional transportation planning. We recommend USDOT conduct in-person workshops and other outreach to learn how MPOs are addressing the concerns identified in the NPRM. To date, we are aware of no MPO that has failed to be certified, under previous or existing regulations, due to these concerns. Despite assertions to the contrary, the revisions that would result from this NPRM are significant and will have a major impact on the structure and operations of the nation's MPOs. Further, many of these proposed changes require statutory revisions to ensure the NPRM would not conflict with existing law.

Concerns the NPRM Raises for MPOs

The following are specific concerns this NPRM raises for the nation's MPOs. All of these are explored in the comments that follow.

- USDOT's proposal to require the creation of a single plan, a single TIP, and uniform performance targets is contrary to existing law.
- There is a lack of comprehensive research defining the breadth and depth of MPO coordination across the nation. Examples of collaboration of the type this NPRM seeks to establish are occurring across the country. Not only does effective collaboration occur under existing authority, there is significant concern that the NPRM could harm ongoing collaboration efforts.
- The NPRM's mandates are likely to shift significant resources away from MPOs' core planning functions, resulting in potential new financial burdens for MPOs and states, including but not limited to, staffing and administrative costs, technical support, and additional public outreach.
 - Calculating costs is challenging because there have been relatively few mergers of MPOs. However, one example from Connecticut resulted in \$1.7 million in direct costs, required 4,000 staff hours, and took several years to complete.

- The NPRM risks community identity and cohesion and threatens to overturn longstanding and locally developed political structures.
- The NPRM would likely diminish the local voice in the regional planning process, negatively impact local control of transportation resources, make public engagement more challenging, and cause significant problems for multistate MPOs. The NPRM also conflicts with state law in a number of places.
- The use of Census-designated urbanized areas ignores site-specific planning criteria and demographic data that are the foundation of sound regional and long-term planning.
- MPOs are concerned about the lack of specifics in the NPRM regarding the distribution of future planning funds and the effect on suballocation of Surface Transportation Block Grant Program (STBGP) and other funding.
- This NPRM fails to state how FTA 5307 funds would be accommodated and the process if two or more transit operators end up in the same MPO as a result of a merger.
- The NPRM creates potentially significant conflicts with other legislative requirements, in particular the Clean Air Act. The NRPM does little to anticipate these problems or discuss how this proposal will interplay with requirements of the Act.
 - The regional conformity process is likely to be significantly impacted by the NPRM's mandates. At a minimum, the NPRM would cause enormous coordination issues that will affect scheduling of planning products and conformity determinations, including resulting project and funding delays; create conflicts between transportation demand modeling processes, resulting in a more complicated process, delays, and higher costs; and, due to the need to produce a single conformity determination for each MPA, including a single plan and a single TIP, this NPRM would vastly complicate the conformity process and the mandated interagency consultation process required under the conformity rule.
- The NPRM will complicate the transition to performance-based planning
 - Releasing this NPRM separately from the Statewide and Nonmetropolitan Transportation Planning; Metropolitan Transportation Planning Final Rule issued on May 27, 2016 will complicate and delay implementation of the planning and performance-based regulations in affected metropolitan regions. The NPRM needs to be reconciled with directives in recent performance-based planning regulations that each MPO shall establish performance targets to address performance measures, reaffirming that individual MPOs establish targets independently of states and other MPOs.

USDOT's Proposal to Mandate "Unified Planning Products" Is Contrary to 23 U.S.C. § 134¹

USDOT proposes mandating that MPOs operating within a single MPA must jointly produce a single plan, a single TIP, and uniform performance targets. However, 23 U.S.C. § 134 as a whole does not contemplate such unified planning documents; in fact, it contradicts the notion in multiple subsections. Therefore, the proposed rule is unlawful as written and must be withdrawn or substantially modified.

It is a fundamental principle of administrative law that an agency may not promulgate rules that are contrary to the statute from which they derive. See 5 U.S.C. § 706(2)(A); Chevron, U.S.A., Inc. v. Nat. Res. Def. Council, Inc., 467 U.S. 837, 842-44 (1984). When interpreting a statute, courts look to both the plain language and "[its] context . . . with a view to [its] place in the overall statutory scheme." United States v. Wilson, 290 F.3d 347, 355 (D.C. Cir. 2002) (citations omitted) (quotation marks omitted). Here, the NPRM is contrary both generally to the practical framework of 23 U.S.C. § 134 and specifically to at least four of the section's subsections.

The practical framework of 23 U.S.C. § 134 stems from the relationship between MPOs and the areas that they serve, MPAs. Each MPO produces a transportation plan, a TIP, and performance targets for the MPA to guide and implement the development of transportation for its constituents. See 23 U.S.C. §§ 134(b), 134(h)(2), 134(i), 134(j). When multiple MPOs exist in an MPA due to its size and complexity, see id. § 134(d)(7), the MPOs naturally must coordinate and consider the wider MPA when preparing their own planning documents. See id. §§ 134(f)(1), 134(g)(1). However, in the latter case, the NPRM relies on the basic requirement that MPOs prepare planning documents for their MPAs to extrapolate a complicated system that goes beyond the mere coordination contemplated in the statute. See id.

We disagree with the statutory justification used in the NPRM that proposes to create a strict mandate that such MPOs create a joint planning process that produces a single plan, a single TIP, and uniform performance targets for the entire MPA. As discussed below, such a joint planning process is not a simple endeavor; it costs a great deal of both time and money for two different MPOs, representing different constituencies, to agree upon every detail of a single plan, a single TIP, and uniform performance targets. If Congress had intended such a complicated, exhaustively integrated approach, it would have said so. See Whitman v. Am. Trucking Associations, 531 U.S. 457, 468 (2001) ("[Congress] does not . . . hide elephants in mouseholes." (citations omitted)). That Congress did not even hint at such an ornate and comprehensive process demonstrates that it never contemplated it. See id. For this

¹ We acknowledge that 23 U.S.C. § 134 is duplicated at 49 U.S.C. § 5303. Throughout, we refer only to § 134 with the understanding that we also are referring to § 5303.

reason alone, the NPRM's attempt to create such a process based solely on the use of the MPA term is contrary to the statute's framework.

More specifically, at least four subsections of 23 U.S.C. § 134 demonstrate that the statute does not contemplate a mandate requiring multiple MPOs within an MPA to create a single set of planning documents. First and foremost, in the only subsection where § 134 contemplates the issue, Congress directs such MPOs to consult with one another in the coordination of their individual plans and TIPs. See 23 U.S.C. § 134(g) (“[E]ach metropolitan planning organization shall consult with the other metropolitan planning organizations designated for such area and the state in the coordination of plans and TIPs required by this section.”).² Significantly, Congress directs such MPOs to coordinate their respective plans and TIPs; it does not direct the MPOs to jointly produce a single plan and a single TIP.

Second and similarly, where multiple MPOs exist within an MPA due to division of the MPA by a state line, Congress only directs USDOT to “encourage” the Governors to “provide coordinated transportation planning for the entire metropolitan area.” 23 U.S.C. § 134(f)(1). While Congress does require the encouragement of coordination of planning between the multiple MPOs, it clearly does not require unified planning documents; nor does it authorize USDOT to mandate such unified planning documents.

Third, § 134(i) mandates that “each” MPO shall prepare a transportation plan. If Congress had intended to provide USDOT the discretion to require a single transportation plan per MPA, it would have allowed for that possibility in its language. It did not.

Fourth, Congress reaffirmed the requirement that each MPO must produce its own planning documents when it enacted § 134(h) in 2012, mandating that “each” MPO establish performance targets. Moving Ahead for Progress in the 21st Century Act, P.L. 112-141, 126 Stat 405, at § 1201 (July 6, 2012). Again, had Congress intended to provide USDOT the discretion to require a single transportation plan for an MPA, it would have allowed for that possibility in its language. That it did not do so in either subsection (h) or (i) is telling. See Diamond v. U.S. Agency for Int’l Dev., 108 F.3d 312, 316 (Fed. Cir. 1997) (“[C]ourts should assume that Congress was aware of the distinctions it was making and that it intended to make those distinctions.”); Miles v. Apex Marine Corp., 498 U.S. 19, 32 (1990) (“We assume that Congress is aware of existing law when it passes legislation.”)

² This subsection, when first enacted, was notably entitled solely “Coordination of MPO’s.” Intermodal Surface Transportation Efficiency Act Of 1991, P.L. 102-240, 105 Stat 1914, at § 1024(e) (Dec. 18, 1991).

