Metropolitan Planning Organization for the Miami Urbanized Area

Prospectus For Transportation Improvements

January 2004 Update

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PREFACE

The Prospectus describes the established framework for executing the Metropolitan Planning Organization (MPO) process of planning multimodal transportation improvements in the Miami Urbanized Area. This edition has been revised to reflect all regulatory and administrative changes that have occurred since the last edition was published in 1995.

The original Prospectus, published in 1977, was prepared in response to requirements of the Federal Aid Highway Act of 1962. The Act mandated that as a condition for the receipt of federal funds, each urban area with a population over 50,000 in the United States was required to carry on a continuing, cooperative, and comprehensive transportation planning process. The purpose of the mandate was to ensure that: 1) the transportation planning process remain a continuing effort responsive to land use and demographic changes, 2) participation be shared by all concerned, and 3) the transportation planning process be coordinated with other developmental urban planning aspects. This process, known as the "3-C" planning process, has been retained from that beginning. This document, therefore, serves as the policy/management guide for the Miami Urbanized Area MPO.

The Prospectus is divided into five parts. Part 1.0 contains introductory information on how the MPO relates to Miami-Dade County's metropolitan government and briefly relates historical references concerning the establishment of the MPO.

Chapter 2.0 describes the MPO structure including its legal basis, the management services contract with the County, and the components of its organizational structure.

Chapter 3.0 provides information on the components of the MPO's organizational structure

Chapter 4.0 gives a description and function of agencies participating in the transportation planning process

Chapter 5.0 provides a detailed description of the elements of the transportation planning program and process including the 20-year Long Range Transportation Plan, the Transportation Improvement Program (TIP), and the Unified Planning Work Program (UPWP).

Chapter 6.0 is a description of the program management, monitoring, review and reporting procedures established to ensure continuing effectiveness of the overall urban transportation planning program.

Chapter 7.0 provides for a Public Involvement Process that complies with the federal requirements of Section 450.316(b)(1) of Title 23 of the Code of Federal Register Part 50.

Finally, several appendices provide information on agreements and other procedural documentation relevant to the MPO process in the Miami Urbanized Area.

Metropolitan Planning Organization Governing Board

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Vice-Chairperson
Dennis C. Moss

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José Smith
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Rebeca Sosa
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Gary L. Donn, FDOT

Miami-Dade County Administration
Carlos Alvarez, County Mayor
George M. Burgess, County Manager
Pedro G. Hernandez, Deputy County Manager
José Luis Mesa, MPO Secretariat

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CHAPTER 1

Introduction to the Transportation Planning Process for the Miami Urbanized Area

1.1 Introduction

The Metropolitan Planning Organization (MPO) for the Miami Urbanized Area guides the transportation planning process in Miami-Dade County. The MPO was created as required under Section 163.01, Chapter 163, Florida Statutes, and established by Interlocal Agreement between Miami-Dade County and the Florida Department of Transportation (FDOT).

The MPO Governing Board (MPO Board) is composed of twenty-two (22) voting members charged with making transportation planning decisions in the Urbanized Area with the assistance of technical recommendations and citizen comments. The Governing Board includes: the thirteen (13) member Board of County Commissioners (BCC); an elected municipal official to represent municipal interests appointed by the Governor of Florida; a citizen who does not hold elective office and resides in the unincorporated area of Miami-Dade County; a member of the Miami-Dade County Expressway Authority; and a member of the Miami-Dade County Public School Board. During the 1999 legislative session, the Florida Legislature revised Florida Statutes to permit an elected official from each city with over fifty thousand (50,000) residents in Miami-Dade County to serve on the Governing Board. These cities include: The cities of Hialeah, Miami, Miami Beach, North Miami, and Miami Gardens. The FDOT has two (2) nonvoting representatives on the MPO Board. Membership of the Miami-Dade County MPO is constituted under the Chartered County option allowed by the State Statutes.

1.2 Goals and Objectives

A major role of the MPO is to ensure conformance with federal regulations requiring that highways, mass transit and other transportation facilities and services are properly developed and deployed in relation to the overall plan of urban development and to approve plans for regional and state transportation network accessibility.

In addition, federal guidelines require that the use of Federal Aid for transportation be consistent with MPO endorsed plans and programs. The FDOT adopts the MPO's Long Range Transportation Plan (LRTP) as the plan for implementing transportation system improvements in Miami-Dade County.

Federal, state and local transportation planning funds are utilized an ongoing basis to insure the effectiveness of the MPO process. The MPO Board meets monthly in the Miami-Dade County Commission Chamber. All meetings of the Governing Board are open to the public. In performing its major functions, the MPO:

- Develops an LRTP for the urban area that specifies transportation improvements for at least a twenty-year horizon.
- Compiles an annually updated Transportation Improvement Program (TIP). The TIP lists projects selected from the adopted LRTP to be implemented during a five-year cycle.
- Prepares the Unified Planning Work Program (UPWP) which outlines the planning projects that will assist in further defining the comprehensive and multimodal transportation plans for the area.
- Maintains a Citizen's Transportation Advisory Committee (CTAC) to provide a broad cross-section of citizen perspectives in the planning and development of the urban area transportation system. Minorities, the elderly and persons with disabilities are appropriately represented through this committee's composition.
- Coordinates the activities of the Transportation Planning Council (TPC). The TPC advises the MPO Board on technical matters.

The TPC includes directors of County departments participating in the transportation planning process, senior staff of the FDOT, the Florida Department of Environmental Protection, South Florida Regional Transportation Authority, the Miami-Dade Expressway Authority, a representative of the Miami-Dade League of Cities, the Miami-Dade County Public Schools and representatives from the cities of Hialeah, Miami, Miami Beach, North Miami, and Miami Gardens.

- Assess visual impacts of transportation projects through the Transportation Aesthetics Review Committee (TARC). The TARC reviews high visibility transportation projects to assure that aesthetic considerations are an integral and early part of the planning, design and construction process.
- Facilitates public involvement at all levels of the MPO process. Transportation issues are submitted routinely to the CTAC for review and plans are available for comment prior to their adoption.
- Maintains a bicycle/pedestrian program to ensure that transportation plans provide for the use of non-motorized alternatives recommended by the Bicycle/Pedestrian Advisory Committee (BPAC).
- Ensures that access to transportation is provided to disadvantaged persons. The Transportation Disadvantaged Local Coordinating Board (LCB) monitors transportation service opportunities for children at-risk, the elderly, the poor, and the disabled.
- Addresses the multimodal transportation needs of freight movement throughout the county recommended by the Freight Transportation Advisory Committee.

In performance of these duties, the MPO is assisted by professional staff from local and state transportation agencies. Other entities including the South Florida Regional Planning Council, South Florida Regional Transportation Authority, the Miami-Dade Expressway Authority, Florida Department of Transportation District VI, FDOT Turnpike Enterprise and the Broward and Palm Beach County MPOs work together to achieve coordination in regional transportation planning.

CHAPTER 2
Structure of the Metropolitan Planning Organization

2.1 Legal Basis: Federal Laws

Section 134 of Title 23 of the U.S. Code states that it is in the national interest to encourage and promote the development of transportation systems embracing various modes of transportation in a manner that will serve the states and local communities efficiently and effectively. To this end, it empowers the U.S. Secretary of Transportation to cooperate with state and local officials in the development of transportation plans and programs, formulated on the basis of transportation needs with due consideration to comprehensive long-range land use plans and overall social, economic, environmental, system performance, and energy conservation goals and objectives. It also indicates that the transportation planning process must include an analysis of alternative transportation system management and investment strategies to make more efficient use of existing facilities. The process is to consider all modes of transportation and needs to be continuing, cooperative, and comprehensive, to the degree appropriate based on the complexity of the transportation problems being assessed.

In 1991, the Intermodal Surface Transportation Efficiency Act (ISTEA) amended title 23 U.S.C., and the Federal Transit Act (FTA) by revising sections 134 of Title 23 and 8 of the FTA. The legislation recognized that the nation's transportation systems are intricately tied to our economy, public health and quality of life. ISTEA dictated intermodal and multimodal approaches to transportation planning to meet mobility needs. This approach includes a significantly enhanced role for the MPO, as the urban area forum for establishing transportation policy and for implementing this policy through the metropolitan planning and project selection process. ISTEA called for the TIP to present a priority list of projects to be carried out and for inclusion of a project only if full funding can be available within the time period contemplated for completion of the project. ISTEA consisted of three major provisions:

1. the ability to transfer funds between categorical funding programs depending on the best strategy,
2. implementation of the Clean Air Act Amendment of 1990 (CAAA), to attain national ambient air quality standards, and
3. the development of the TIP with public participation from interested individuals and groups.

Federal legislation also authorizes the Secretary of Transportation to make grants or loans to assist states and local public bodies and agencies in financing transportation projects, which enhance the effectiveness of public transportation. Planning funds are apportioned to states in accordance with a fair and equitable formula. The formula is approved by the Secretary and considers, but is not necessarily limited to, population, status of planning, and metropolitan area transportation needs. In addition to the guidelines for the distribution of transportation planning funds contained in U.S.C. Title 23, Title 49 of the Code of Federal Regulations details the nature and distribution formulas for transit planning funds as authorized by the Urban Mass Transportation Act of 1964 and ISTEA.

The success of ISTEA resulted in a congressional reauthorization of this legislation. On May 22, 1998, the President of the United States signed into law the Transportation Equity Act for the 21st Century (TEA-21)

2.2 Legal Basis: State Statutes

The Metropolitan Planning Organization for the Miami Urbanized Area was created March 23, 1977 under the authority of Chap-

ter 163 of the Florida Statutes. Section 163.01 of the Statute provides that governmental agencies may enter into Interlocal Agreements permitting the joint exercise of such powers or authority that the agencies share in common or that each might exercise separately.

The Board of County Commissioners (BCC) of Miami-Dade County and the FDOT, using an Interlocal Agreement, gave the MPO the authority to organize itself to conduct a "continuing, cooperative and comprehensive transportation planning and programming process". The agreement was designed to make the MPO an effective instrument for developing plans and programs that would thereafter be implemented.

Although the membership of the MPO Board is largely composed of individuals who serve on the BCC, the two boards are separate and distinct. The BCC, a general-purpose local governing body consisting of locally-elected officials, exercises the powers delegated to it by the Metropolitan Charter. The MPO Board, on the other hand, possesses no powers of local self-government and acts within the realm of transportation policy only. While the BCC is responsible primarily to the electorate of Miami-Dade County, the MPO Board is primarily responsible to the State Governor and to the federal agencies that provide funding for transportation projects and mandate planning requirements as a precondition for funding. In other major metropolitan areas, MPO Boards are markedly different than local governmental boards and are composed of officials representing the various municipalities in the given urban area. The unique structure used by Miami-Dade County, however, enhances coordination between the two boards, and tends to facilitate the process of advancing from plans to implementation of transportation projects.

The existing Interlocal Agreement provides that the MPO may:

- Enter into contracts or agreements with local and/or state agencies to utilize the staff resources of those agencies.
- Administer its affairs and business.
- Enter into agreements with the Department of Transportation, operators of public mass transportation services, and the area-wide and regional A-95 agencies.
- Enter into contracts for professional services.
- Accept funds, grants, assistance gifts, or bequeaths from local, state and federal sources.
- Acquire, own, operate, maintain, sell or lease any real or personal property.
- Promulgate rules to effectuate its powers, responsibilities, and obligations provided said rules do not supersede or conflict with applicable local and state laws, rules and regulations.

The agreement also specifies that the MPO will provide for an appropriate organization to administer its business and affairs, set up a community involvement structure and establish a process to evaluate the technical adequacy of transportation planning activities.