Beyond the plain language of § 134, both USDOT's longstanding interpretation of the section and its unsuccessful efforts to induce Congress to enact sweeping revisions to the section confirm that USDOT's proposal to require unified planning documents is contrary to the existing law. The current statutory provisions under 23 U.S.C. § 134 have long been interpreted to mean that each MPO prepares a transportation plan and develops a TIP. Contrary to USDOT's assertion that it seeks to "*reinstate*" past regulations that once required a unified planning process, USDOT has always interpreted the statute to require MPOs within a single MPA to each produce their plans and TIPs while coordinating the content within. Indeed, the very regulation that the NPRM cites in support of its suggestion that unified planning documents were once required, 23 C.F.R. § 450.312(e) (1994), suggests the exact opposite. It reads:

The MPOs shall consult with each other and the state(s) to assure the preparation of integrated plans and transportation improvement programs for the entire metropolitan planning area. An individual MPO plan and program may be developed separately. However, each plan and program must be consistent with the plans and programs of other MPOs in the metropolitan planning area. For the overall metropolitan planning area, the individual MPO planning process shall reflect coordinated data collection, analysis and development.

Emphasis added.

The regulation's use of the plural "plans" and "programs" and its discussion of the "individual MPO planning process" underscore USDOT's longstanding expectation that each MPO would produce its own plan and TIP in coordination with other MPOs within the MPA; there is no language suggesting that MPOs were expected to jointly produce a single plan and a single TIP. This reading of 23 U.S.C. § 134 persisted in subsequent revisions to the regulations derived from 23 U.S.C. § 134, and still stands today. See 23 C.F.R. § 450.310(e) (2016).

Finally, besides USDOT's own longstanding interpretation of § 134, its recent attempt to persuade Congress to revise the section to require more unified planning within MPAs reveals USDOT's recognition that the statute, as written, does not allow USDOT to mandate unified planning. In 2015, as Congress was debating the reauthorization of MAP-21 (resulting in the FAST Act), USDOT proposed the GROW America Act as part of the President's fiscal year 2016 Budget Request. Section 1202 of the GROW America Act proposed the addition of several new provisions to 23 U.S.C. § 134, including:

- 1) A prohibition on the designation of new MPOs within a metropolitan statistical area (MSA) if another MPO already exists within the boundaries of the MSA;
- 2) A review every ten years in an MSA with multiple MPOs to determine and justify the continued necessity of the designation of multiple MPOs in the MSA;

- 3) A requirement that in instances where multiple MPOs exist within a single MSA, they cooperate with one another to develop a single plan and a single TIP to inform their own individual plan and TIP, and establish uniform performance targets; and
- 4) The designation and funding of high performing MPOs.

Conceptually, USDOT's proposed statutory provisions—which Congress notably chose not to enact, while enacting other changes to § 134—are virtually identical to the NPRM that it now proposes. By sending such legislative recommendations to Congress during the reauthorization process, USDOT acknowledged that its proposed rulemaking represents a significant change to metropolitan transportation planning that requires the enactment of substantially new statutory authority. It cannot now claim that such authorization already existed.

In sum, the current statutory framework and language, USDOT's longstanding interpretation of that language, and USDOT's recent attempt to dramatically revise the statute all lead to the same conclusion: the statute as written contemplates MPOs each preparing their own planning documents, even when those MPOs must consult and coordinate to ensure consistency within a shared MPA. Because the NPRM's plan to mandate unified planning directly contradicts that aspect of the statute, the proposed rule is unlawful and should be withdrawn or modified. See 5 U.S.C. § 706(2)(A); see also Pharm. Research & Manufacturers of Am. v. United States Dep't of Health & Human Servs., 138 F. Supp. 3d 31, 54 (D.D.C. 2015) (vacating statutory interpretation because statutory language and its context demonstrated that interpretation was contrary to statute).

Collaboration in Transportation Planning Already Occurs Across the Country

Our memberships are unaware of any comprehensive research into the breadth and depth of MPO coordination across the nation, and they are certainly unaware of anything other than anecdotal instances of coordination challenges. To the contrary, we are aware of several research reports with case studies of MPOs working across jurisdictional boundaries to improve coordination and planning processes. While there may be specific, but limited, instances where a lack of collaboration or disagreement have impeded progress on a program or project, we do not agree that a broad rewrite of the regulations that affects a substantial portion of MPOs is the correct method of improving the manner in which MPOs interact with one another. Our organizations stand ready to partner with USDOT and FHWA to complete research comprehensively documenting the state of MPO coordination across the nation, both good and bad, to inform efforts on whether and how to improve MPO coordination.

Improving regional planning is a goal our organizations and the organizations we represent are constantly striving to achieve. We believe, however, that the current proposal is not necessary to achieve this goal. We highlight below several examples of

ongoing coordination between MPOs, states, and transit agencies that are occurring under existing law.

- **The State of New Jersey**
 - The North Jersey Transportation Planning Authority (NJTPA), the Delaware Valley Regional Planning Commission (DVRPC), and the South Jersey Transportation Planning Organization (SJTPO) collectively cover all of the urbanized areas within the state, and work closely and coordinate with each other and with the state Department of Transportation and public transportation partners to provide transportation planning and decision-making services for the State of New Jersey.
 - In New Jersey, they have already each established planning agreements with each other, and with the state Department of Transportation and operators of public transportation, that identify the locations where urbanized areas overlap MPO boundaries, and specify the strategies that support cooperative decision making and the resolution of disagreements. They share data, information, and coordinate on plans and projects that cross MPO boundaries.
 - These organizations meet regularly with each other, with state partners, and with neighboring MPOs in other states through both formal programs such as the Central Jersey Transportation Forum or the Metropolitan Area Planning Forum, as well as through informal programs and coordination efforts.
- **Chicago Metropolitan Agency for Planning (CMAP) and Northwestern Indiana Regional Planning Commission (NIRPC)**
 - CMAP and NIRPC are members of each other's technical committee meetings.
 - Executive directors of both MPOs meet quarterly.
 - The cooperation between the two MPOs has fostered agreements that identify the respective responsibilities required to carry out the metropolitan planning process in that region.
- **Rockford Metropolitan Agency for Planning (RMAP) and the Stateline Area Transportation Study (SLATS)**
 - Cooperating under their own volition, and under current law, these two MPOs share data to ensure accurate travel demand modeling and also maintain non-voting members on its partner's technical committees.
- **Florida**
 - Of the 22 Florida MPOs impacted by the NPRM, all have entered into written agreements to coordinate with one or more nearby MPOs on a voluntary basis.
 - FHWA highlighted the successes of MPO coordination in Florida through the Every Day Counts program (EDC-3 Innovations) in 2016. The South East Florida Transportation Council (SEFTC) was found to exemplify best practices in multi-MPO cooperation and collaboration, which is largely due

- to their formalized planning efforts including freight planning and coordinated identification of project priorities.
- Florida's other MPOs have cooperated to generate other transportation planning products, including long-range transportation policy plans covering multiple MPO areas; shared goals and objectives; collaborative shared project priority lists; congestion management processes covering multiple MPO areas; multi-county freight plans.
- All 27 Florida MPOs belong to the Florida MPO Advisory Council (MPOAC), which is a statewide forum for collaboration and statewide transportation policy development. The MPOAC meets quarterly and provides regular opportunities for the Florida DOT, FHWA and FTA to provide updates of national and statewide significance.

This is a very small sampling of the coordination currently occurring around the nation, under the existing regulatory structure. Establishing this level of coordination took a significant investment of resources. In some cases, the NPRM could reverse or alter longstanding arrangements that have served the regions well for years or decades. The NPRM appears not to consider these factors in calculating costs.

These examples demonstrate an impressive breadth of ongoing collaboration of the type this NPRM seeks to establish. Our organizations would be excited to work with USDOT to disseminate these examples and many others as best practices so other MPOs can learn from the good work that is currently underway. In addition, we could anticipate other opportunities, such as peer-to-peer learning opportunities and technical trainings, which could help MPOs that might be struggling in their efforts to collaborate with other MPOs or with their state DOT. We acknowledge this approach will also require a financial investment, but anticipate these efforts would be more efficient and effective at fostering the level of collaboration that USDOT seeks than this NPRM would accomplish, and do so with less disruption for existing MPOs.

The Proposed Rule Will Dramatically Shift MPOs' Limited Resources Away from Vital Planning Activities Toward Needlessly Complicated Coordination Across Disparate Regions

Direct Costs

We strongly disagree with the assertions made by FHWA and FTA regarding the cost of implementing this NPRM. As part of its regulatory analysis, FHWA and FTA state:

To the extent that there are any costs, 80 percent are directly reimbursable through Federal transportation funds allocated for metropolitan planning (23 U.S.C. 104(f) and 49 U.S.C. 5303(h)) and for

State planning and research (23 U.S.C. 505 and 49 U.S.C. 5313). Thus, the costs to the affected MPOs should be minimal.