2.3 Management Services Contract

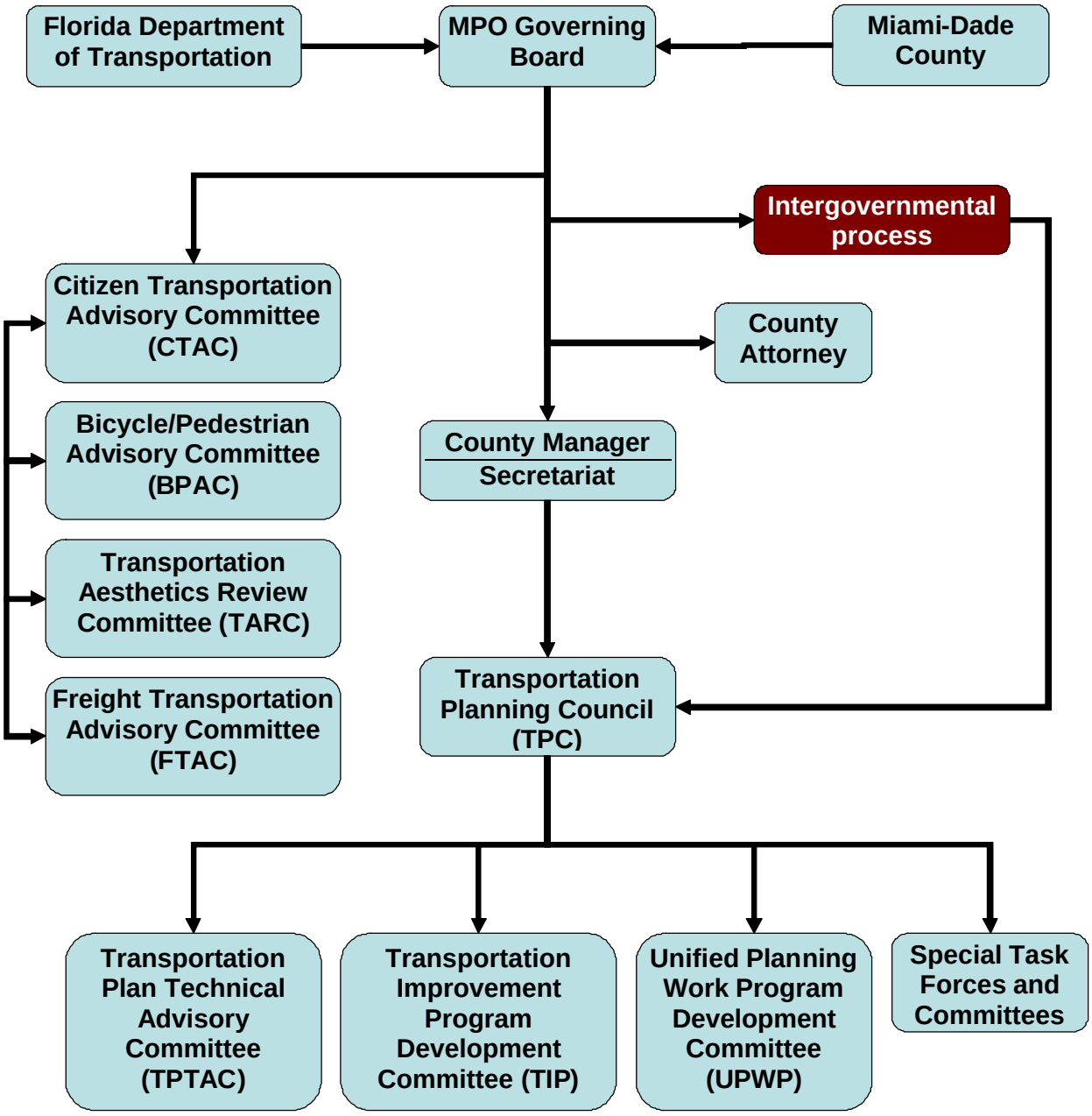
To carry out its duties, the MPO entered into a Management Services Agreement with the Miami-Dade Board of County Commissioners. Major elements of this agreement are:

- The County shall furnish the MPO with the professional, technical, administrative and clerical service, the supplies, the equipment, the office and other space, and such other incidental items as may be required and necessary to manage the business and affairs of the MPO and to carry on the transportation planning and programming process.
- The County Manager of Miami-Dade County shall be responsible to the MPO Board for the conduct of the transportation planning process as well as the appointment, assignment, direction and control of all personnel necessary thereto; the development of an ap-

propriate organizational structure and the development of procedures to monitor and coordinate the planning process.

- The County Manager shall prepare annually a detailed listing of all tasks necessary and incidental to carrying out the planning process.
- The head of each county department or agency participating in the transportation planning process shall be deemed a technical advisor in the field of his competency and shall be expected to provide the MPO with expert advice or perform such duties incidental hereto as the County Manager shall assign.
- The County Attorney shall be the legal advisor to the MPO and shall represent the MPO in all legal matters, provided that, with the concurrence of the County Attorney, the MPO may employ special counsel for specific needs.
- A Secretariat Staff Office is to be designated by the County Manager and serve at his/her pleasure.
- The County Manager shall prepare an annual budget on an October 1 to September 30 fiscal year basis. The budget shall identify funding sources, participating agencies and the level of participation by the various agencies.

FIGURE 1
MPO Master Organization Chart



CHAPTER 3
Organization Structure

The organizational structure of the MPO is designed for the administration, coordination and monitoring of a cooperative venture of participating agencies. These agencies perform interdependent functions supporting development of an integrated transportation plan and programs to implement. The work of the organization is carried out within the structure and process shown in Figure I. Following is a brief description of major MPO structural elements:

3.1 MPO Governing Board

The MPO Governing Board is composed of twenty-two (22) voting members, and two (2) nonvoting members. The nonvoting members are accorded the same rights and privileges as other members, except the right to present resolutions or motions or to vote on them.

The Chairperson of the Governing Board shall be ex-officio the Chairperson of the Miami-Dade Board of County Commissioners (BCC).

The Governing Board is vested with the responsibility for exercising the powers of the MPO including the final decision on all policy matters, adoption or endorsement of transportation plans and programs, adoption of budgets, approval of agreements or contracts, adoption of rules, and establishing or changing its internal operating structure. In addition to the structure shown in Figure I, the Board may appoint special committees and task forces composed of public and/or official representatives for the purpose of seeking advice and recommendations as necessary.

3.2 Miami-Dade County Manager

The County Manager of Miami-Dade is responsible for the conduct of the transportation planning process including appointment, assignments, direction and control of all necessary MPO personnel. The County Manager recommends to the Governing Board the appropriate structure to carry out the responsibilities set forth in the agreement between the MPO and the BCC, and recommends procedures by which the transportation planning process may be monitored and coordinated. The County Manager is the principal advisor to the Governing Board in all matters under its jurisdiction.

3.3 Legal Counsel

The County Attorney of Miami-Dade County is the legal counsel to the MPO. The legal counsel attends all meetings of the MPO and approves the form and legal sufficiency of all contracts and agreements entered into by the MPO.

3.4 Director of the MPO Secretariat

The Director of the MPO Secretariat is designated by, and serves at the pleasure of the County Manager. The Secretariat staff coordinates the activities of the component structure comprising the MPO; prepares the meeting agendas for the Governing Board and the Transportation Planning Council (TPC); prepares resolutions, agreements and other documents; schedules and gives notice of meetings; records and keeps minutes; prepares an annual report; develops operating procedures for conduct of the Secretariat function; coordinates the implementation of policies established by the Governing Board as reflected in the transportation planning program, and performs other administrative and technical duties as may be assigned by the County Manager.

3.5 Transportation Planning Council

The Transportation Planning Council (TPC) is composed of voting and nonvoting members. The Director of the MPO Secretariat chairs the Council. Council members are appointed by the County Manager and are normally the Directors of county departments participating in the transportation planning process and their designees. Other voting members include senior technical staff and respective alternates from the FDOT, the Florida Department of Environmental Protection, the South Florida Regional Transportation Authority, the Miami-Dade County Public School Board, the Miami-Dade Expressway Authority and the Miami-Dade County League of Cities. Nonvoting members include technical staff of pertinent federal, state, and regional agencies. Only in the absence of the respective directors at Council meetings may the alternates exercise their right to vote.

The MPO Secretariat staff develops and prepares the TPC agenda, gives notice of its meetings, keeps minutes and records of its proceedings, prepares resolutions and reports, and sees that the policies and directives of the Council are carried out. Membership on the Council is as follows:

Transportation Planning Council

Chairperson:
MPO Secretariat Director

Director or Designee:
Miami-Dade Department of Planning & Zoning
Miami-Dade Public Works Department
Miami-Dade Seaport Department
Miami-Dade Aviation Department
Miami-Dade Department of Environmental Resources Management
Miami-Dade Transit
Miami-Dade Expressway Authority

Representative:
City of Hialeah
City of Miami
City of Miami Beach
City of Miami Gardens
City of North Miami
South Florida Regional Transportation Authority
Florida Department of Transportation
Florida Department of Environmental Protection
Miami-Dade County League of Cities
Miami-Dade Public School Board

Non-Voting:
South Florida Regional Planning Council

The TPC is responsible for the overall technical adequacy of the MPO planning program and advises the Governing Board on the various proposed program actions. While the agencies participating in the planning process are responsible for the day-to-day conduct and management of transportation planning work activities, as specified in the Unified Planning Work Program (UPWP), the TPC has ultimate responsibility for the technical adequacy of the various products that are transmitted to the Governing Board for acceptance and adoption.

The TPC relies on three standing committees concerned with major products of the transportation planning program. These committees are:

- Transportation Planning Technical Advisory Committee (TPTAC)
- Transportation Improvement Program (TIP) Development Committee
- Unified Planning Work Program (UPWP) Development Committee

In addition, the TPC establishes interagency task forces and special committees to ensure coordination of important concerns as needs arise. The TPC Chairman or the County Manager names members and chairpersons of TPC Committees and Task Forces and the MPO Secretariat staff provides coordination and guidance for their activities. The function of a standing TPC Committee or a Task Force is to provide oversight and pertinent recommendations on key activities and products before they are considered by the TPC. As such they:

- Review and monitor overall schedules for undertaking critical work elements leading to transportation planning decisions, with a concern for important milestones where TPC and MPO Board consideration is desired.
- Review generalized work programs developed by Project Managers before work is begun.
- Establish consistent formats for the transportation planning process.

- Review milestone products and other documents to ensure technical adequacy.

Standing committees and task forces provide periodic status reports to the TPC and offer suggestions to the TPC on the advisability of recommending approval of transportation planning documents (e.g. the Unified Planning Work Program and the Transportation Improvement Program by the Governing Board).

3.6 Citizens' Transportation Advisory Committee

The Citizens' Transportation Advisory Committee (CTAC) consists of two members appointed by, and serving at the pleasure of, each voting MPO Board Member. CTAC appointments are made at the Board's discretion and may be based on recommendations by the County Manager.

The members are appointed from both the general public and from civic organizations, in order to provide citizens with the opportunity to become involved in the transportation planning process either by geographic area or because of a special interest.

The CTAC evaluates the recommendations generated during the development of the MPO's transportation plan, and serves as a forum to raise issues pertinent to the process. One of the CTAC's main responsibilities is to ensure that proposed transportation projects are responsive to the community's perceived needs and goals.

The duties of the CTAC include, but are not limited to reviewing the program's technical work products prior to their submission to the MPO Board for approval; monitoring the public involvement process and recommending improvements to increase its effectiveness or overcome perceived deficiencies; and dealing with other transportation planning matters as necessary. The CTAC also advises the Board of County Commissioners on all other transportation matters.

3.7 Bicycle/Pedestrian Advisory Committee

The Bicycle/Pedestrian Advisory Committee (BPAC) consists of twenty-two (22) voting members. These individuals represent a variety of backgrounds and may include representatives from organizations and groups such as: bike clubs, civic organizations, walking/running clubs, educators, engineers, and the elderly. Members are appointed by the MPO Board.

The functions and responsibilities of the Committee include, the review of bikeways and pedestrian mobility planning, plans review and recommendations, and coordination of education, enforcement and encouragement of bicycle and pedestrian considerations.

3.8 Transportation Aesthetics Review Committee

The Transportation Aesthetics Review Committee (TARC) was created by the MPO as a permanent part of the MPO review process for the architectural and aesthetics review of major bridges and transportation projects. Each voting MPO Board Member is permitted one at large appointee. There is no geographic requirement. Most appointees have a design background (including architects, landscape architects and planners).

The mission of the TARC is to ensure that high visibility transportation projects are reviewed for their aesthetic impact on the community before contracts are finalized.

3.9 Freight Transportation Advisory Committee

The MPO Freight Transportation Advisory Committee (FTAC) was created as a formal committee of the MPO planning process for advising the MPO Board on matters of multimodal freight transportation.

The mission of the Miami-Dade MPO

Freight Transportation Advisory Committee is to address the multimodal transportation needs of freight movement throughout Miami-Dade County.

The FTAC is composed of no more than twenty-two (22) voting members who represent the stakeholders of the freight and goods movement industry in Miami-Dade County. Members are selected from private sector freight firms involved in break-bulk, marine cargo, logistics, local distribution, air cargo, terminal, rail freight, warehouse, and over-the-road operations, among others. The voting members are joined by ex-officio public sector agencies on the committee representing freight-associated transportation agencies.

3.10 Review by Miami-Dade County Municipalities

The Miami Urbanized Area has thirty-four (34) incorporated municipalities. The transportation planning and programming process directly impacts the interests and activities of these entities. To provide a mechanism to evaluate the products and recommendations made from the transportation planning process, a municipal review procedure, also referred to as the "intergovernmental process", has been established to allow for the proper consideration of the interests of the municipalities. This procedure provides elected and appointed municipal officials with a continuing opportunity to give timely and organized input to the transportation planning process. All planning proposals and other formal matters relating to urban area transportation programs and projects are routinely submitted in draft form to municipal authorities.

3.11 Transportation Disadvantaged Local Coordinating Board

The Transportation Disadvantaged Local Coordinating Board (TDLCB) is charged with providing the MPO with an annual evaluation of the Community Transportation Coordinator (CTC). Both the LCB and the MPO are active participants in the creation, implementation, and evaluation of the Transportation Disadvantaged Service Plan, and the adherence to service standards as set by the Commission for the Transportation Disadvantaged (CTD), and the LCB.

The MPO assists in the staffing of the Board and the appointment of a local elected official to serve as the Chairperson of the LCB.

CHAPTER 4
Participating Agencies

The staff resources of the MPO are those of its participating agencies as well as those assigned to the Secretariat Office. Personnel are assigned from the participating agencies to perform specific MPO duties as the need arises. Agencies regularly providing staff resources for the completion of MPO program activities are as follows:

- Office of the County Manager
- County Attorney
- Miami-Dade Transit
- Miami-Dade Department of Planning and Zoning
- Miami-Dade Public Works Department
- Miami-Dade Seaport Department
- Miami-Dade Aviation Department
- Miami-Dade Department of Environmental Resources Management
- Miami-Dade Public Schools
- South Florida Regional Transportation Authority
- Florida Department of Transportation
- South Florida Regional Planning Council
- Miami-Dade Expressway Authority

4.1 Functional Responsibilities of Participating Agencies

Each agency participating formally in the MPO program has been assigned a level of responsibility commensurate with its normal involvement in the development and operation of urban transportation system facilities. The County's Aviation Department and Seaport Department, for example, not only have a relationship to the main effort, but also are included so as to maintain the integrity of the total multimodal transportation system concept. The County's Environmental Resources Management Department is included so that the environmental impact of the projects in the LRTP and TIP can be estimated to ensure compliance with the Clean Air Act Amendments (CAAA) of 1991.