MPOs and states that will be impacted will receive no additional federal planning funds to carry out the requirements of this NPRM. As a result, any federal funding spent implementing this NPRM will reduce the amount of planning (PL) funds for MPOs or state planning and research (SPR) funds for states to be used for the extensive responsibilities for which they are currently responsible.

In addition, USDOT provides no calculations or evidence to justify its assertion that costs will be minimal. There have been few mergers of MPOs, but in one case in Connecticut, the cost of the merger was an estimated \$1.7 million and took four years and many hundreds of person-hours to complete. If multiple MPOs remain within an MPA and are not merged, establishing new planning agreements, developing a unified planning process, and meeting the other requirements of the NPRM will also result in significant costs. There are also significant questions³ raised by our members as to the cost-benefit ratio of this NPRM. We encourage USDOT to take a much harder look at this proposal to determine the costs and whether it is reasonable to impose these costs in the absence of additional new federal funding. MPOs also noted their desire to do more detailed cost-benefit analysis for their organizations to implement this NPRM, but cited the brief comment period as an impediment to their ability to do so.

MPO Voice

USDOT contends the NPRM will strengthen the voice of MPOs, especially relative to state DOTs. We disagree. The more likely outcome of mandating MPO mergers or unified planning documents would be to lose the local voice in unworkable megaregions, weaken the voice of some urban areas that are subsumed within larger MPOs, and complicate the planning process.

Multistate Jurisdictions

This NPRM is particularly concerning where it would require joint planning documents in MPAs that cross state lines. There are current examples where MPOs cross state borders, and those MPOs and states manage the planning process accordingly. But this NPRM would expand substantially the number of states and MPOs required to carry out the complicated process of multistate planning. For the MPOs that already conduct planning across state lines, this NPRM would increase the number of states and MPOs with which they plan and place the additional burden of requiring joint planning documents with all of those entities. For many other MPOs, however, this NPRM would require them to do multistate planning for the first time, which creates

³ See *Appendix A – Unanswered Questions* at the end of this document for a list of the many questions that members feel remain unanswered about the NPRM.

significant additional burdens. Another particular challenge for multistate MPOs is the opening of metropolitan planning agreements, which this NPRM requires. This can take months or longer to complete across state boundaries. In the Chicago UZA, for example, CMAP and NIRPC operate under a Bi-State Planning Cooperative Agreement that took more than a year to complete and garner the signature of all relevant parties (including both states).

Local Control and Public Engagement

We also have significant concerns about the impact of this NPRM on local control of transportation resources and the public engagement process. As an example, in the greater Philadelphia region, because of the overlap of urbanized areas, the NPRM would link the Delaware Valley Regional Planning Commission (DVRPC) with as many as eight other MPOs in five states, extending from the Baltimore region up to and including the New York City/Northern New Jersey regions. If all of those MPOs merged, it is hard to see how such an enormous planning area effectively allows for input from local elected officials or the public into the plan development or project prioritization process. If the MPOs are retained, however, as the NPRM would allow, it would require that the remaining MPOs jointly produce a single plan, a single TIP, and uniform performance targets for this extended area. Given the diverse populations, travel trends, transportation needs, budgets, policies, and governance within this area, a single long-range plan would be meaningless, and a single TIP and unified performance measure targets would be all but impossible to achieve. Further, it is difficult to imagine how the public would have more input into a process that covers such a significant area.

Conflicts with State Laws

The NPRM would cause an unknown number of mergers, yet is silent on how these mergers could conflict with state laws regarding MPO board membership. When MAP-21 was signed into law, Congress required the policy board of an MPO representing a Transportation Management Area (TMA) to consist of officials of public agencies, "including providers of public transportation." Without subsequent changes to 23 U.S.C. § 134 in the FAST Act, several states would have had to amend state laws to allow for additional members on MPO policy boards in order to accommodate the "transit representative." This NPRM suffers from a similar flaw: many states will require changes to state law to permit policy boards to grow if MPOs are merged. Our organizations do not want the voice of smaller MPOs to be weakened if they are mandated to merge into a larger MPO. As with the transit representation rulemaking, similar changes may be required to assist MPOs in complying with the board structure changes and avoid noncompliance with the phase-in provisions of this NPRM. Consolidation at this level may also result in complications and challenges related to revisions to State Implementation Plans for air quality, as discussed elsewhere in these comments, changes to staggered metropolitan transportation plan adoption timeframes, and, at least in California, statewide climate change legislation (Senate Bill 375).

Census Determinations

The NPRM assumes that U.S. Census Bureau UZA designations are cohesive and represent a functional transportation planning region. This is not the case in many places, where UZAs do not necessarily reflect regional travel sheds, congestion patterns, air quality nonattainment and maintenance areas, political realities, or regional identities. UZAs are statistical tools defined by algorithm to identify areas of high population density and connectedness to adjacent areas of population density, making them a poor basis for transportation planning in areas where UZAs are immediately adjacent to one another and no longer relate to historical and political patterns of association.

The Boston UZA, for example, encompasses a huge area across three states and is adjacent to a half-dozen UZAs. The outer most reaches of the Boston UZA have very little connection to the UZA core with respect to transportation needs, except for intercity commuting. In much of New England and the northeast, adjacent UZAs effectively merge together, and designations are subject to change (by algorithm) from one Census to the next. Tying transportation planning processes and documents to UZAs would create an unstable planning region and introduce a great deal of confusion into the process.

In addition, the NPRM is silent on who will be responsible for establishing the 20-year growth projection and does not contain a consistent process or formula, which would be required to carry this out. Further, revisions to the urbanized area after each Census could require the redrawing of MPAs and MPO jurisdictions both now and in 2020, and then every ten years thereafter. This could result in continual mergers and redesignation processes and holds MPOs hostage to the Census process that defines UZAs.

The U.S. Census Bureau, in its final rule on Urban Area Criteria for the 2010 Census, published in the Federal Register on August 24, 2011, cautions against using UZAs for non-statistical/programmatic purposes. Further, the methods for determining urbanized area boundaries requires a degree of precision that can only be defined once development is in place, and cannot be forecast with precision.

For all of these reasons, and consistent with longstanding practice of FHWA and FTA, this part of the rule should be replaced with a more flexible framework that reflects the statute's empowerment of local and state officials to set MPA boundaries and that allows such officials to deviate from UZA boundaries when they do not align with regional planning realities (e.g., multiple, overlapping UZAs; unique regional travel patterns; historical and political boundaries, etc.).

The Proposed Rule Impractically Requires Differently Situated MPOs to Produce Joint Planning Documents Even When They Face Different Statutory Requirements

The NPRM raises concerns related to addressing air quality through the regional transportation conformity process, an already complicated, inter-agency regulatory scheme. In complex (multistate or multijurisdictional) air quality nonattainment areas (NAA) and maintenance areas, the NPRM's requirement for a single plan and a single TIP would presumably require a common or coordinated transportation conformity demonstration for the entire MPA, potentially including portions of multiple nonattainment and maintenance areas. MPOs in nonattainment or maintenance areas must demonstrate conformity of plans and TIPs at least every four years, while MPOs that are in attainment areas do not have this requirement, and have to update plans every five years. Requiring MPOs to merge or develop a single plan and a single TIP would result in a more frequent plan update for the MPO that is in attainment.

There is also concern that the NPRM's requirements would rescind the flexibility to demonstrate transportation conformity in subareas with state implementation plan (SIP) emissions budgets that was granted in 40 CFR 93.124 (d). This provision allows MPOs to demonstrate transportation conformity in the counties with SIP budgets independent of adjacent MPOs in shared nonattainment and maintenance areas. This independence allows for greater flexibility for states and MPOs to adjust project schedules and scope, relieves areas of unnecessary analysis, and allows state control of air quality goals, a benefit identified in the Clean Air Act.