4.2 County Manager

The County Manager oversees the effectiveness of the transportation planning process and the timely completion of work products, and is ultimately responsible for the efficient management of the administrative affairs of the organization. The MPO Secretariat Director and staff are housed in the County Manager's Office and the Manager participates in the transportation planning and programming process by performing these functions:

- Acts as principal advisor to the Governing Board.
- Provides overall direction of the County transportation planning process.
- Provides overall supervision of the County technical staff.

4.3 County Attorney

The Miami-Dade County Attorney is the legal counsel to the MPO. The legal counsel attends all meetings of the MPO Board and performs the following functions:

- Provides legal advice to the Governing Board.
- Reviews and approves all legal documents, contracts and other instruments for form and legal sufficiency.
- Represents the MPO in all legal actions.

4.4 Miami-Dade County Public Works Department

It is the responsibility of this agency to carry out highway surveillance activities. In addition, this agency assigns professional,

technical or other personnel to:

- Assist in developing MPO plans and priorities for arterial street improvements and in the preparation of the TIP.
- Perform highway surveillance studies and furnish traffic data as necessary.
- Estimate auto traffic generation for Development Impact Committee reviews.
- Provide technical support to the MPO on the resolution of highway issues and evaluation of proposals originating from citizen groups.

4.5 Miami-Dade Transit

Miami-Dade Transit (MDT) is the primary public mass transit operator in the metropolitan area. Additionally, this agency does the following in the context of the MPO program:

- Assist in developing MPO plans and priorities for urban area transit improvements.
- Responsible for grant management and financing activities related to the People's Transportation Plan; to include the usage and reporting of all surtax proceeds and related revenues.
- Perform transit ridership and surveillance studies and furnish transit data as necessary.
- Develop plans for fixed route and paratransit services.
- Develop plans for elderly and handicapped transportation services.
- Develop reports to document local compliance with all federal and state transit service planning requirements.
- Serve as the County's Liaison for public transportation policy issues with the Metropolitan Planning Organization, federal, state and municipal agencies.
- Provides modal integration through their Bike and Ride Program

4.6 Miami-Dade Department of Planning and Zoning

The Department of Planning and Zoning (DPZ) functions as the official area-wide comprehensive planning agency in performing MPO-related technical planning activities. DPZ has responsibility for the following:

- Review the Transportation Plan for consistency with other elements of the Comprehensive Development Master Plan and other functional plans
- Collect, develop, and evaluate land use and socioeconomic data for input into travel demand forecasts.
- Prepare land use and socioeconomic forecasts.
- Assist in assessing environmental impacts of proposed transportation projects.

4.7 Miami-Dade Seaport Department

It is the responsibility of this agency to ensure that appropriate consideration is given to its landside access requirements. The agency has the responsibility for performing the following tasks:

- Evaluate highway and transit plans with respect to impact on the Seaport.
- Prepare ground transportation capital development plans for inclusion in the TIP and LRTP as necessary.

4.8 Miami-Dade County Aviation Department

It is the responsibility of this agency to ensure that appropriate consideration is given to its landside access requirements. The agency is responsible for performing the following tasks:

- Evaluate highway and transit plans with respect to impact upon airports in the County.

- Develop airport ground transportation capital plans for inclusion in TIP and LRTP as necessary.

4.9 Miami-Dade County Department of Environmental Resources Management

It is the responsibility of this agency to monitor motor vehicle emissions and to determine the impact of these emissions on air quality standards. The agency is responsible for performing the following tasks:

- Evaluate highway and transit plans with respect to air quality and other environmentally-related areas.
- Conduct surveillance activity relating to vehicular emissions.

4.10 Florida Department of Environmental Regulation

The Department of Environmental Protection's responsibility for transportation planning is to provide technical assistance to reduce the adverse effects transportation has on our air quality. In Southeast Florida cars and trucks are the major source of air pollution. By working with the MPO the department is able to address and incorporate air quality concerns into the established planning process.

This process includes implementing congestion management, ridesharing, bicycling and pedestrian activities, parking management, transit, alternative transportation, operational improvements, conformity with state plans, programs designed to reduce vehicle trips and/or occupancy, coordination of land use and other transportation control measures that will result in a lessening of vehicle emissions.

4.11 Florida Department of Transportation

It is the responsibility of this agency to participate in all pertinent MPO planning activities, and to work towards effective coordination between state and county transportation programs. This agency also provides liaison between the MPO and the various agencies of the United States Department of Transportation (USDOT).

The District Secretary for District VI appoints the person(s) to represent the FDOT on the MPO Governing Board and Transportation Planning Council (TPC). In addition, FDOT assigns professional, technical and other personnel to perform the following tasks:

- Assist in the development of MPO plans and priorities for primary road construction and improvements in the urban area.
- Provides traffic data for projects in the MPO jurisdiction.

4.12 South Florida Regional Planning Council

It is the responsibility of the South Florida Regional Planning Council (SFRPC) to maintain an ongoing review of the MPO Transportation Plan to ensure that it is consistent with the transportation provisions of the Regional Policy Plan for South Florida.

4.13 Miami-Dade Expressway Authority

The Miami-Dade Expressway Authority (MDX) is an independent special district of the State of Florida. The Board of the MDX is comprised of twelve (12) Miami-Dade County residents and the FDOT District VI Secretary. Nine (9) are appointed by the Miami-Dade Board of County Commissioners, and three (3) are appointed by the Governor of Florida. The MDX is vested with the authority to own, lease, operate, acquire, construct, maintain, and improve express-

ways and toll road facilities.

The MDX assists the transportation planning process by:

- Assisting the MPO in developing plans and priorities for expressway and toll road construction and improvements in the urban area.
- Facilitating partnerships to develop, finance and operate future toll roads and other transportation facilities such as multimodal corridors, intermodal facilities and greenways.
- Determining surplus toll revenue that may be available for use in improving local transportation infrastructure and services.
- Participating in the development and maintenance of local congestion management and intelligent transportation system activities.

4.14 Miami-Dade County School Board

It is the responsibility of this agency to participate in pertinent MPO planning activities and to monitor issues related to student pedestrian safety, general transportation issues affecting students, school speed zones, traffic flashers and safe routes to schools, etc.

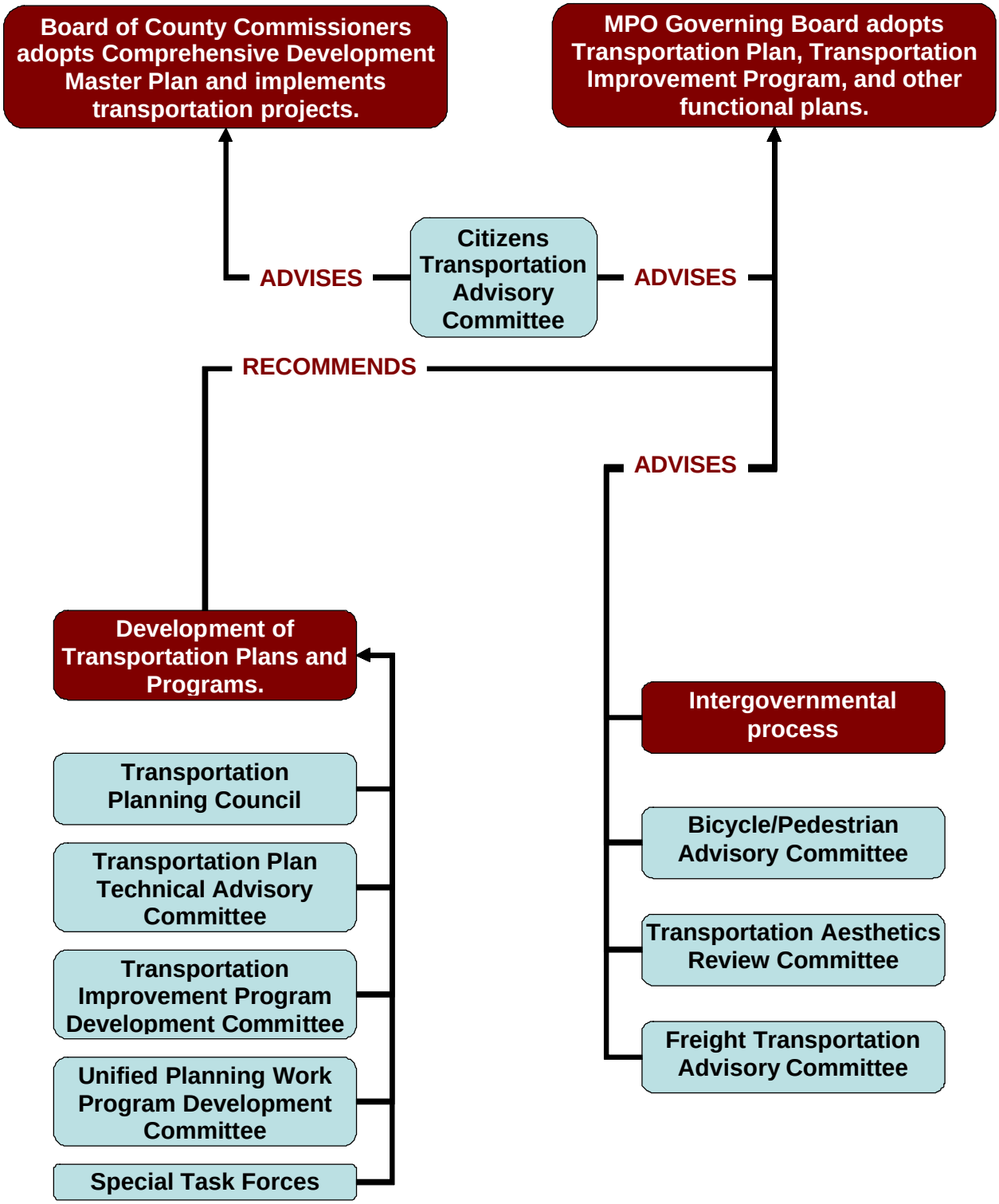
4.15 South Florida Regional Transportation Council

Palm Beach, Broward and Miami-Dade Counties' respective MPOs, South Florida Regional Transportation Authority (SFRTA), and FDOT recognize that existing surface transportation facilities serving the regional tri-county area are inadequate to address the mobility needs of the residents and visitors to the area. The reasons for the existence of the SFRTA is to provide for efficiencies in the delivery of existing regional service; provide improved services with existing resources; provide regional surface transportation information to the public and provide a regional forum for deliberation on surface transportation issues of mutual interest.

This agency represents the former Regional Transportation Organization and the Tri-County Commuter Rail Authority.

FIGURE 2

Transportation Plan Development, Adoption and Organization Chart Implementation Process



CHAPTER 5
Transportation Planning Program and Procedures

5.1 The Transportation Plan: Development, Adoption and Implementation

A central feature in the MPO's program efforts is the development and maintenance of an updated Long Range Transportation Plan (LRTP). The LRTP must include a financial feasibility assessment indicating the funding necessary to implement improvements for its duration. The LRTP must include both long-range and short-range strategies, and it must comply with all other state and federal requirements. The LRTP is required to be intermodal reflecting the widest consideration of modal options to most effectively and efficiently serve mobility needs within metropolitan areas and in terms of nationwide economic goals. Also, the LRTP is subject to air quality conformity requirements established by section 176 of the CAAA. The process for plan development, adoption and implementation is depicted in Figure II.

A Long Range Transportation Plan covering at least a twenty-year (20) horizon is required of all recipients of federal funds. An annual update of the plan is mandatory with a major updating effort normally occuring every three years. It is developed by technical staff and represents all transportation modes. All of the various county, state and federal agencies with transportation planning and implementation responsibilities participate in formulation of the plan through their staff activities and in the LRTP Steering Committee's ongoing work. Input from Miami-Dade County municipalities is requested and considered on a regular basis. The plan is coordinated with regional agencies and entities as well.

Also, the LRTP is coordinated for consistency with the County's Comprehensive Development Master Plan (CDMP). Provisions of Chapter 163, F.S. limit Miami-Dade County's funding or construction of transportation improvements to projects and facilities that are contained in the CDMP. Because the exclusion of a transportation project or facility from the CDMP could effectively prevent Miami-Dade County's participation in the project, notwithstanding the project's inclusion in the MPO's Transportation Plan, it may be necessary to amend the CDMP to implement proposals contained in the MPO's Transportation Plan. Prior to its adoption by the MPO Board, the plan is endorsed by the Transportation Planning Council (TPC) and made available for review by civic and public organizations including municipalities, the Citizen Transportation Advisory Committee (CTAC) and citizens in general.

The Transportation Improvement Program (TIP) document is the short range element of the Long Range Transportation Plan (LRTP). This plan element consists of a five-year program of projects of which one year is current (the annual element) and four are proposed. Each year, the TIP is modified by adding a new fifth year and advancing the first of its future years to current status. The improvements identified in the TIP are carried out through orders of priority expressed through technical analyses conducted for the preparation of the Transportation Plan. These analyses are part of the work defined in the Unified Planning Work Program (UPWP). TIP's are required to be prioritized and financially constrained. The TIP must include transportation management system strategies proposed for implementation during the time frame of the TIP. In air quality non-attainment or maintenance areas, such as Miami-Dade County, transportation control measures (TCMs) are a priority.

The TIP also identifies all sources of funding that are known or anticipated to be available during the program period. The

TIP may be amended at any time during a program year by the same procedures required for developing and adopting the original document. Specific projects indicated for implementation are consistent with the LRTP, and are drawn from the current year of the approved TIP. The Transportation Plan documents are adopted by the Governing Board of the MPO, and accepted by the state and federal agencies involved in local transportation planning and implementation i.e. the Florida Department of Transportation, the Federal Highway Administration, and the Federal Transit Administration. Projects approved by the MPO Board in the TIP are subsequently implemented by the Board of County Commissioners and, when required, by federal and/or state agencies.

5.2 The Long Range Transportation Plan: Amendments

While the improvements and priorities included in the Transportation Plan are based on sound analytical assessment of transportation needs, adjustments to the plan may be periodically necessary to reflect changes in transportation demand and conditions and findings of detailed project studies, as well as MPO Board-approved requests from its own members or citizen groups and municipalities.

5.3 General Plan Amendment Process

Three major steps are involved in amending the plan:

1. Technical review and analysis,
2. Citizen involvement, and
3. Policy decision

All proposed amendments are to be initially subjected to a technical analysis whereby the proposal(s) will be compared with the current plan and the technical and fiscal implications of the change assessed and documented. The direct impact of the change on the affected local area, as well as the impact on other projects in the plan, is evaluated. Because of the limited nature of transportation funding resources, impacts resulting from amendments are particularly relevant when priorities for given projects are proposed to be advanced and therefore priorities for the other projects are likely to be negatively impacted. Citizen review procedures in the amendment process are accomplished through the regular citizen activities defined in the MPO process. The Citizens Transportation Advisory Committee plays a key role in this regard.

5.4 Plan Amendment Schedule

The Transportation Plan is subject to an annual review and amendment process that culminates in October of each year. The regular plan amendment process calls for the MPO Board to consider amendment proposals during October of every year. In order for amendment proposals to be reviewed by the appropriate committees and advertised for public hearing with proper advance notice, requests for amendment should be received by the MPO director by August 1st of each year.

This procedure ensures an up-to-date planning input of projects to be included in the FDOT's Five Year Work Program, which is endorsed by the MPO in December of each year. Amendments resulting from this process are also considered as primary input in the preparation of the TIP, adopted by the MPO Board in May of each year.

Special plan amendments are permitted at other times should emergencies arise. Requirements for technical review, citizen involvement, and policy deliberation are the same as for amendments made as part of the annual cycle.

5.5 Initiation of Amendments

The Transportation Planning Council (TPC), following a technical review by the

Long Range Transportation Plan Steering Committee, initially considers proposed amendments to the LRTP.

Amendments can be officially proposed by members of the MPO Board, the County Manager, any County department, FDOT, other modal agencies, neighboring MPOs, Miami-Dade County municipalities, and CTAC. Any other interested organization or individual wishing to request an amendment to the Transportation Plan generally requests the amendment through the agency that has jurisdiction over the subject facility, thereby making the appropriate agency a 'sponsor' of the amendment.

Requests for amendment are submitted to the MPO director in writing by an elected official, department director or other authorized signatory of the requesting body. Information detailed in a request for amendment includes description and scope of the project, nature of the proposed change to the LRTP, project cost and funding information. The MPO has developed a standard format for presenting this information.

5.6 Impact Fee Process

As adopted by local ordinance #88-112 on December 6, 1988, the transportation planning process of the MPO is utilized in Miami-Dade County to assure that expenditures of road impact fee revenues on highway projects are properly prioritized and scheduled. This planning process considers recommendations from a Joint County/ Municipal Staff Committee. TPTAC functions as the County representative on this Joint Staff Committee. Highest priority for impact fee trust account expenditures are for roadway improvements determined by the MPO Board as most needed to serve new development. The annual program for expenditure of roadway improvement projects utilizing road impact fee trust fund monies is presented to the MPO Board at the time of the annual TIP approval action. The administration for this process conforms to the rules established in the Miami-Dade Road Impact Fee Manual.

5.7 Unified Planning Work Program

The annual program of technical studies and related activities that support the transportation planning and improvement programs is contained in the Unified Planning Work Program (UPWP). Example of activities included in the UPWP are: program administration; data surveillance; travel modeling and forecasting; community involvement; highway, transit, special technical studies, and other aspects of technical support necessary to the transportation planning process. In the UPWP document, the local or state agencies involved in each phase of the program are indicated, as are the costs and methodologies used in the process. The work program is in support of goals and objectives established by the MPO, and relates to state and national transportation program areas of emphasis. The levels and sources of federal, state or local funds to support the program are described and products from the various technical or support activities are identified.

The UPWP normally includes a discussion of all urban area transportation planning activities and a description of transportation related air quality planning activities and documentation of all work to be performed with federal planning assistance under sections 5303, 5307 or 26(a)(2) of the FTA 49 U.S.C. and 23 U.S.C. The document is developed under the guidance of the Transportation Planning Council and is approved by the MPO Board and the appropriate state and federal agencies.

5.8 Annual Cycle of MPO Documents

The information presented in Figure 3 shows the annual review and approval cycle of major MPO plans and programs. Many aspects are taken into account in the establishment of these procedures and calendar

dates. Elements such as the administrative fiscal years of the agencies involved, dates when documents are required by the funding federal agencies, state requirements concerning FDOT plans and programs and the allowance of reasonable periods of time for formal review by the various committees involved are all aspects considered in the development of this annual cycle.

Figure 3 also shows a cycle for the FDOT Five Year Work Program. While this is not a formal MPO document, it is an item of critical significance to the program since the projects included in the work program for any given time period are also submitted by the FDOT for inclusion in the MPO's TIP for the same period.

FIGURE 3

Annual Development & Activity Cycle of Formal Transportation Planning Documents

	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP
TRANSPORTATION IMPROVEMENT PROGRAM (TIP)												
Request formal, technical and public input				▲								
Initiate preparation					▲							
TPTAC/TPC preliminary review						▲						
TPTAC/TPC endorsement							▲					
CTAC preliminary review						▲						
CTAC endorsement							▲					
MPO board adoption								▲				
Submission to FDOT, FHWA and FTA								▲				
FDOT WORK PROGRAM												
TPTAC/TPC preliminary review	▲											
TPTAC/TPC endorsement		▲										
CTAC preliminary review	▲											
CTAC endorsement		▲										
MPO board adoption			▲									
UNIFIED PLANNING WORK PROGRAM (UPWP)												
Initiate preparation				▲								
TPTAC/TPC preliminary review						▲						
TPTAC/TPC endorsement							▲					
CTAC preliminary review						▲						
CTAC endorsement							▲					
MPO approval								▲				
Submission to FDOT, FHWA and FTA								▲				
LONG-RANGE PLAN UPDATE (conducted every 3 years)												
Request formal, technical and public input								▲				
Preliminary TPTAC/TPC consideration of proposals										▲		
TPTAC/TPC endorsement												▲
CTAC preliminary review										▲		
CTAC endorsement												▲
MPO board adoption	▲											
Formal distribution			▲									

LEGEND

CTAC - Citizens Transportation Advisory Committee
FDOT - Florida Department of Transportation
FHWA - Federal Highway Administration
FTA - Federal Transit Administration
MPO - Metropolitan Planning Organization
TPC - Transportation Planning Council
TPTAC - Transportation Plan Technical Advisory Committee

CHAPTER 6
Program Monitoring, Review and Reporting

6.1 Program Management

The Director of the MPO Secretariat acts as the overall program administrator and manager. Technical management control over each project in the transportation planning program is exercised by the respective project manager to whom the task is assigned. Ultimate review of program work products rests with the Transportation Planning Council (TPC) and its task forces and committees.

6.2 Monitoring

A monitoring process is applied to the transportation planning and programming process by the TPC through the director of the MPO Secretariat to ensure that:

- Programs and projects are consistent with adopted MPO policies.
- Programs and projects are responsive to identified issues and problems.
- Changes are consistent with Comprehensive Development Master Plan and Transportation Plan recommendations.
- The surveillance program produces the data required to support transportation planning recommendations.
- The products of the planning work program serve their intended purpose and are cost effective.

6.3 Review

Responsibility for the overall direction and control of administrative and technical review rests with the TPC and its committees. The review process is used to develop recommendations for desirable changes in current and proposed transportation plans and programs in terms of policy, technical procedures, administration and coordination.

6.4 Reporting

A reporting system is used to review the status, progress, and achievements of the MPO at all levels. Quarterly reports on the status of the UPWP are prepared by the Director of the MPO Secretariat based on project reports furnished by individual project managers. They are submitted to the TPC for review and acceptance before transmittal to the funding agencies.

The Director of the MPO Secretariat prepares additional summary reports to the MPO Board, TPC, and others informing them of performance, progress and compliance with goals and objectives of the overall MPO program.

CHAPTER 7
Public Involvement Procedure

7.1 Goal

A stand-alone Public Involvement Plan (PIP) is in the process of being adopted by the MPO Board and its committees. Once adopted, the main goal of the PIP is to involve the public in the transportation planning and decision making process by providing information to the general public regarding MPO transportation plans and programs, and to consider all comments and incorporate the agreed upon modifications prior to the adoption of the plans. This is a two-way exchange of information.

7.2 Objectives

To develop effective citizen participation, by attracting a larger number of interested citizens and organizations that will provide decision-makers with reliable community input.

- To achieve adequate support for transportation related plans by providing timely and reliable information to the public.
- To create a process tailored to local circumstances
- To establish an adequate mechanism to evaluate the openness, fairness, and responsiveness to the process.
- To solicit informed public input to effectively develop transportation plans and programs.

7.3 Additional Elements Considered in the Process

A well-organized citizen participation program involves elements that must be considered in the process. Among them are:

- Defining the role of the public in the process.
- Determining the methodology and strategies to be included in the process. Including a broad mix of techniques and combine them as appropriate.
- Establishing a commitment for the level of resources (funding and staffing) according to the priority of the plan.
- Establishing procedures to evaluate the desired participants, needs for public education, selection of the appropriate techniques, response to public comments and effectiveness of the process.

7.4 METHODOLOGY

7.4.1 Early Involvement

To comply with this requirement it is important to involve the public from the beginning of the planning process. It is therefore necessary to define the role of each participating group as follows:

Participating Agencies: Work with the public to provide access to general information; provide time for public response; prepare documentation for public distribution that is both concise and easy to understand; keep the public informed about the transportation plans and programs.

General Public: Members of this group shall be able to participate in the meetings; learn about the process; identify the needs of the community at large; evaluate projects and propose alternative solutions.

Decision-Making Officials: Assure that the public involvement process is established according to federal requirements and the needs of the community; assure that there are enough resources to implement the program; provide time for public comments; consider the public responses and concerns to the plans and programs presented to the community; evaluate the impacts of such comments. The following process will be followed:

Transportation plans will continue being

developed and evaluated without changing the current process. In this case, plans shall be reviewed and endorsed by the Citizens Transportation Advisory Committee (CTAC); by the Transportation Plan Technical Advisory Committee (TPTAC) and by the Transportation Planning Council (TPC). Finally, after these endorsements, the MPO Board may approve the plans.

CTAC is involved from the beginning of the process. However, to provide for additional early involvement, the Chair of the CTAC or his/her designee, will be a member of those steering committees established for each work element within the Unified Planning Work Program (UPWP). The UPWP contains the planning studies to be conducted for future transportation projects.

7.4.2 Timely Public Notice

Revisions to the public involvement procedure will be available 45 calendar days prior to its adoption by the MPO Board. During this period, comments from state and local agencies, as well as from private organizations and the general public will be received and proper consideration will be given.

All transportation plans and other formal documents detailing the MPO process will be available for comments at least 30 calendar days prior to their adoption. These include but are not limited to the Transportation Improvement Program (TIP), the Long Range Transportation Plan (LRTP) and the Unified Planning Work Program (UPWP).

7.4.3 Coordination

Representatives of transportation related agencies, state and local officials and public citizens are part of the existing policy and technical committees, such as the CTAC, the TPTAC and the TPC. Also, representatives of local, state and federal environmental resource and permitting agencies shall be involved as appropriate. Close coordination between the MPO and FDOT is a strong element of the process.

Provisions will be made for the involvement of traffic, ridesharing, parking, transportation safety and enforcement agencies; commuter railroad operators; airport and port authorities; toll or expressway authorities; private transportation providers; the elderly and handicapped; minorities; the business community; freight movement operators, and city officials when appropriate. Many of these organizations are already active in the MPO Transportation Planning Process.

Finally, the process shall provide for mutual collaboration between government agencies and citizen organizations.

7.4.4 Notification

As part of the public involvement process, ads are published in a local newspaper to indicate the availability of documents for comments. For example, documents that are advertised are: adoption and/or amendments of the TIP, LRTP, and UPWP.

Copies of the documents will be sent to city, county and state officials for their review and information. When required, additional efforts shall be taken to notify specific groups that could be potentially impacted by such MPO plans.

7.4.5 Document Accessibility

Consistent with Title VI of the Civil Rights Act of 1964, no person shall, on the grounds of race, color, sex, national origin or physical handicap, be excluded from participating in this process.

Transportation plan documents may be requested by phone, fax, e-mail or in person from the Miami-Dade MPO Secretariat. Major documents may also be downloaded from the MPO website. The distribution of these documents will be made by regular mail, fax or e-mail as appropriate. Easy to understand documents (brochures, newsletters and notifications) will be prepared for the general public when appropriate.