Additionally, MPOs often conduct conformity determinations of their plans and TIPs more frequently than every four years, and do so on different schedules. Two MPOs, each in a different nonattainment or maintenance area, or in nonattainment or maintenance to different criteria pollutants, would face a complex situation when demonstrating conformity of a joint TIP or plan to meet various attainment deadlines, standards, or Motor Vehicle Emission Budgets. Another problem could arise when a nonattainment or maintenance area is smaller than the area covered by the MPA. The areas in attainment would be negatively impacted if the nonattainment or maintenance areas are not able to show conformity, as it would prevent the TIP and plan for the entire MPA from being implemented and delay projects from being implemented. The same concern would arise for a TIP or plan amendment, which would make attainment areas beholden to the ability of nonattainment or maintenance areas to show conformity, even if the amendment was for a project in an attainment area. The NPRM is also silent on who would be responsible for showing conformity for the single plan and the single TIP for an MPA, but would seem to require that one MPO be doing conformity for areas over which it has no jurisdiction.

The process of demonstrating transportation conformity includes a complex set of inputs such as planning assumptions, transportation demand model (TDM)

procedures, emissions analysis model assumptions and local data, and SIP emissions limitations. Each MPO uses different TDMs and post processors for their emissions analysis and various methods are used to estimate VMT, and collect, process, and maintain various types of travel, vehicle, and emissions data. Blending data from different MPOs and different models will be a challenge, and can create problems in meeting Motor Vehicle Emission Budgets established and approved for nonattainment or maintenance areas prior to this NPRM. MPOs could also choose to adopt a common TDM and standardize the planning assumptions used for the conformity demonstration. These options would both increase time and cost (as an example, DVRPC reports the current process requires four months to complete a TIP amendment and each run of a full regional conformity determination costs \$25,000, both of which are expected to increase under the NPRM).

In some regions, a coordinated air quality planning process between neighboring MPOs currently exists. One example is the Capital Area MPO in Raleigh and the Durham-Chapel Hill-Carrboro MPO in Durham. In this case, the MPOs use a single TDM developed for the region, which has been in place for several years. This will not be the case in many other areas. Furthermore, though CAMPO and DCHC worked together to develop a joint 2040 MTP and conduct air quality analysis, each MPO retained flexibility with regard to developing certain aspects of their plan for their respective MPO areas, and each MPO preserves its autonomy by having the authority to propose amendments to the plan.

Section-by-Section Analysis

Our overarching concerns relate to the entirety of the rule, and specific comments indicating no objection to proposed changes (many of which are not substantive or controversial) do not indicate any general lack of concerns or objections.

§ 450.104—Definitions:

Metropolitan Planning Agreement:

- Amends the definition by changing MPO to MPO(s)
 - We do not have objections to the proposed changes, because multiple MPOs are often party to a metropolitan planning agreement.

Metropolitan Planning Area:

- The NPRM would realign the regulatory language with the existing statutory language in defining an MPA.
 - Given that this definition has never been enforced by USDOT in the manner proposed, and that changes to the regulations in 2007 redefined the term to align it with common practice, we have significant concerns with the “tear off the Band-Aid” approach USDOT proposes in this NPRM. To the extent that any change is necessary in this regard, an approach that would allow for a more gentle movement back to the statutory definition in this regard would be more appropriate.

Metropolitan Transportation Plan:

- Amends the definition to reinforce the stated goal of requiring one plan for the entire MPA.
 - The current definition in the regulation is consistent with current law – each MPO develops its own plan. We support retaining the current definition.

Transportation Improvement Program (TIP):

- Amends the definition to reinforce the stated goal of requiring one TIP for the entire MPA.
 - The current definition in the regulation is consistent with current law – each MPO develops its own TIP. We support retaining the current definition.

§ 450.208—Coordination of Planning Process Activities:

- The current statewide transportation planning regulations require each state to, at a minimum, coordinate planning under subpart C of the regulations and “encourages” states to rely on transportation information, studies, and analyses provided by the MPO. The NPRM maintains this coordination but would “require” the state and MPO to coordinate on the information, studies, and analyses. This revision increases the degree to which the state and MPOs should coordinate versus the state relying on the MPO to supply the information.
 - This change should be considered as part of the congressional oversight of planning.

- The NPRM would require every MPO to open and amend their planning agreements to identify coordination strategies and include a dispute resolution process.
 - Current regulations do not prevent the inclusion of a dispute resolution process in a planning agreement. MPOs, states, and transit providers should continue to determine for themselves whether changes to their planning agreements are necessary.
 - Modifying a metropolitan planning agreement can be a challenging and difficult process, taking a year or more to complete. This is particularly true for multistate MPOs. For this reason, an action of this magnitude requires Congressional oversight.
 - USDOT proposes major changes to MPO operations, but provides no example of where the current process fails.

§ 450.218—Development and Content of the Statewide Transportation Improvement Program (STIP):

- Amends MPO to read MPO(s) in subsection (b).
 - We disagree with this change. Each MPO should remain responsible for creating its own TIP as per current regulations.

§ 450.226—Phase-In of New Requirements:

- Requires updated planning agreements between states, MPOs, and transit providers within two years of the date on which the rule becomes final, identifying coordination strategies that support cooperative decision-making, and the resolution of disagreements.
 - Current regulations require a periodic review and update of the agreement. Current law supports the flexibility of MPOs to work and coordinate with planning partners. We believe that current law is adequate to update planning agreements. Congress should determine if any new requirements are needed.

§ 450.300—Purpose:

- Amends the general purpose to clarify that an MPO planning process covers the MPA.
 - Unlike most other sections amended by this regulation, the NPRM does not amend MPO to MPO(s) in this section. There are existing cases where multiple MPOs serve a single UZA and prepare individual TIPs and plans.
 - Under current regulations, some MPOs have established working agreements to better coordinate with one another, and we believe this is a better approach to coordination than merging MPOs or MPAs.
 - Under current regulations the MPOs have the flexibility to determine how best to work together given circumstances that may differ from region to region or state to state.

§ 450.306—Scope of the Metropolitan Transportation Planning Process:

- Adds new paragraph (5) requiring that multiple MPOs within an MPA jointly establish performance targets.
 - The relevant enacted statute (23 U.S.C. § 134(h)(2)(B)(i)(I)) (codification of MAP-21 § 1201) requires each MPO to establish performance targets. There is no statutory requirement for multiple MPOs in a single MPA to jointly establish performance targets.
 - MAP-21 requires MPOs to coordinate their selection of performance targets with states and transit providers, to the maximum extent practicable. If Congress had determined that one set of targets within a planning area was integral to improving system performance, it would have required it in MAP-21; the fact that it did not is conclusive.
 - The NPRM proposes significant changes to the MAP-21 requirements; any changes along these lines should be debated and addressed during the reauthorization of the FAST Act.
- Amends subsection (i) by changing MPO to MPO(s). This section addresses the use of abbreviated plans and TIPs for non-TMA MPOs. NPRM further amends this section by striking “and this part” and replacing it with “*and these regulations.*”
 - No explanation is given for this change. USDOT should explain its reasoning behind this amendment and what it intends with these changes.
 - Would this change somehow apply more broadly to the “regulations” versus Part 450?

§ 450.310—Metropolitan Planning Organization Designation and Redesignation:

- Current subsection (e) regulates the designation and redesignation process of MPOs for an urbanized area. The Governor and the existing MPO make a determination to designate more than one MPO to serve a UZA based on whether the “*size and complexity of the urbanized area do make designation of more than one MPO appropriate.*” Further, if a new MPO is designated within the urbanized area, the MPOs establish written agreements to identify areas of coordination and the division of planning responsibilities.
- The NPRM strikes UZA throughout subsection (e) and replaces it with MPA. The NPRM argues that this change “*would reinforce the statutory principle that ordinarily only one MPO shall be designated for an MPA.*”
 - 23 U.S.C. § 134(d)(7) provides the authority to designate more than one MPO in an MPA to the Governor and the MPO based on a “*size and complexity*” determination. The NPRM refers to this as a “*limited exemption,*” but Congress included this provision in the law to accommodate anticipated urban growth.