Coordination will take place with organizations representing minorities, the elderly, and persons with disabilities, to provide information regarding the transportation plans.

7.4.6 Physical Accessibility

It is the policy of the MPO to comply with the Americans with Disabilities Act (ADA). Opportunities for public involvement shall be provided for all persons, including those with disabilities, to participate in the transportation planning process.

In order to accommodate elderly persons and persons with disabilities, the MPO considers access to public transit services, physical facility access, and parking availability when selecting locations for MPO activities. The MPO is an active participant on the Transportation Disadvantaged Local Coordinating Board (LCB).

Additional provisions are made upon request for vision or hearing impaired persons. The availability of these services is included in advertising for MPO meetings and activities.

7.4.7 Openness

To provide for open public participation, at the beginning of each CTAC, TPTAC, TPC meeting, a 5-10 minute session will be formally scheduled to receive comments from the general public.

To encourage regional scale citizen participation and awareness, copies of these procedures and future transportation plans will be submitted to Broward County and Palm Beach County MPOs, for information and comment.

7.4.8 Public Involvement Techniques

These are the mechanisms used to inform the public and encourage their participation in the Miami-Dade Transportation Plan. Multiple methods and strategies have been developed to involve larger numbers of groups in the Public Involvement Process (PIP). The program, to be established by the MPO, will combine different techniques according to the individual characteristics of each plan or project. The following are the proposed steps to be followed in this phase:

1. The MPO shall develop a public involvement resource bank containing names, addresses and particular interests of organizations and individuals who are willing to participate in the PIP. Organizations which can reach persons not traditionally involved will also be included. These organizations and individuals will be contacted and assigned to a particular task group as appropriate.
2. An ad shall be published asking for interested organizations and individuals to participate in this process. Letters shall be mailed to different groups, to promote active involvement by the community and businesses in the PIP.
3. The following is a menu with a variety of strategies and techniques that shall be considered in the PIP. Elements of this menu shall be implemented as personnel and monetary resources allow for the development of project or plan:
   - Establishment of advisory committees
   - Public Meetings
   - Development of citizen workshops for special topics
   - Preparation of transportation newsletters and brochures to provide information to the public about government plans. Community fact sheets shall address local problems at neighborhood levels.
   - Publication of newspaper ads
   - Public Service Announcements
   - Document availability on the MPO website.
   - Highlight dates and venues for public involvement activities on the website.
   - Community meetings

- Transportation displays in shopping and activity centers.
- Mail surveys.
- When appropriate, subcommittees of the TPTAC and TPC shall be created including representatives of the general public (individuals and/or organizations).
- Press conferences, when appropriate.
- Encourage elected officials, civic leaders and businesses to write newspaper articles on key issues.

Other techniques and strategies that may be considered as appropriate, but require additional resources are:

- Electronic conference meetings
- Transportation Forums.
- Designation of a staff person to be in charge of each public involvement program
- Establishment of a formal Citizen Participation Office
- Establishment of a hotline number to provide information regarding transportation related plans
- Development of Transportation Fairs
- Production of TV and radio spots
- An educational and public awareness program to provide general knowledge of transportation terminology and planning procedures to the public will be developed by the MPO.
- A web site that is updated daily which provides downloadable plans and agendas.

7.4.9 Monitoring Program

To keep a record of the distribution of documents, a list containing the names of the persons or the entities, who request such documents, will be maintained at the MPO Secretariat.

Quantitative and qualitative analysis as appropriate shall be made to evaluate the responsiveness of the community to the proposed public involvement process and its effectiveness in the transportation planning process.

Other mechanisms to measure the effectiveness of this process will include conducting public opinion research surveys. The results of these surveys shall be discussed, in public forums and with elected officials, for proper actions. These surveys may be administered using standard forms, telephone inquiries, the newspaper or any other appropriate way to reach the interested sector.

7.4.10 Consideration Given to Received Comments

A summary and analysis of written or oral comments are received for transportation plans shall be included in the document, indicating whether and how the draft document changed based on each comment.

If the final document differs significantly from the one available for the public, a second opportunity for public comment on the revised document shall be given to the general public.

A procedure for considering public comments shall be prepared if needed.

7.4.11 Process Review

This public involvement process shall be periodically reviewed by the MPO in terms of its effectiveness in assuring full and open access for the public to the transportation planning process.

Copies of the approved process shall be submitted to FDOT, FHWA and FTA for their comments.

7.5 Future Amendments to the Current Process

This PIP can only be modified, altered, changed, or improved by action of the MPO Board by means of an amendment to the Prospectus. The amendment will be documented and presented to all committees. It

will be the result of actions intended to improve the established process once it has been in place, and tested; and once it has been decided that further refinement is needed; or, as a result of accumulated experiences, which prove that the process needs to be improved.

APPENDIX A

INTERLOCAL AGREEMENT CREATING THE METROPOLITAN PLANNING ORGANIZATION FOR THE MIAMI URBANIZED AREA

IN THE BOOK & PAGE IND.
MAR 4 3 59 PM 1977
AT THE TIME & DATE NOTED
PAUL F. HARTSFIELD
CLERK OF CIRCUIT COURT

INTERLOCAL AGREEMENT

THIS AGREEMENT, made and entered into this 2nd day of March, 1977, by and between the STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION hereinafter called the DEPARTMENT, the BOARD OF COUNTY COMMISSIONERS, DADE COUNTY, FLORIDA hereinafter called the County and the DADE COUNTY SCHOOL BOARD, hereinafter called the School Board:

'77 MAR 9 AM 9 48

W I T N E S S E T H:

WHEREAS, the Department, the County and the School Board, under the authority of Section 163.01, Chapter 163 Florida Statutes may enter into an interlocal agreement to carry out a project which is advantageous to the parties and which agreement permits the joint exercise of such powers or authority which the agencies share in common or which might be exercised separately, and

WHEREAS, the U.S. Department of Transportation, under the authority of 23 U.S.C. 104 (f) (3), 134 and 315, and Section 3, 4 (a) and 5 of the UMT Act (49 U.S.C. 1602, 1603 (a), and 1604) and the delegation of authority by the Secretary of the U.S. Department of Transportation at 49 CFR 1.48 (b) and 1.50 (f), Chapter I of title 23 and Chapter VI of title 49 of the Code of Federal Regulations has promulgated rules which provide that as a condition for the receipt of Federal Capital or operating assistance the Governor of each State shall designate a Metropolitan Planning Organization for each urbanized area which MPO is to have a continuing, cooperative and comprehensive transportation planning process that results in plans and programs consistent with the comprehensive planned development of the urbanized area, and stipulates that the State and the Metropolitan Planning Organization shall enter into an agreement clearly identifying the responsibilities for cooperatively carrying out such transportation planning, and

WHEREAS, it is the purpose of this agreement to create and establish a Metropolitan Planning Organization and to confer upon it the power, authority and responsibility necessary to organize and structure itself in a manner most suitable for conducting a continuing, cooperative and comprehensive transportation planning process in cooperation with the Department of Transportation.

WHEREAS, Chapter 334, Florida Statutes grants the broad authority for the Department's role in transportation; Section 334.02(5), Florida Statutes, evidences the legislative intent that the Department be the custodian of the state highway and transportation systems, and be given sufficiently broad authority to function

adequately and efficiently in all areas of appropriate jurisdiction; Section 334.211(2) Florida Statutes, requires the Department to develop comprehensive plans, in conjunction with local governmental bodies and regional planning agencies, for all standard metropolitan statistical areas, and

WHEREAS, in fulfillment of the aforesaid purpose and in the exercise of the various powers granted by Chapter 334, Florida Statutes, the parties to this agreement shall observe all provisions of Section 163.3161 - 163.3211, the Local Government Comprehensive Planning Act and its successors, and shall take particular care that the planning processes and planning integrity of local governments as set forth in the Local Government Comprehensive Planning Act and as evidenced by the legislative intent expressed in Sections 334.02(7), Florida Statutes not be infringed upon.

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NOW, THEREFORE, in consideration of the mutual covenants, promises, and representations herein, the parties agree as follows:

1.00 Definitions

The terms employed in this Agreement shall have the following meanings unless the context clearly implies a different intent:

.01 "GOVERNOR" shall mean the Governor of the State of Florida.

.02 "COUNTY" shall mean the Board of County Commissioners, Dade County, Florida.

.03 "SCHOOL BOARD" shall mean the Dade County School Board.

.04 "MPO" shall mean the Metropolitan Planning Organization for the Miami Urbanized Area designated by the Governor.

.05 "DEPARTMENT" shall mean the State of Florida Department of Transportation.

.06 "A-95 AGENCY" shall mean the areawide clearinghouses established pursuant to United States Office of Management and Budget Circular A-95.

.07 "GOVERNING BOARD" shall mean those persons designated by the Governor to serve on the MPO.

.08 "MTA" shall mean the publicly owned mass transit operator in Dade County known as the Metropolitan Transit Agency, an agency of the Metropolitan Dade County government.

.09 "STATE" shall mean the State of Florida and its various departments, agencies and/or officials.

.10 "URBANIZED AREA" that area wholly contained within Dade County which by definition and boundary limitations is to be urbanized for planning projects.

ILLEGIBLE

(c) Further, if the performance of a member of the MPO is unsatisfactory to the Governor and the member is, therefore, removed from the MPO, the Governor shall appoint a replacement from any appropriate entity in the urbanized area.

(d) Where vacancies on the MPO occur for any reason, the Governor may also exercise the option of designating no replacement to fill the vacancies.

5.00 MPO - Powers

The MPO, in cooperation with the Department, shall have the power to carry on the project as defined in Section 3.00 of this agreement. In addition, the MPO shall have the power to:

.01 Enter into contracts or agreements, other than Interlocal Agreements, with local and/or State agencies to utilize the staff resources of those agencies.

.02 Administer its affairs and business.

.03 Enter into agreements other than Interlocal Agreements, with the Department, operators of public mass transportation services, and the areawide and regional A-95 agencies.

.04 Enter into contracts for professional services.

.05 Acquire, own, operate, maintain, sell, or lease any real or personal property, subject to written approval of the parties to this agreement.

.06 Promulgate rules to effectuate its powers, responsibilities, and obligations provided said rules do not supercede or conflict with applicable local and state laws, rules and regulations.

.07 Accept funds, grants, assistance gifts, or bequeaths from local, state, and federal sources.

6.00 MPO - Organization

To effectuate the powers,duties, functions and authority confered by this agreement, the MPO shall provide for an appropriate organization to administer the affairs and business of the MPO, including a Secretariat, a Public Involvement structure, a structure to evaluate the technical adequacy of the work product, as well as to advise the Governing Board in the decision making process, and such other structures or committees as it may deem necessary.

7.00 Particular Covenants

It is understood and agreed by and between the parties to this Agreement that:

.07 It is understood and agreed by the Board of County Commissioners and the Dade County School Board that when the Governor designates any member of either body to serve as a member of the MPO, that member is hereby authorized to so serve in accordance with the provision of this agreement.

.08 The MPO in cooperation with the Department shall ensure the technical adequacy of the transportation planning process. The appointment of planners, engineers and members of other appropriate disciplines to serve in an advisory capacity shall be subject to the concurrence of the employer of any such person so appointed.

.09 The MPO shall develop and establish a Public Involvement Program and a Citizen's Participation Structure.

.10 Any rules and regulations, promulgated by the MPO in accordance with Section 5.06 of this agreement, which relate to the planning process or the technical adequacy of the plans shall be developed in cooperation with the Department.

8.00 Pursuant to Federal, State, and Local Law

In the event that any election, referendum, approval, permit, notice, or other proceeding or authorization is requisite under applicable law to enable the MPO to enter into this Agreement or to undertake the Project hereunder, or to observe, assume, or carry out any of the provisions of the Agreement, the MPO, will to the extent of its legal capacity, work towards the accomplishment and fulfillment of said needs.

9.00 Submission of Proceedings, Contract, and Other Documents

The MPO shall submit to the Department such data, reports, records, contracts, and other documents relating to the Project as the Department may require.

10.00 Rights of Review

All parties to the Agreement, the FHWA, and UMTA shall have the rights of technical review and comment of MPO projects.

11.00 Contracts of the MPO

All contractual agreements, if involving FHWA, UMTA, and/or Department funds, must be appropriately approved by the affected federal agency and the Department.

Except as otherwise authorized in writing by the Department, FHWA, and UMTA, where state or federal funds are to be used, the MPO shall not execute any contract or obligate itself in any other manner with any third party with respect to the Project without the prior

written concurrence of the Department, FHWA, and TMPA. Subletting of consultants contracts involving funds administered by TMPA shall be in accordance with the requirements of Paragraph 6(b)(3) of Volume 4, Chapter 1 Section 2, Subsection 2, of the Federal-Aid Highway Program Manual.

RECORDING NOTICE
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12.00 Miscellaneous Provisions

.01 How Contract Affected by Provisions Being Held Invalid

If any provision of this Agreement is held invalid, the remainder of this Agreement shall not be affected thereby if such remainder would then continue to conform to the terms and requirements of applicable law.

.02 State or Territorial Law

Nothing in the Agreement shall require the MPO to observe or enforce compliance with any provision thereof, perform any other act or do any other thing in contravention of any applicable state law: Provided, that if any of the provisions of the Agreement violate any applicable state law, the MPO will at once notify the Department in order that appropriate changes and modifications may be made by the Department and MPO to the end that the MPO may proceed as soon as possible with the Project.