- The NPRM also requires, where it is determined more than one MPO in an MPA is appropriate, that the Governor and affected MPOs *“by agreement shall jointly establish or adjust the boundaries for each MPO within the MPA.”*
 - There is no discussion of this provision, no definition of MPO boundary, and no indication to what end the MPO boundaries would be established or adjusted.
 - The provisions in this section are likely to have the consequence, intended or not, of preventing the designation of new MPOs. In urbanized areas in particular, there would be no reason or incentive to create a new MPO if their only reason to exist is to develop unified planning documents. There are examples where having more than one MPO in an urbanized area is appropriate and even advantageous, particularly in cases where local elected officials would otherwise feel like their interests would not be considered or their voice would be significantly diminished. Whether to designate an MPO is a decision that the statute specifically leaves to Governors and local elected officials, and that decision is made based on these and other locally-determined and considered factors. This NPRM contradicts this congressionally developed approach.
- The NPRM states: *“The proposed rule reflects the view, based on an interpretation of the planning statutes and on FHWA and FTA experiences, that when there are multiple MPOs within the same MPA, enhanced coordination and joint decision-making procedures are needed to ensure a coordinated and comprehensive planning process within the MPA.”*
 - FHWA and FTA should be transparent about the experiences that have led them to this conclusion.
 - Are the experiences referenced limited to a few MPOs or is the problem systemic?
 - Is *“enhanced coordination”* synonymous for joint planning products or does it refer to something else?
- Changes to the number of MPOs designated within an MPA are better suited to 23 C.F.R. § 450.312. Again, 23 U.S.C. § 134(d)(7) is clear that multiple MPOs may be designated within an MPA.
 - As the NPRM acknowledges, there are currently areas where multiple MPOs serve a single UZA. This demonstrates that Congress does not currently prohibit such an arrangement. If there are concerns about this, it is up to Congress to conduct appropriate oversight and amend the law if necessary. Amending UZA to MPA, as the NPRM would do, is a significant change in the planning process and should be addressed by Congress, not a regulatory action.

- To reinforce the requirement for a single plan and a single TIP, subsection (e) is further amended to require procedures for joint decision-making and dispute resolution.
 - Dispute resolution is allowable but not required in planning agreements by current statute. This should be addressed in the reauthorization of the FAST Act.
- The NPRM in (e) also requires a merger of MPOs in certain circumstances – *“If multiple MPOs were designated in a single MPA prior to this rule or in multiple MPAs that merged into a single MPA following a Decennial Census by the Bureau of the Census, and the Governor(s) and the existing MPOs determine that the size and complexity do not make the designation of more than one MPO in the MPA appropriate, then those MPOs must merge together in accordance with the redesignation procedures in this section.”*
 - Current regulations provide for the circumstance when an MPO may redesignate, or what actions MPOs may undertake when an urbanized area extends into an adjacent MPA, and requires (after each census) the MPO, state, and transit operator to review MPA boundaries and adjust the boundaries as necessary to meet minimum statutory requirements. The statutes do not require the merger of MPOs regardless of whether the Governor(s) and MPO(s) make a determination that size and complexity impact the number of MPOs. We feel strongly that such a major change deserves congressional review and oversight, and should not occur solely on the basis of regulatory action.
 - The regulation is silent on what is meant by “merger” and this leaves an open question as to whether this would require a joining of policy boards or if there is another intention implied.
- Amends subsection (m) by dropping MPA and inserting “*metropolitan area*.” Subsection (m) addresses multistate metropolitan areas. Rather than coordinate planning for the MPA the change would limit coordination to the metropolitan area.
 - The use of “*metropolitan area*” creates confusion and makes commenting on this revision difficult. There is no definition of this term in the regulations or statutes.

§ 450.312—Metropolitan Planning Area Boundaries:

- According to the NPRM, the amendments “*would reorganize, and make technical edits to, existing § 450.312.*” The definitional changes to MPA proposed in § 450.104 of the NPRM are consistent with the statutory definition. However, the NPRM changes what the MPA is at the very opening of this section. The NPRM reverses (a) and (1) in this section. The current statutes give the Governor and the MPO authority to establish any boundary as long as it includes the UZA and 20 years of projected growth. The NPRM leads with the minimum boundary and then permits the Governor and the MPO to agree on the boundary. The NPRM states the change

was made to “clarify and emphasize that an agreement between the Governor and an MPO concerning the boundaries of an MPA is subject to the minimum requirement that the MPA contain the entire existing urbanized area plus the contiguous area expected to become urbanized within a 20-year forecast period for the transportation plan.”

- We recommend that current regulation be retained to reduce confusion and align with current statutes.
- Adds a new (2) to require MPOs and the Governor to agree to MPA boundaries when two or more MPAs would otherwise include the same non-urbanized area that is expected to become urbanized within a 20-year forecast period. They are first encouraged to merge the MPAs, at which point a “size and complexity” determination would be required to determine if more than one MPO is appropriate. Barring a merger, however, the MPA boundaries would have to be redrawn, based on agreement between MPOs and relevant Governors, so the boundaries of the MPAs do not overlap.
 - The reestablishment of MPO boundaries could have serious effects on existing MPOs, particularly where the boundaries are the result of state legislation. In these cases, reestablishing these boundaries would require opening up existing laws in multiple states, and gaining the approval of as many as four Governors and neighboring MPOs.
 - Again, we would point out that current regulations provide a process for the Governors and MPOs to adjust boundaries. We recommend that revisions to this process, to the extent they are necessary, be made by Congress, not as part of a regulatory action.
- In subsection (b), the NPRM maintains the MPA boundaries that existed on August 10, 2005 for urbanized areas in nonattainment for ozone or carbon monoxide.
 - The NPRM makes no mention of either maintenance areas for ozone or carbon monoxide or areas that are designated as nonattainment or maintenance for PM10 or PM2.5, which are also criteria pollutants and subject to the conformity requirements. Are areas designated as maintenance areas for ozone or carbon monoxide also to retain their MPA boundaries? And what about areas that were designated either nonattainment or maintenance for PM10 or PM2.5? Are these areas also to retain their MPA boundaries?
- In subsection (c), the NPRM adds at the end - “An MPA boundary may encompass more than one urbanized area, but each urbanized area must be included in its entirety” (emphasis added). This would require Governors and MPOs to redraw MPA boundaries, which will in turn require them to make a “size and complexity” determination, which results in either a merger of MPOs or development, by the multiple MPOs, of a single plan, a single TIP, and uniform performance targets based on the NPRM changes to TIP, plans and targets.

- This provision runs counter to the stated goal of the NPRM, which, according to the summary, is to “*result in unified planning products for each urbanized area (UZA), even if there are multiple MPOs designated within that urban area.*” Allowing multiple UZAs within an MPA would result in unified planning products for the entire MPA, not for the individual UZAs this provision makes permissible within the MPA.
- In subsection (f), the NPRM strikes the reference to UZA or MPA and replaces them with “*multistate metropolitan areas*” to align with the statutes and historical uses of the term.
 - The use of “*multistate metropolitan area*” creates confusion and makes commenting on this revision difficult. There is no definition of this term in the regulations or statutes.
 - We request USDOT clarify that states are not limited to the actions listed in (f)(1) or (2).
- Current subsection (h) addresses the situation where part of UZA served by one MPO extends into an adjacent MPA. In this case, either the boundaries are adjusted or the MPOs divide transportation planning responsibilities. The NPRM replaces how to address the current situation and completely ignores the situation addressed under the current regulation. Instead, it replaces it with what to do when it has been determined that multiple MPOs are designated in a single MPA – establish written agreements identifying coordination process, establish procedures for joint decision-making, devise a dispute resolution process, develop a single plan and a single TIP for the entire MPA, and establish MPO boundaries within the MPA.
 - Does this change forbid the use of current (h), which allows joint responsibilities versus a requirement to redraw boundaries? Current regulations seem to allow MPAs that overlap to establish joint planning responsibilities as an alternative to redrawing boundaries despite (g). Requiring MPOs in an MPA that span multiple UZAs to create unified planning documents will lead to meaningless planning documents and a loss of many local voices in the planning process
 - The NPRM adds a requirement not found in current regulations – that MPOs in the same MPA develop “*procedures for joint decision-making and resolution of agreements.*” This section also adds a requirement for a “*joint decision-making process,*” a concept not found in statute or regulation.
 - This section contains a requirement for establishing MPO boundaries, a concept that is currently synonymous with MPA boundary. In separating MPA and MPO boundaries, the NPRM fails to conceptualize what the MPO boundary should be and for what purpose.
 - Taken together, these are significant changes to metropolitan transportation planning that require congressional oversight and approval.

- In subsection (i) the NPRM would continue the process of reviewing MPA boundaries after each Census to determine if the existing boundaries meet the minimum statutory requirements and adjusting them as necessary.
 - Current regulations support the flexibility that is embedded in the MPO process.
- The NPRM adds language to subsection (i) to define in more detail what is necessary under current law – that the boundaries encompass the entire existing UZA(s) plus the contiguous area expected to become urbanized within 20 years. The NPRM also adds a provision requiring that separate UZAs merged by Census into a larger, single UZA would trigger a requirement that the MPOs and the Governor “redetermine” the affected MPAs as a single MPA that includes the entire new UZA plus the contiguous area expected to become urbanized in the 20-year forecast. This would have to occur within 180 days, and the “redetermination” as a single MPA is not permissive – the regulation would mandate a merger of MPAs.
 - We note that 180 days is a very short timeframe in which the required analysis to determine 20-year growth boundaries and make a determination, possibly between multiple states and MPOs, as to how to merge the MPA. This section also does not take into account a possible appeals process of the UZA boundary designations that often follow the release of the Qualifying Urban Areas.
- If the merger of MPAs results in multiple MPOs within the merged MPA, the Governor and MPOs will make a “*size and complexity*” determination whether more than one MPO in the MPA is appropriate, which would lead to either MPOs merging or joint development of a single transportation plan, a single TIP, and uniform performance targets. The NPRM again raises the issue of “*MPO boundaries*” which is currently undefined in statute, current regulations, or the NPRM.
 - The amendments to subsection (i) are significant enough to require congressional action to implement. USDOT should make its case to Congress and provide examples justifying a change in statutory law. The NPRM does not cite any case studies or examples of where current law is not working to the satisfaction of states, MPOs, or transit providers.
- The NPRM proposes a new subsection (j) that would enumerate the situations in which an MPO and Governor are encouraged to consider merging MPAs.
 - This new section is appropriate and acceptable since it is limited to providing encouragement to adjust boundaries under certain circumstances and that may improve transportation planning.

§ 450.314—Metropolitan Planning Agreements:

- Changes to subsection (a) would require the opening and modification of planning agreements in some cases and the development of new planning agreements in others.

- Modifying a metropolitan planning agreement can be a challenging and difficult process, taking a year or more to complete. This is particularly true for multistate MPOs. For this reason, an action of this magnitude requires Congressional oversight.
- Current subsection (e) requires a written agreement to address planning coordination between multiple MPOs, the state, transit operators, and state and local air quality agencies as necessary, in a single UZA. Importantly, the current regulation would allow for the joint development a single plan and a single TIP when multiple MPOs exist within a single UZA.
- In subsection (e), the NPRM would replace UZA with MPA. With this change, the rule would further require that planning agreements ensure the development of a single plan and a single TIP for the MPA. If a transportation investment extends across two MPAs, the MPOs are required to coordinate to assure consistency in plans and TIPs. If more than one MPO has been designated to serve an MPA, the planning processes for affected MPOs must (currently: “should, to the maximum extent possible”) reflect coordinated data collection, analysis, and planning assumptions across the MPA.
 - Although the current regulations require that planning agreements include several elements, such as a financial plan and planning responsibilities, the requirement in the NPRM for development of a single plan and a single TIP for the MPA are changes that are not aligned with the statutory provisions of 23 U.S.C. § 134. These are revisions significant enough to require congressional oversight.
- Current subsection (f) addresses the circumstance where a UZA or MPA extends across two or more states, requiring, in such instances, coordination between Governors, MPOs, and transit operators and allowing for optional methods to coordinate such as agreements, compacts, or establishment of agencies. The NPRM strikes UZA and requires jointly developed “*planning products*” for the entire multistate MPA.
 - The NPRM does not define “*planning products*.” On the assumption this refers to the transportation plan, TIP, and performance targets, we note that this is an extremely burdensome requirement. By increasing the standard from a coordinated planning process to one that must result in jointly developed planning products, the level of complication is increased dramatically for the affected states and MPOs. In at least one case, this would require the development of unified planning products that are in parts of five different states.
- Current subsection (g) addresses where a UZA designated as a TMA overlaps into an adjacent MPA serving a non-TMA. The adjacent UZA is not treated as a TMA and the MPOs are required to establish a written agreement establishing roles. The

NPRM would “revise” (g) to read that if an MPA includes a TMA and a non-TMA, the non-TMA shall not be treated as a TMA, and if two or more MPOs exist within the MPA, they are required to establish roles and responsibilities in a written agreement.

- The current regulation acknowledges that FHWA has allowed UZA boundaries to cross over into adjacent MPAs. Now, FHWA seeks to remedy this, but is doing so without any new statutory authority. We suggest that FHWA and FTA continue to interpret this it has done so historically, and not remove the permissibility in this provision to allow UZAs to cross adjacent MPA boundaries when appropriate.
- Current subsection (h) addresses how MPOs, states, and transit operators will cooperate in developing and sharing information related to transportation performance management. The NPRM would strike the language allowing information sharing when a UZA designated as a TMA overlaps into an adjacent MPA serving an UZA that is not a TMA. By amending the provision in this way the regulations would no longer address the situation the existing regulation currently does.
 - The current regulation acknowledges that FHWA has allowed UZA boundaries to cross over into adjacent MPAs. Absent new statutory authority, we suggest that FHWA and FTA continue to interpret this as they have done so historically and not remove the permissibility in this provision to allow for UZAs to cross adjacent MPA boundaries when appropriate.

§ 450.316—Interested Parties, Participation, and Consultation:

- Amends MPO to MPO(s) in several paragraphs of the section.
 - We disagree with these changes. Each MPO is responsible for creating its own transportation plan and TIP as per current regulations. The consultation process should continue to reflect this.

§ 450.324—Development and Content of the Metropolitan Transportation Plan:

- The NPRM amends MPO to MPO(s) throughout the section.
 - We disagree with these changes. Each MPO is responsible for creating its own transportation plan as per current regulations. The plan development process should continue to reflect this.
- The NPRM adds a new subsection (c) that when more than one MPO is designated to serve an MPA, the MPOs are required to jointly develop a single plan for the MPA, jointly establish performance targets, and agree to a process for making a single conformity determination on the joint plan.
 - This amendment is not consistent with the statutory provisions of 23 U.S.C. § 134 that require each MPO to develop its own plan. A change of this magnitude requires congressional oversight and an amendment of the US Code if there is a compelling reason to change the metropolitan planning process.

- Most MPOs develop project selection criteria to program projects in their TIPs. These criteria have been developed and refined over several years to reflect priorities in each MPO region. For example, one MPO may have established project selection criteria that give a higher priority to selecting projects that address safety issues, while another MPO may have developed criteria that prioritize congestion relief or systems preservation projects. Development of these criteria has occurred through a process of public involvement and buy-in from decision-makers. The requirements of this NPRM would upset that balance by requiring MPOs with different project needs and priorities to merge their selection criteria.

§ 450.326—Development and content of the transportation improvement program (TIP):

- Amends MPO to MPO(s) throughout the section.
 - We disagree with these changes. Each MPO is responsible for creating its own TIP as per current regulations. The TIP development process should continue to reflect this.
- Amends subsection (a) to require that when more than one MPO is designated to serve an MPA, the MPOs shall jointly develop a single TIP for the MPA, and agree to a process for making a single conformity determination on the joint plan.
 - This amendment is not consistent with the statutory provisions of 23 U.S.C. § 134 that require each MPO to develop its own TIP. A change of this magnitude requires congressional oversight and an act of Congress if there is a compelling reason to change the metropolitan planning process.

§ 450.328—TIP Revisions and Relationship to the STIP:

- Amends MPO to MPO(s) throughout the section.
 - We disagree with these changes. Each MPO is responsible for creating its own TIP as per current regulations. The TIP development process should continue to reflect this.

§ 450.330—TIP Action by the FHWA and the FTA:

- Amends MPO to MPO(s) throughout the section.
 - We disagree with these changes. Each MPO is responsible for creating its own TIP as per current regulations. The TIP development process should continue to reflect this.

§ 450.332—Project Selection From the TIP:

- Amends MPO to MPO(s) throughout the section.
 - We disagree with these changes. Each MPO is responsible for creating its own TIP as per current regulations. The TIP development process should continue to reflect this.

§ 450.334—Annual Listing of Obligated Projects:

- Amends MPO to MPO(s) throughout the section.
 - We do not have objections to the proposed changes.

§ 450.336—Self-Certifications and Federal Certifications:

- Amends MPO to MPO(s) throughout the section.
 - We disagree with these changes. Each MPO is responsible for creating its own TIP as per current regulations. The TIP development process should continue to reflect this.

§ 450.340—Phase-In of New Requirements:

- Amends MPO to MPO(s) throughout the section.
 - We disagree with these changes. Each MPO is responsible for creating its own transportation plan as per current regulations. The phase-in should continue to reflect this.
- Adds a new subsection (h) - States and MPOs shall comply with the MPA boundary and MPO boundaries agreement provisions in § 450.310 and § 450.312; shall document the determination of the Governor and MPO(s) whether the size and complexity of the MPA make multiple MPOs appropriate; and shall comply with the requirements for jointly established performance targets, and a single plan and a single TIP for the entire MPA, before the next metropolitan transportation plan update that occurs on or after [date 2 years after the effective date of the final rule].
 - As discussed above, we believe that these revisions are significant changes that contradict the current statutory language. Any proposals to increase coordination between MPOs should be discussed first with the affected organizations that these revisions impact.