13.00 Execution of Agreement

This Interlocal Agreement may be simultaneously executed in several counterparts, each of which so executed shall be deemed to be an original, and such counterparts together shall constitute one and the same instrument.

14.00 Constitutional or Statutory Duties and Responsibilities of Parties to the Agreement

This Agreement shall not be construed to authorize the delegation of the constitutional or statutory duties of any of the parties. In addition, this Agreement does not relieve any of the parties of an obligation or responsibility imposed upon them by law except to the extent of actual and timely performance thereof by one or more of the parties to this Agreement or any legal or administrative entity created or authorized by this Agreement, in which case the performance may be offered in satisfaction of the obligation or responsibility.

15.00 Duration of Agreement and Withdrawal Procedure

This Agreement shall remain in effect until terminated by the parties to the Agreement. Any party may withdraw from said Agreement after presenting, in written form, a notice of intent to withdraw, to the other parties, at least 60 days prior to the

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intended date of withdrawal, provided financial commitments made prior to withdrawal are effective and binding for their full terms and amount regardless of withdrawal.

16.00 Amendment of Agreement

Amendments to this Agreement may be initiated by the MPO. Amendments shall be formally ratified and approved by the parties to this Agreement and approved by the Department of Legal Affairs pursuant to Section 163.01(11), Florida Statutes.

17.00 Confirmation of Agreement

The Agreement shall be reviewed annually by the MPO to confirm the validity of the contents and to recommend the type of amendments, if any, that are required.

18.00 Agreement Format

All words used herein in the singular form shall extend to and include the plural. All words used in the plural form shall extend to and include the singular. All words used in any gender shall extend to and include all genders.

IN WITNESS WHEREOF, the undersigned parties have caused this Interlocal Agreement to be duly executed in their behalf and hereby establish the above designated MPO this 2nd day of March, 1977.

THE SCHOOL BOARD OF DADE COUNTY, FLORIDA

By: [signature]

Title: Chairman

Attest: [signature]
Secretary

Seal

By: _____

Title: _____

Attest: _____

BOARD OF COUNTY COMMISSIONERS DADE COUNTY, FLORIDA

By: [signature]

Title: County Manager

Attest: _____

By: [signature]

Title: DIRECTOR OF ADMINISTRATION

Attest: [signature]

RECORDED IN OFFICIAL RECORDS BOOK OF DADE COUNTY, FLORIDA
RECORD VERIFIED
RICHARD P. BRINKER,
CLERK CIRCUIT COURT

DOT FISCAL APPROVED
FEB 21 1977

RECORDED IN OFFICIAL RECORDS BOOK OF DADE COUNTY, FLORIDA
RECORD VERIFIED
RICHARD P. BRINKER,
CLERK CIRCUIT COURT

.11 "UMTA" shall mean the Urban Mass Transportation Administration of the U.S. Department of Transportation.

.12 "FHWA" shall mean the Federal Highway Administration of the U.S. Department of Transportation.

.13 "SECRETARIAT" shall mean that person who shall be appointed to serve as Secretary to the MPO and as the administrator of its business and affairs in accordance with the rules, regulations and procedures adopted by the MPO pursuant to Section 5.06.

2.00 Purpose

For the reasons recited in the preamble, which are hereby adopted as part hereof, this agreement is to create and establish an MPO for the Miami Urbanized Area for the purpose of implementing and ensuring a continuing, cooperative and comprehensive transportation planning process that results in coordinated plans and programs consistent with the comprehensively planned development of the said urbanized area, in cooperation with the Department, and in accordance with Federal requirements.

3.00 The Project

The project is defined as the continuing, cooperative, and comprehensive transportation planning process for the Miami urbanized area, including the programming of transportation improvements for such area.

4.00 MPO - Created and Established

The MPO for transportation planning in the Miami Urbanized Area is hereby created, established, and vested with the power, rights privileges, immunities and responsibilities to perform all obligations provided in Section 163.01 Florida Statutes, subject to the limitations imposed by Section 5.00 of this agreement. The MPO shall be headed by a Governing Board designated by the Governor of Florida. The Governing Board of the MPO shall consist of nine (9) members of the Dade County Commission and one (1) member of the Dade County School Board as voting members, plus two (2) non-voting members of the Florida Department of Transportation. Provided:

(a) The designees selected to serve from the above named Commission, Board and Agency shall be appointed by the Governor and serve at his pleasure.

(b) In the event that any of the Commissions, Boards or Agencies decline to participate in forming the MPO by execution of the Interlocal Agreement or withdraw from the agreement at a future date, the Governor shall designate replacement(s) from any appropriate entity in the urbanized area.

DISCOURAGING OFFICE
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.01 The MPO shall enter into an Urban Transportation Planning Agreement with the Department, which agreement shall set forth the responsibilities of each entity with respect to jointly and cooperatively carrying out the transportation planning and programming activities required by this agreement and by the applicable federal, state and local laws and regulations as they now exist, or as they hereafter may be changed or modified.

.02 The MPO shall enter into a Memorandum of Understanding with Metropolitan Dade County, operator of the Metropolitan Transit Agency, which Memorandum of Understanding shall set forth procedures to optimize the role of public mass transit within Dade County as a function of the planning and programming process of the MPO.

.03 The MPO shall enter into a Memorandum of Understanding with Metropolitan Dade County (on behalf of the Metropolitan Dade County Planning Department) and the South Florida Regional Planning Council as the areawide A-95 agencies, which Memorandum of Understanding shall prescribe the means by which the activities of the MPO and the A-95 agencies will be coordinated as required by Part IV of OMB Circular A-95. This Agreement shall specify how transportation planning and programming will be part of the comprehensively planned development of the urbanized area.

.04 Plans and programs developed within the framework of the urban transportation planning process may be modified in a manner consistent with the procedure established for initial development.

.05 The MPO shall receive its proportionate share of the one-half percent Metropolitan Planning (PL) funds made available by 23 U.S.C. 104 (f). It is understood that the PL Funds are apportioned by the Federal Government and are distributed to the State on a reimbursable basis to the MPO. The State shall distribute the PL Funds to assist in carrying out those projects defined in the annual Unified Work Program. Such reimbursement shall be in accordance with the terms and conditions stated in the Agreement between the MPO and the Department. It is also understood that the MPO, to the extent possible, shall be the local recipient of any Federal funds distributed under Section 9 of the Urban Mass Transportation Act of 1964, as amended.

.06 The MPO shall establish an annual budget on a October 1 to September 30 fiscal year basis. The budget shall identify funding sources, participating agencies, and levels of participation by the various agencies. The amount of fiscal participation shall be determined by resolution adopted by each MPO participant, subject to approval and lawful appropriation by the respective member bodies.

APPENDIX B

URBAN TRANSPORTATION PLANNING AGREEMENT BETWEEN THE FLORIDA DEPARTMENT OF TRANSPORTATION AND THE METROPOLITAN PLANNING ORGANIZATION

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
DIVISION OF PLANNING AND PROGRAMMING

URBAN TRANSPORTATION PLANNING AGREEMENT

THIS AGREEMENT, made and entered into on the date specified herein by and between the STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, an agency of the State of Florida, hereinafter called the Department, and the METROPOLITAN PLANNING ORGANIZATION for METROPOLITAN DADE COUNTY, FLORIDA, hereinafter called the MPO:

W I T N E S S E T H:

WHEREAS, the parties of this Agreement desire to participate cooperatively in the performance, on a continuing basis, of a coordinated, comprehensive transportation planning and programming process to assure that highway, mass transit, rail, water, air and other transportation facilities will be properly located and developed in relation to the urbanized area's overall plan of development; and

WHEREAS, the Federal Government, under authority of 23 U.S.C. 134 and Sections 3 (a) (2), 4(a), 5(g) (1), and 5(1) of the Urban Mass Transportation Act of 1964, as amended 49(U.S.C. 1602 (a) (2), 1603(a), and 1604(g)(1) and (1), requires that each urbanized area, as a condition to the receipt of federal capital or operating assistance, have a continuing, cooperative, and comprehensive transportation planning that results in plans and programs consistent with the comprehensively planned development of the urbanized area, and stipulates that the State and the Metropolitan Planning Organization (MPO) shall enter into an agreement clearly identifying the responsibilities for cooperatively carrying out such transportation planning; and

WHEREAS, the existence, organization, powers, jurisdiction, and responsibilities of the Metropolitan Planning Organization for Metropolitan Dade County, Florida were established in Interlocal Agreement dated March 2, 1977, between the Department of Transportation, State of Florida, Metropolitan Dade County, and the Dade County School Board; and

WHEREAS, Chapter 334, Florida Statutes grants the broad authority for the Department's role in transportation; Section 334.02(5), Florida Statutes evidences the legislative intent that the Department be the custodian of the state highway and transportation systems and be given sufficiently broad authority

to function adequately and efficiently in all areas of appropriate jurisdiction; Section 334.211(2) Florida Statutes, requires the Department to develop comprehensive plans, in conjunction with local governmental bodies and regional planning agencies, for all standard metropolitan statistical areas; and

WHEREAS, in fulfillment of the purpose and in the exercise of the various powers granted by Chapter 334, Florida Statutes, the parties to this Agreement shall observe all provisions of Section 163.3161 - 163.3211, the Local Government Comprehensive Planning Act and its successors, and shall take particular care that the planning processes and planning integrity of local governments as set forth in the Local Government Comprehensive Planning Act and as evidenced by the legislative intent expressed in Section 334.02(7), Florida Statutes not be infringed upon.

NOW, THEREFORE, in consideration of the mutal covenants, promises, and representation herein, the parties agree as follows:

1.00 Purpose

For the purposes recited in the preamble, and which purposes are adopted as a part hereof, this agreement is to set forth the responsibilities of the Department and the MPO in carrying out the continuing, cooperative, and comprehensive transportation planning and programming process in Metropolitan Dade County, Florida, and to describe the cooperative procedures under which such planning and programming will be carried out.

2.00 The Project

The Project is defined as the continuing, cooperative, and comprehensive transportation planning process for Metropolitan Dade County, Florida, including the programming of transportation improvements for such area.

3.00 Definitions

.01 "MPO" shall mean the Metropolitan Planning Organization designated by the Governor for the Miami urbanized area.

.02 "DEPARTMENT" shall mean the Florida Department of Transportation.

.03 "A-95 AGENCY" shall mean the areawide clearinghouses pursuant to United States Office of Management and Budget Circular A-95.

.04 "MTA" shall mean the Dade County Metropolitan Transit Agency.

.05 "UMTA" shall mean the Urban Mass Transportation Administration of the U.S. Department of Transportation.

.06 "FHWA" shall mean the Federal Highway Administration of the U.S. Department of Transportation.

4.00 PRODUCT DEVELOPMENT ROLES AND RESPONSIBILITIES

.01 The MPO in cooperation with the Department shall carry out the urban transportation planning process as required by the applicable federal regulations as they now exist or as they may hereafter be changed or modified. The MPO and the Department hereby agree to comply with all federal, state or local laws and regulations that pertain to the urban transportation planning process. The MPO shall develop and implement a Public Involvement Program and a Citizens Participation Structure. It is intended that the citizens of Dade County will have an opportunity to become informed of the transportation needs of the community, participate in the planning process, and support those resolutions and programs which are developed as a result of this agreement. The planning process envisaged by this agreement will cover all of the area defined as urbanized within Dade County, and adjacent vital non-urbanized areas in accordance with planning projections.

.02 The MPO, in cooperation with the Department, shall develop and maintain plans and programs, including at least the following as presently required by 23 Chapter I, Part 450.

a) A multi-year multi-modal planning program (Prospectus),

b) A Transportation Plan consisting of a long-range element and a Transportation Systems Management Element,

c) A Unified Planning Work Program prepared on an annual or biannual basis,

d) An annually updated Transportation Improvement Program, and

e) Other documents and reports necessary to support the urban transportation planning process.

.03 The MPO shall, on an annual basis, approve the Prospectus and the Transportation Plan and submit them and any modifications thereto to the Department for review. The Department shall, by formal administrative action, either concur in the documents as submitted or return

them to the MPO with suggested revisions. The MPO, after consideration of any suggested revisions, shall submit the documents to the appropriate agencies for Federal approval. The Department may submit any comments concerning any documents to the appropriate Federal agencies.

.04 The MPO shall produce and approve a final draft of the annual Unified Planning Work Program. The MPO shall submit this draft of the Unified Planning Work Program and any modifications thereto to the Department and to the state and areawide A-95 clearinghouses no less than one hundred twenty (120) days before the end of the Department's fiscal year. The Department shall review the Unified Planning Work Program and, in cooperation with the MPO, evalute any comments received from the A-95 agencies. The Department shall submit the document with its comments to the Federal Region IV Inter-modal Planning Group. Eligibility for payment under Section 112 of the 1973 Federal-aid Highway Act will be contingent upon Federal approval of the Unified Planning Work Program.

.05 The Transportation Improvement Program including an annual element and a program element for four (4) or more succeeding years shall be endorsed annually by the MPO. The Department shall, by formal administrative action, either concur in the document as submitted or return it to the MPO with suggested revisions. The MPO, after consideration of any suggested revisions, shall submit the Transportation Improvement Program no less than thirty (30) days before the end of the Department's fiscal year:

a) to the Governor of Florida

b) to the Urban Mass Transportation Administration

c) to the Federal Highway Administration (through the Department)

d) to the State, Regional and areawide A-95 clearinghouses

Additions, deletions and modifications to projects in the Transportation Improvement Program shall be made only when formally approved by the MPO, in cooperation with the Department and other affected agencies.

.06 The Department, in cooperation with the MPO, shall make every effort to include all projects programmed in the Transportation Improvement Program in the Department's Five Year Construction Plan in the earliest year possible. It is recognized by the MPO that all projects must be properly phased as to preliminary engineering,

design, and right-of-way acquisition prior to scheduled actual construction. When such projects involve Department activity, it is understood and agreed that Department scheduling determinations are required subject to the cooperative nature of this agreement.

.07 The Department shall at least annually notify the MPO of actions taken relative to the Department's Five Year Construction Plan. In the event that proposed program changes jeopardize or affect adversely the Department's or MPO's objective of obligating all available federal funds or necessary production requirements, the Department may defer the obligation of such funds to a later period of time in accordance with a reasonable development schedule. The Department is authorized to advance or delay proposed projects to accomodate development time variances, provided however, that in the event any change of more than one year is to be made, the Department shall notify the MPO at the time of such change.

.08 The official file of the project shall be kept in two counterparts each of which shall be deemed to be an original. One counterpart shall be kept and maintained by the Department, and the other by the MPO. The official file shall include the officially approved network and all relevant supporting data. No change shall be made to the approved network or the supporting data without joint written concurrence of the parties. Each counterpart shall be kept and maintained such as to be an exact duplicate of the other. The development of a transportation plan, including the long-range and transportation system management elements, shall be based upon the official transportation network and supporting data file. The traffic data required by FHWA for individual project design will be computed by the Department utilizing its official file. Traffic design data shall be supplied to the MPO for projects within its jurisdiction as expeditiously as possible in the same manner that other data are communicated that are necessary to keep the two official project files identical.

.09 The MPO and the Department hereby recognize the responsibility of the areawide A-95 clearinghouse (specifically to the Dade County Planning Department and the South Florida Regional Planning Council) to review all pertinent projects included within the Unified Planning Work Program and the Transportation Improvement Program.

.10 The Department hereby recognizes the right and responsibility of the Metropolitan Dade County Board of County Commissioners to represent the MTA as the public transit operator in Dade County, and for the County Commissioners or their designated representative to review and comment on MPO actions with respect to activities arising from the Unified Planning Work Program and the Transportation Improvement Program which would impact public transit operations in the urban area, as recognized in Section 7.02 of the Interlocal Agreement between the Department, the Board of County Commissioners, and the School Board.

5.00 Pursuant to Federal, State, and Local Law

In the event that any election, referendum, approval, permit notice, or other proceeding or authorization is requisite under applicable law to enable either the MPO or the Department to enter into this Agreement or to undertake the Project hereunder, or to observe, assume or carry out any of the provisions of the Agreement, the effected party hereby agrees to initiate and consummate, as provided by law, all actions necessary with respect to any such matters.

6.00 Submission of Proceedings, Contract, and other Documents

The MPO and the Department shall submit to each other such data, (reports, records, contract, and other documents relating to the Project) as may be reasonably required by either party to fulfill its obligations under this agreement.

7.00 Rights of Review

The Department, the FHWA and UMTA shall have the right of technical review of the Project and inspection of records pertaining to this project.

8.00 Miscellaneous Provisions

.01 Government Not Obligated to Third Parties - The Department shall not be obligated or liable hereunder to any party other than the MPO.

.02 How Contract Affected by Provisions Being Held Invalid- If any provision of this Agreement is held invalid, the remainder of this Agreement shall not be affected thereby if such remainder would then continue to conform to the terms and requirements of applicable law.

.03 State or Territorial Law - Nothing in the Agreement shall require the MPO to observe or enforce compliance with any provision thereof, perform any other act or do any other thing in contravention of any applicable

state law: Provided, that if any of the provisions of the Agreement violate any applicable state law, the MPO will at once notify the Department in writing in order that appropriate changes and modifications may be made by the Department and MPO to the end that the MPO may proceed as soon as possible with the Project.

.04 Responsibility for Claims and Liability - The MPO shall save harmless the Department from all claims and liability due to the MPO's negligent acts or the negligent acts of its subcontractors, agents, or employees. The Department shall save harmless the MPO from all claims and liability due to the Department's negligent acts or the negligent acts of its subcontractors, agents, or employees. The liability of each party under this section is subject to the provision of Section 768.28, Florida Statutes.

9.00 Execution of Agreement

This contract may be simultaneously executed in several counterparts, each of which so executed shall be deemed to be an original, and such counterparts together shall constitute one and the same instrument.

10.00 Constitutional or Statutory Duties and Responsibilities of the Parties to the Agreement

This agreement shall not be construed nor deemed to authorize the delegation of the constitutional or statutory duties of any of the parties.

In addition, this agreement does not relieve any of the parties of an obligation or responsibility imposed upon them by law except to the extent of actual and timely performance thereof by one or more of the parties to this agreement on any legal or administrative entity created or authorized by this agreement, in which case the performance may be offered in satisfaction of the obligation or responsibility.

11.00 Duration of Agreement and Withdrawal Procedure

This agreement shall remain in effect until terminated by either or both parties to the Agreement. Either party may withdraw from said Agreement after presenting in written form a notice of intent to withdraw to the other party, at least 60 days prior to the intended date of withdrawal.

12.00 Amendment of Agreement

Amendments to this Agreement may be initiated by the MPO or the Department. Amendments shall be formally ratified and approved by resolution of the MPO and notification by the Department by letter signed by the Florida Secretary of Transportation.

13.00 Confirmation of Agreement

The Agreement shall be reviewed annually by the MPO and the Department to confirm the validity of the contents and to recommend the types of amendments, if any, that are required.

14.00 Agreement Format

All words used herein in the singular form shall extend to and include the plural. All words used in the plural form shall extend to and include the singular. All words used in any gender shall extend to and include all genders.

IN WITNESS WHEREOF, the MPO has caused this contract to be duly executed in its behalf, and thereafter the Department has caused the same to be duly executed in its behalf this 4th day of April, 1977.

Approved:

Director of Planning and Programming

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

BY: Billy S. Pellam
Director of Administration

ATTEST: Carolyn Scarlin (SEAL)
Executive Secretary

METROPOLITAN PLANNING ORGANIZATION

BY: Stephen C. Phillips

TITLE: Chairman

ATTEST: [illegible] (SEAL)

TITLE: Secretary

APPROVED AS TO FORM AND LEGALITY

Stephen P. Lee
Attorney
3-30-77

APPROVED AS TO FORM, LEGALITY AND EXECUTION
FLORIDA DEPARTMENT OF TRANSPORTATION

BY: George L. Ward
ATTORNEY

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding hereafter to be called the **MPO Management Services Agreement**, made and entered into this 30th day of November, 1995, by and between the **Metropolitan Planning Organization** hereinafter called the **MPO** and the **Board of County Commissioners, Dade County, Florida** hereinafter called the **County**:

WITNESSETH:

WHEREAS, the MPO, pursuant to the power conferred upon it by Sections 5.01 and 5.03 of the Interlocal Agreement between the Board of County Commissioners, the Dade County School Board and the Florida Department of Transportation dated March 2, 1977, may enter into agreements, other than interlocal agreements, with local and/or state agencies to utilize the staff resources of such agencies or for the performance of certain services by such agencies, and

WHEREAS, pursuant to the aforesaid Interlocal Agreement and the companion Urban Transportation Planning Agreement between the MPO and the FDOT dated March 23, 1977, it is contemplated that Dade County personnel will perform a substantial portion of each task necessary to carry out the transportation planning and programming process mandated by Federal regulations as a condition precedent to the receipt of Federal funds for the planning, construction or operation of transportation programs and projects, and

WHEREAS, it is deemed by the parties to be appropriate and necessary that the duties and obligations of the County in relation to its role as a participating agency in the planning process be defined and fixed by formal agreement.

NOW, THEREFORE, in consideration of the mutual covenants, promises, and representations herein, the parties agree as follows:

1.00 Purpose

For the reasons recited in the preamble, which are hereby adopted as part hereof, this agreement is to provide for professional services to carry out the terms of the Urban Transportation Planning Agreement between the MPO and the FDOT and to provide personnel for the administration of the MPO.

2.00 Definitions

.01 "County" shall mean the Board of County Commissioners, Dade County, Florida.
.02 "FDOT" shall mean the Florida Department of Transportation
.03 "MPO" shall mean the Metropolitan Planning Organization for the Miami Urbanized Area designated by the Governor
.04 "County Manager" shall mean the County Manager of Dade County, Florida.

.05 "UPWP" shall mean the Annual Unified Planning Work Program required by Federal Regulations. (Subpart A 450.114 (c))

3.00 Scope of Services

It is agreed by the County that it shall furnish the MPO with the professional, technical, administrative and clerical services, the supplies, the equipment, the offices and other space, and such other incidental items as may be required and necessary to manage the business and affairs of the MPO and to carry on the transportation planning and programming process specified by the Urban Transportation Planning Agreement between the MPO and the FDOT dated March 23, 1977; provided, it is understood and agreed that, unless otherwise provided for, the performance of such service and functions shall be limited to those specified and allocated to the County in the annual Unified Planning Work Program (UPWP) budget and all approved budgets under Federal or State grant contracts with the MPO. It is further agreed:

.01 County Manager

The County Manager of Dade County shall be responsible to the MPO for the conduct of the transportation planning process as well as the appointment, assignment, direction, and control of all personnel necessary thereto; the development of an appropriate organizational structure to carry out the responsibilities set forth in this agreement; and the development of procedures to monitor and coordinate the planning process.

.02 Commitment of Personnel

The County Manager shall annual have prepared a detailed listing of all tasks necessary and incident to carrying out the planning process, the man-hours required to carry out such tasks, and the required skills or qualifications of the personnel assigned to MPO duties shall, when performing such duties, be under the direction of the person in charge of, and bearing the responsibility for, producing the required work product.

.03 Technical Advisors

The head of each county department or agency participating in the transportation planning process shall be deemed a technical advisor in the field of his/her competency and shall be expected to provide the MPO with expert advice or perform such duties incident thereto as the County Manager shall assign.

.04 County Attorney

The County Attorney shall be the legal advisor to the MPO and shall represent the MPO in all legal matter provided, that with the concurrence of the County Attorney, the MPO may employ special council for specific needs.

.05 Secretariat

A Secretariat, to be designated by the County Manager and serving at his pleasure, shall report to the Governing Board of the MPO and shall have the following duties and functions: coordinating the activities of the various structures established by the Interlocal Agreement heretofore mentioned; preparing the agendas of the Governing Board and Technical Advisors; preparing resolutions and other appropriate documents; scheduling meetings; giving notice; keeping minutes; coordinating and monitoring the activities of the various sub-structures; preparing an annual report; preparing such interim reports as may be required; developing and implementing operating procedures necessary to carry out the functions and duties of the secretariat; directing the implementation of policies established by the Governing Board; and performing such other duties as may be assigned by the Governing Board.

.06 Annual Budget

The County Manager shall have prepared an annual budget on a October 1 to September 30 fiscal year basis. The budget shall identify funding sources, participating agencies and the level of participation by the various agencies.

.07 Financial Administration

.07.1 **The Records and accounts** of the MPO shall be administrated by the County in accordance with accounts and accounting procedures which shall be developed by the County for the MPO.

.07.2 **Contracts and bids** for the purchase of materials and services shall be in accordance with County procedures for the same purposes, with the exception that action of the MPO Governing Board with respect to such requests shall be final. There shall be no need to submit these contracts and bids to the Board of County Commissioners or any committee of the Board of County Commissioners for consideration.

The MPO Governing Board shall issue requests for proposals and qualifications (RFP/RFQ), bids and any addenda. Additionally, the Metropolitan Planning Organization Secretariat shall fulfill the responsibilities of the Contract Coordination Office as set forth in Metro-Dade County Administrative Order No. 3-16 (revised March 3,1994), page 9, number 4 relating to MPO procurements.

.07.3 **Purchasing** of materials, supplies, equipment and services shall be through the Purchasing Agent of Dade County in accordance with County procedures and practices.

.07.4 **Expenditures** of money shall only be made in accordance with procedure which shall be developed by the County for the MPO.

.07.5 **Deposit of Funds** - All monies received by the MPO shall be deposited with the County in a trust account and applied only in accordance with the provisions of the procedures established pursuant to Section 3.07.4 of this agreement.

4.00 Reimbursement of County

The MPO hereby agrees that it shall reimburse the County for all services rendered under this agreement as specified in the UPWP budget and all approved budgets under Federal or State grant contracts with the MPO and in accordance with the procedures established pursuant to 3.07 of this agreement. It is further agreed that in the event the County renders services for which no cash reimbursement is provided, the delivery of the specified work products of the transportation planning process such as the UPWP, the Transportation Improvement Program, the Prospectus of the Transportation Plan shall be considered sufficient reimbursement in lieu thereof.

5.00 Consultants

It is agreed by the parties that nothing in this agreement shall limit or preclude the prerogative of the MPO to enter into contracts for other professional consultant services to perform such tasks as the MPO may deem appropriate provide the control and direction of such consultants and the administration of such contracts shall be under the County Manager.

6.00 Transitory Provision

During the interim period between the effective date of this agreement and the commencement of the UPWP for FY 77-78, the County shall be reimbursed for all services rendered as provided in the FY 76-77 UPWP budget and all approved budgets under Federal or State grant contracts with the County.

7.00 How Contract Affected by Provisions Being Held Invalid

If any provision of this Agreement is held invalid, the reminder of this Agreement shall not be affected thereby if such remainder would then continue to conform to the terms and requirements of applicable law.