Response to Questions

Background—Coordination Between States and MPOs

Q: How can the Statewide and Non-metropolitan and Metropolitan Transportation Planning process provide stronger incentives to states and MPOs to manage transportation funding more effectively?

A: The establishment of a performance-based planning program in MAP-21 is intended, in part, to ensure the efficient deployment of limited federal transportation funding. We recommend that these provisions, which will themselves require significant resources from MPOs and states to deploy, be fully implemented and that a report to Congress be prepared to understand how they will improve planning coordination. During this period, USDOT should undertake a comprehensive study to review the metropolitan and statewide planning processes, aimed at informing Congress of areas where transportation planning could be improved, where the current planning process is working, and where MPOs and states have devised and implemented improvements on their own. Our organizations are ready to assist with that review.

§ 450.104—Definitions:

Q: FHWA and FTA specifically ask for comments on whether the rule ought to expressly address how states and MPOs should determine MPA boundaries where two or more MPAs are contiguous or can be expected to be contiguous in the near future. For example, should the rule provide that such MPAs must merge? Alternatively, should the rule allow the states and MPOs to tailor the MPA boundaries and the 20-year urbanization forecast to take the proximity of other MPAs into account?

A: Currently 23 C.F.R. § 450.312 requires an MPO, in cooperation with the state and public transportation operators, to review MPA boundaries after each Census to determine compliance with law and update them as necessary. Current law also requires that MPA boundaries not overlap with each other, and provides the necessary authority for boundaries to be adjusted. We support the authority in current law to review and adjust MPA boundaries as necessary, and do not support forcing MPAs to merge.

§ 450.226—Phase-In of New Requirements:

Q: The FHWA and FTA seek comments on the appropriateness of the proposed 2-year phase-in period.

A: Under a scenario where these regulations are finalized, we recommend that changes be phased in after the 2020 Census results are available. Only then should the 2-year

phase in begin. To do otherwise would cause major disruption immediately and then likely cause the same disruption a few years thereafter.

§ 450.306—Scope of the Metropolitan Transportation Planning Process:

Q: The FHWA and FTA request comments on the proposed language, and request ideas for alternatives that might better accomplish the goals embodied in the proposal.

A: Some MPOs have developed cooperative planning agreements that allow them to resolve disputes or reach mutual agreement on investing funds and planning projects. We suggest that USDOT consider, through workshops or similar outreach, the tools MPOs are currently using in instances where MPOs disagree or plans conflict. The existing regulatory process for amending and updating planning agreements allows MPOs to address the planning responsibilities as needed based on transportation conditions and needs in states, regions, counties, political subdivisions, and between interested parties. For additional ideas, please reference the list of examples of planning coordination contained in these comments (see section “Collaboration in Transportation Planning Already Occurs Across the Country”), and in other comments to the docket (notably, comments from the American Association of State Highway Transportation Officials).

§ 450.314—Metropolitan Planning Agreements:

Q: The FHWA and FTA seek comments on what, if any, exemptions ought to be contained in the rule from these requirements, and what criteria might be used for such an exemption.

A: Seeking input on exemptions to these requirements suggests that USDOT recognizes that these new requirements are not meant to address a systemic problem with the current metropolitan transportation planning regulations and that there may be a conflict with the current provisions of 23 U.S.C. § 134. We strongly encourage USDOT to set up a working group that includes both staff and elected officials from MPOs (large and small), states, and representatives from RTPOs to address any MPO coordination problems. Alternatively, USDOT should consider conducting regional workshops with MPOs and interested parties to delve into the questions that are raised by this NPRM. The outcome of these meetings may result in a jointly developed set of revisions that could be accomplished through either a future NPRM, guidance, or recommendations to Congress.

§ 450.324—Development and Content of the Metropolitan Transportation Plan:

Q: The FHWA and FTA seek comments on what, if any, exemptions ought to be contained in the rule from these requirements, and what criteria might be used for such an exemption.

A: Seeking input on exemptions to these requirements suggests that USDOT recognizes that these new requirements are not meant to address a systemic problem with the current metropolitan transportation planning regulations and that there may be a conflict with the current provisions of 23 U.S.C. § 134.

Q: The FHWA and FTA also request comments on the question whether additional changes are needed in FHWA and FTA regulations on performance measures and target setting (e.g., 23 CFR part 490) to cross-reference this new planning provision on target-setting.

A: We are currently commenting on the existing proposed rules for performance measures. We would suggest that these rules be finalized, implemented, and reported on before undertaking additional to performance measures and target setting.

§ 450.326—Development and content of the transportation improvement program (TIP):

Q: The FHWA and FTA seek comments on what, if any, exemptions ought to be contained in the rule from these requirements, and what criteria might be used for such an exemption.

A: Seeking input on exemptions to these requirements suggests that USDOT recognizes that these new requirements are not meant to address a systemic problem with the current metropolitan transportation planning regulations and that there may in fact be a conflict with the current provisions of 23 U.S.C. § 134. We strongly encourage USDOT to set up a working group that includes both staff and elected officials from MPOs (large and small), states, and representatives from RTPOs to address any MPO coordination problems. Alternatively, USDOT should consider conducting regional workshops with MPOs and interested parties to delve into the questions that are raised by this NPRM. The outcome of these meetings may result in a jointly developed set of revisions that could be accomplished through either a future NPRM, guidance, or recommendations to Congress.

Executive Order 12866 (Regulatory Planning and Review), Executive Order 13563 (Improving Regulation and Regulatory Review), and DOT Regulatory Policies and Procedures:

Q: The FHWA and FTA are seeking comments on what other options affected MPOs could exercise to reduce the overlap while meeting the statutory and regulatory requirements. The FHWA and FTA expect that such responses will reduce the number of MPOs ultimately affected by these coordination requirements.

A: We request that you withdraw this rulemaking, thereby bringing to zero the number of MPOs affected by this rule. Current regulation 23 C.F.R. § 450.312(g) prohibits

overlapping MPA boundaries and 23 C.F.R. § 450.312(i) requires the MPO, Governor, and transit operator to review MPA boundaries after each Census to determine if existing boundaries meet the minimum statutory requirements for new and updated UZAs, and requires them to adjust the boundaries as necessary. There is currently a process in place to address overlap. However, we suggest USDOT initiate a process to gather feedback and ideas from stakeholders to determine if the existing process fails to address overlap and identify problems and possible solutions. The outcome of this process could be used to develop a rulemaking that would provide significantly more incentives for MPOs to coordinate their planning activities.

Q: Executive Order 12866 (Regulatory Planning and Review), Executive Order 13563 (Improving Regulation and Regulatory Review), and DOT Regulatory Policies and Procedures, Page 41480: The FHWA and FTA seek comments and available data on the costs and benefits of the proposals of this rulemaking.

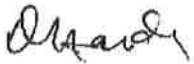
A: The NPRM contains little or no data justifying the changes it proposes, which we feel pose significant issues. There have been few mergers of MPOs, but in at least one case in Connecticut, the cost of the merger was an estimated \$1.7 million and took four years and many hundreds of person-hours to complete. There are also significant questions raised by our members as to the cost-benefit ratio of this NPRM. We encourage USDOT to take a much harder look at this proposal to determine the costs and whether it is reasonable to impose these costs in the absence of additional new funding.

Conclusion

We appreciate the opportunity to submit comments, responses, and suggestions to this proposed rule. We believe that many of the NPRM's proposed coordination revisions can be achieved under current law with the consent and agreement of the necessary parties. We welcome the opportunity for a dialogue with USDOT to better understand, why it has determined that revisions of this manner are necessary and to work with USDOT to address these perceived concerns regarding MPO collaboration. We feel strongly that the requirements regarding joint development of a single plan, a single TIP, and a uniform performance targets for the MPA should be addressed by Congress, as it would otherwise contradict current statutory requirements. If the intent is to limit the growth of or reduce the number of MPOs, we again strongly believe that Congress should address this issue if it sees fit, and that such significant changes in policy should not occur through the regulatory process. MPOs are the transportation voice of local government decision-makers and the forum for interested parties to participate. This one-size fits all approach will weaken, if not exclude, participation by interested parties and restrict the flexibility that MPOs currently have to make transportation decisions that reflect a coordinated planning process.

Again thank you for this opportunity to comment, and we look forward to working with you to address any concerns with metropolitan transportation planning and how coordination can be improved in the future. Our organizations stand ready to work with USDOT in whatever manner you require to consider a process that would improve transportation planning, increase the influence of regional planning entities, and ensure that any changes do not weigh too heavily on the nation's MPOs.

Sincerely,



DeLania Hardy
Executive Director
Association of Metropolitan
Planning Organizations



Joe C. McKinney
Executive Director
National Association of
Development Organizations



Leslie Wollack
Executive Director
National Association of
Regional Councils

Appendix A – Unanswered Questions

MPOs, state DOTs, and other stakeholders have asked important questions that are not answered in the NPRM and have not received adequate response from FHWA/FTA:

- How do the changes in this NPRM impact federal planning funds? Are they reduced in MPOs that merge? Increased?
- If two MPOs serving a TMA are merged is the suballocation of STBGP increased to the resulting MPO?
- What is the impact of this NPRM on the conformity process under the Clean Air Act?
- How would the boards of merged MPOs be determined?
 - What is the impact in states that limit the number of board members on an MPO?
- If MPOs serving TMAs are merged, would operators of public transportation lose a seat on a merged MPO board?
- What are the impacts to air quality if one MPO in attainment must jointly develop a single plan, a single TIP, and uniform performance targets with an MPO in nonattainment or maintenance?
- Will an MPO in attainment be subject to using CMAQ funds on projects addressing air quality when prior to this NPRM could use those funds for STBGP projects?
- The NPRM implies minimal costs for MPOs under this NPRM. On what data are you basing that assertion?
 - One of the few merger examples we have from Connecticut cost an estimated \$1.7 million, including more than 4,000 hours of staff time over four years. And both MPOs were willing participants in the merger. Costs could be even higher in more complicated instances, in particular where all parties are not in agreement about merging.
- What is the anticipated outcome in cases where the Governor(s) and MPOs cannot agree as to:
 - The shape of the MPA;
 - Whether MPAs should be merged;
 - Whether the size and complexity of an MPA makes it appropriate to have more than one MPO designated in an MPA;
 - In cases with more than two MPOs in an MPA, which MPOs should remain and which should be merged; and
 - The contents of the planning agreement, including the conflict resolution process.
- How does USDOT anticipate that TIPs will be compiled in MPAs with more than one MPO? How will the process of prioritization be accomplished? Does USDOT

anticipate a separate board-like entity, with representatives from the individual MPOs, to make these decisions?

- What changes to state law do you anticipate will be required to meet the requirements of the NPRM?
- Does FHWA anticipate states will have to redraw their own DOT regional/district office boundaries as a result? What other changes might have to occur?
- Who will be responsible for establishing the 20-year growth projection as required in the NPRM? Is there a process or formula currently in use to carry this out?
- The NPRM could result in MPAs that cover a significant amount of land. What impact do you anticipate this could have on public involvement in the planning process? Does this raise equity issues for those that could not travel a great distance to attend meetings and be involved in the process?
- Why were the multiple requests for an extension of the comment deadline not honored?
- What are the implications of the Census decision not to merge any UZAs during the 2010 census? Will there be more mergers that usual in 2020, and won't that have a more significant impact under this rule?
- In instances where the size of an MPA requires creating unified planning documents with, in some instances, 11 MPOs in as many as five states, how do you anticipate this could practically be accomplished?
- What happens if multiple MPOs within a newly drawn MPA fail to reach consensus on a TIP or plan? Does each plan, TIP, and TIP amendment require approval by each of the remaining MPOs?
- If MPOs cannot reach agreement, despite efforts at dispute resolution, on long range projects or other elements of a unified long range plan, will partial plan approvals be possible? If not, will the planning process have to be suspended?
- A unified TIP presumably would require a metropolitan-wide project prioritization process, in which proposed projects throughout the region are evaluated against all others. Or would this have to continue to take place within state boundaries given that federal transportation funds are allocated to states? If the latter is the case, how is the TIP to be developed as a unified document?
- In developing long range transportation plans, will fiscal constraint be judged for the region overall or for each MPO? How can this be accomplished given differing state fiscal assumptions and budgeting procedures?
- Regarding public participation requirements, will projects and issues concerning one MPO have to be the subject of public outreach and comment in the other MPOs to be included in the long range plan and TIP? Won't this constitute a wasteful use of MPO resources?

Executive Summary

RE: Metropolitan Planning Organization Coordination and Planning Area Reform (FHWA-2016-0016)

- AMPO, NARC, and NADO submitted joint comments the docket.
- We are respectfully requesting that USDOT withdraw this NPRM.
- However, we agree that coordination between MPOs, states, providers of public transportation, and other necessary or interested parties should be carried out to the maximum extent practicable, and we welcome the opportunity to work with USDOT (through workshops, peer exchanges, etc.) to cooperatively determine how best to improve coordination in transportation planning.
- AMPO and AASHTO, and separately AMPO, NADO, and NARC requested a comment extension period of 60 additional days and were denied by USDOT.

Overarching Concerns

- From our perspective, this NPRM is highly problematic because:
 1. The proposed changes to the planning process will be highly disruptive to existing and ongoing regulatory obligations, and create unknown and potentially problematic conflict with new performance management regulations currently being promulgated by the agencies.
 2. The new requirements imposed by the NPRM will force MPOs to spend significant amounts of money, negatively impacting budgets and disrupting tasks to which funding was already designated. That 80 percent of the cost of meeting the NPRMs requirements can be reimbursed from federal funds is inconsequential because no new federal money will be made available. Fulfilling the NPRM's requirements would mean other things don't get done.
 3. The additional costs imposed by the NPRM would far outweigh the benefits.
- The requirements of the NPRM are contrary to existing federal law.
- Therefore, the revisions in the NPRM are significant and require Congressional oversight and action if necessary.
 - Specifically, the mandate of a single plan, single TIP, and a single set of performance targets for a single MPA with more than one MPO are in direct conflict with the statutory requirements under 23USC Section 134.
 - The current statutory provisions under 23 U.S.C. § 134 have long been interpreted to mean that each MPO prepares a transportation plan and develops a TIP.
 - At least four subsections of 23 U.S.C. § 134 demonstrate that the statute does not contemplate a mandate requiring multiple MPOs within an MPA to create a single set of planning documents.
- Further, USDOT's own longstanding interpretation of Section 134 and its recent attempt (GROW AMERICA) to persuade Congress to revise the section to require more unified planning within MPAs reveals USDOT's recognition that the statute, as written, does not allow USDOT to mandate unified planning. Further, Congress rejected the GROW AMERICA MPO planning changes.

Specific Concerns

- The NPRM would cause an unknown number of MPO mergers, yet is silent on how these mergers could conflict with state laws regarding MPO board membership.
- Nothing under current law or regulations would prevent MPOs to merge or jointly develop a single plan, TIP, and performance targets.
- The more likely outcome of mandating MPO mergers or unified planning documents would be to lose the local voice in unworkable megaregions, weaken the voice of some urban areas that are subsumed within larger MPOs, and complicate the planning process.

- While there may be isolated areas where coordination between MPOs, states, and others should be improved, the sweeping revisions of this NPRM are not warranted. USDOT provides no examples of where the coordination concerns stem from, but implies there is a systemic problem.
- There is a lack of comprehensive research defining the breadth and depth of MPO coordination across the nation. Not only does effective collaboration occur under existing authority, there is significant concern that the NPRM could harm ongoing collaboration efforts.
- The NPRM's mandates are likely to shift significant resources away from MPOs' core planning functions, resulting in potential new financial burdens for MPOs and States, including but not limited to, staffing and administrative costs, technical support and additional public outreach.
 - Calculating costs is challenging because there have been relatively few mergers of MPOs, but one example from Connecticut resulted in \$1.7 million in direct costs, required 4,000 staff hours, and took several years to complete.
- The NPRM would likely diminish the local voice in the regional planning process, negatively impact local control of transportation resources, make public engagement more challenging, and cause significant problems for multistate MPOs. The NPRM also conflicts with State law in a number of places.
- The use of Census-designated urbanized areas ignores site-specific planning criteria and demographic data that are the foundation of sound regional and long-term planning.
- MPOs are concerned about the lack of specifics in the NPRM regarding the distribution of future planning funds and the effect on suballocation of Surface Transportation Block Grant Program (STBGP) and other funding.
- The NPRM creates potentially significant conflict with other legislative requirements, in particular the Clean Air Act. The NRPM does little to anticipate these problems or discuss how this proposal will interplay with requirements of the Act.
 - The regional conformity process is likely to be significantly impacted by the NPRM's mandates.
- NPRM Will Complicate Transition to Performance Based Planning.