8.00 Execution of Agreement

This Agreement may be simultaneously executed in several counterparts, each of this so executed shall be deemed to be an original, and such counterparts together shall constitute one and the same instrument.

9.00 Duration of Agreement and Withdrawal Procedure

This Agreement shall remain in effect until terminated by the parties to the Agreement. Any party may withdraw from said Agreement after presenting, in written form, a notice of intent to withdraw, to the other parties, at least 60 days prior to the intended date of withdrawal, provided financial commitments made prior to withdrawal are effective and binding for their full terms and amount regardless of withdrawal.

10.00 Amendment of Agreement

The County and the MPO may upon initiation of with party amend this agreement to cure and ambiguity, defect, omission or to grant any additional powers, or to confer additional duties which are consistent with the intent and purpose of this agreement.

11.00 Confirmation of Agreement

The Agreement shall be reviewed annually by the MPO to confirm the validity of the contents and to recommend the type of amendments, if any, that are required.

12.00 Agreement Format

All words used herein in the singular form shall extend to and include the plural. All words used in the plural form shall extend to and include the singular. All words used in any gender shall extend to and include all genders.

In Witness Whereof, the undesigned parties have caused this Memorandum of Understanding to be duly executed in this behalf this 30th day of November, 1995.

By: _____
Armando Vidal, P.E.
Title: County Manager

By: _____
Arthur E. Teele, Jr.
Title: Chairperson, MPO Governing Board

Attest: Harvey Ruvin
Clerk of the Board of County Commissioners

By: _____
Title: Deputy Clerk

Attest: _____
José-Luis Mesa
Title: Director, MPO Secretariat

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APPENDIX C

RULES OF MPO-CHAPTER 35H-I, RULES GOVERNING INTERNAL ORGANIZATION

RULES

OF

METROPOLITAN PLANNING ORGANIZATION

FOR THE

MIAMI URBANIZED AREA

CHAPTER 35H-1

RULES GOVERNMENT INTERNAL ORGANIZATION

PART I

GOVERNING BOARD

35H-1.01 Description of Organization
35H-1.02 Governing Board - Composition
35H-1.03 Governing Board - Appointment
35H-1.04 Governing Board - Chairman and Vice Chairman
35H-1.05 Quorum
35H-1.06 Minutes
35H-1.07 Resolution and Motions
35H-1.08 Regular Meetings
35H-1.09 Special Meetings, Emergency Meetings, Hearings & Workshops
35H-1.10 Agenda
35H-1.11 Conduct of Meetings
35H-1.12 Rules of Debate
35H-1.13 Adjournment
35H-1.14 Files of the MPO

35H-1.01 DESCRIPTION OF ORGANIZATION - The Metropolitan Planning Organization for the Miami Urbanized Area is a quasi-legislative agency created by Interlocal Agreement pursuant to Florida Statutes Chapter 163 and is vested with the power and authority to conduct a continuing, cooperative and comprehensive transportation planning and programming process for the Miami Urbanized Area.

35H-1.02 GOVERNING BOARD - COMPOSITION - The Metropolitan Planing Organization is headed by a Governing Board consisting of voting members and non-voting members. The non-voting members shall sit with the same rights and privileges as other members except that non-voting members shall not have the right to present resolutions, motions or second same or to vote upon any motions or resolutions of the MPO.

35H-1.03 GOVERNING BOARD - APPOINTMENT - The Governing Board of the MPO shall be appointed by the Governor of Florida and shall serve at his pleasure provided.

(1) In the event that any of the Commissions, Boards or Agencies decline to participate or withdraw from the MPO, the Governor shall designate replacement (s) from any appropriate governmental entity in the urban area.

(2) Further, if the performance of a member of the MPO is unsatisfactory to the Governor and the member is, therefore, removed from the MPO, the Governor may appoint a replacement from any appropriate governmental entity in the urbanized area.

(3) Where vacancies on the MPO occur for any reason, the Governor may also exercise the option of designating no replacement to fill the vacancies.

35H-1.04 GOVERNING BOARD - CHAIRMAN AND VICE CHAIRMAN -The Chairman of the MPO Governing Board shall be, ex-officio, Chairman of the Miami-Dade Board of County Commissioners (BCC) and shall preside at all meetings, hearings and conferences when present. In the absence of the Chairman, the Vice Chairman shall preside. The Vice Chairman shall be the Vice Chairman of the BCC and shall serve at the pleasure of the Governing Board.

35H-1.05 QUORUM - A majority of the whole number of voting members of the Governing board shall constitute a quorum. No resolution or motion shall be adopted by the Governing Board except upon the affirmative vote of a majority of the members present.

(1) Any member of the Governing Board who announces a conflict of interest on a particular matter shall leave the meeting chamber until the consideration of the matter is concluded. Any such member who does not leave the chambers shall be deemed absent for purposes of constituting a quorum, counting the vote, or for any other purpose.

(2) Should no quorum attend within thirty minutes after the hour appointed for the meeting of the Governing Board, the Chairman or the Vice-Chairman or in their absence, the Secretariat, may adjourn the meeting. In that event, those members present may, by unanimous agreement, select another hour or day. The name of the members present and their action at such meeting shall be recorded in the minutes by the Secretariat.

35H-1.06 MINUTES - All official actions of the Governing Board are recorded and kept in permanent minute files by the Secretariat of the MPO which are open to public inspection during regular office hours at the principal office of the MPO in Miami, Florida.

35H-1.07 RESOLUTIONS AND MOTIONS - All actions of the Governing Board shall be by resolution or motion as follows:

(1) Action by resolution shall be required for:

(a) all matters relating to approval of agreements or contracts of any nature;

(b) adoption of budgets; approval of transportation plans programs or amendments thereto;

(c) adoption of policy directives;

(d) adoption of rules of procedure; establishment for changes in internal organizational structure; and

(e) any other matters deemed by the Governing Board to be of sufficient importance to warrant adoption by formal resolution.

(2) All official and formal resolutions of the MPO shall be recorded and kept in the Secretariat's permanent files.

(3) Action by motion shall be for:

(a) approval of purely administrative matters including directives or authorizations to the Chairman, Committees, the technical staff, the public involvement structure or the Secretariat.

(4) All official and formal motions shall be recorded in the minutes of the meeting at which the action is taken.

35H-1.08 REGULAR MEETINGS - The MPO's regularly scheduled monthly meetings shall on the first Thursday of each month unless changed by resolution of the Governing Board. A regular meeting may be canceled by the Chairman or Vice-Chairman provided advance notice of such cancellation shall be made public at least seven (7) days before such meeting was to have taken place.

35H-1.09 SPECIAL MEETINGS, EMERGENCY MEETINGS, HEARINGS & WORKSHOPS

(1) A special meeting of the MPO Governing Board may be called by the majority of the members of the MPO. The Secretariat shall notify each member of the MPO of such special meeting stating the date, hour and place of the meeting and the purpose for which such meeting is called, and no other business shall be transacted at that meeting.

(2) No less than seven (7) days before such special meeting, the Secretariat shall give public notice of the date, hour and place of the special meeting including a statement of the general subject matter to be considered unless such notice is impossible under the circumstances.

(3) An emergency meeting of the MPO may be called by the Chairman whenever, in his opinion, an emergency exists which requires immediate action by the MPO. Whenever such emergency meeting is called, the Chairman shall notify the Secretariat who shall forthwith notify each MPO member, stating the date, hour and place of the meeting and the purpose for which it is called, and no other business shall be transacted at that meeting. At least twenty-four hours shall elapse between the time the Secretariat receives notice of the meeting and the time the meting is to be held.

(4) If after reasonable diligence, it becomes impossible to give notice to each member, such failure shall not affect the legality of the meting if a quorum be in attendance. The minutes of each special or emergency meeting shall show the manner and method by which notice of such special or emergency meting was given to each member of the MPO, or shall show a waiver of notice. All special or emergency meetings shall be open to the public and shall be held and conducted in the Dade County Courthouse or other suitable facility within Dade County, Florida. Minutes thereof shall be kept by the Secretariat.

(5) Anything herein to the contrary notwithstanding, notice of any special emergency meeting of the MPO may be waived only by a majority of the entire membership of he MPO. No special or emergency meeting shall be held unless notice thereof has been given in compliance with this section, or notice thereof is waived by a majority of the entire membership of the MPO.

(6) Public hearings and workshops may be called by the MPO Governing Board and may be scheduled before or after regular meetings at the same meeting place or may be schedule at other times and places provided:

(a) The Secretariat shall give public notice of the date, hour and place of the hearing or workshop including a statement of the general subject matter to be considered no less than seven (7) days before the event.

(b) No formal business, for which notice has not been given, shall be transacted at such public hearings or workshops.

35H-1.10 AGENDA - There shall be an official agenda for every meeting of the MPO Governing Board, which shall determine the order of business conducted at the meeting.

(1) The MPO Governing Board shall not take action upon any matter, proposal, or item of business which is not listed upon the official agenda, unless two-thirds (2/3) of the voting of the entire MPO shall have first consented to the presentation thereof for consideration and action.

(2) No resolutions or other matter listed on the agenda for public hearing or the vote thereon may be deferred until a later time unless two-thirds (2/3) of the voting members present shall vote in favor of such deferral.

(3) The agenda shall be prepared by the Secretariat.

(4) Matters may be placed on the agenda by any MPO member, the County Manager, the County Attorney or the Secretariat.

(5) A copy of each resolution shall be furnished to the MPO members not later than four (4) calendar days before a vote may be called on the resolution.

(6) The provisions of subsection (5) of this rule shall be deemed waived unless asserted by a voting member before a vote may be called on the resolution.

(7) This rule is not applicable to special or emergency meetings called pursuant to Rule 35H01.09.

35H-1.11 Conduct of meetings - All meetings of the MPO Governing Board shall be conducted in accordance with the following:

(1) The Chairman shall preside at all meetings at which he is present

(2) In the absence of the Chairman, the Vice-Chairman shall preside

(3) The presiding officer shall preserve strict order and decorum at all meetings.

(4) The Chairman shall state every question coming before the Governing Board and announce the decision of the Governing Board on all matters coming before it.

(5) A majority vote of the members present shall govern and conclusively determine all questions of order not otherwise covered.

(6) The presiding officer may vote on all questions, his name being called last.

(7) The Secretariat of the MPO shall, upon request, certify all resolutions adopted by MPO.

(8) The County Attorney or his designee shall act as parliamentarian, and shall advise and assist the presiding offer in matters of parliamentary law.

(9) The County Attorney or his designee shall be available to the MPO at all meetings.

(10) The Chairman shall take the chair at the hour appointed for the meeting, and shall call the MPO to order immediately.

(11) In the absence of the Chairman and the Vice-Chairman, the Secretariat shall then determine whether a quorum is present and in the event shall call for the election of a temporary chairman. Upon the arrival of the Chairman, or the Vice-Chairman, the temporary chairman shall relinquish the chair upon the conclusion of the business immediately before the MPO.

(12) Before proceeding with the business of the MPO, the Secretariat or his designee shall call the roll of the members in alphabetical order, and the names of those present shall be entered in the minutes.

(13) In the event the roll call reflects the absence of any members, that fact shall be noted in the minutes.

(14) Any member who intends to be absent from any MPO meeting shall notify the Secretariat of the MPO of the intended absence as soon as he conveniently can.

(15) All meetings of the Governing Board shall be open to the public. Promptly at the hour for each meeting, the members of the Governing Board, the MPO attorney, the County Manager and the Secretariat shall take their regular stations in the meeting chamber, and the business of the Governing Board shall be taken up for consideration and disposition in accordance with the agenda for the meeting.

(16) Unless a reading of the minutes of a meeting is requested by a majority of the MPO Governing Board, such minutes, when approved by the MPO Governing Board and signed by the Chairman and the Secretariat, shall be considered approved without reading, provided that the Secretariat deliver a copy thereof to each member of the MPO Governing Board and to the MPO attorney at least two full working days preceding the meeting.

(17) The minutes of prior meetings may be approved by a majority of the members present, and upon such approval shall become the official minutes.

(18) Upon every roll call vote the names of the members shall be called alphabetically by surname, except that the names shall be rotated after each roll call vote, so that the member who voted first on a preceding roll call shall vote last upon the next subsequent matter; provided, however, that the Chairman, if presiding, shall always cast his vote last. Upon relinquishing the chair, the Chairman may vote in alphabetical order with the other members, and the then presiding officer shall cast his vote last.

(19) The Secretariat shall call the roll, tabulate the vote, and announce the results.

(20) The vote upon any resolution, motion, or other matter may be voice vote, provided that the Chairman or any member may require a roll call to be taken upon any resolution or motion.

(21) All proceedings and the order of business at all meetings of the MPO Governing Board shall be conducted in accordance with the official agenda. Any departure from the order of business set forth in the official agenda shall be made only upon majority vote of the voting members of the MPO Governing Board present at the meeting.

(22) Any citizen shall be entitled to be placed on the official agenda of a regular meeting of the MPO Governing Board and be heard concerning any matter within the scope of the jurisdiction of the MPO Governing Board.

(23) Any citizen shall be entitled to speak on any matter appearing on the official agenda under the sections entitled, "Public Hearings," and "Public Presentation of matters by citizens".

(24) No citizen shall be permitted to address the MPO Governing Board on any matter not appearing on the official agenda, unless the MPO Governing Board shall first grant permission to be heard by a two-thirds vote of the entire body.

(25) No citizen shall be entitled as a matter of right to address the MPO Governing Board on any matter listed on the official agenda which is not scheduled for public hearing discussion or debate. Citizens shall not be permitted to speak on any matters listed on the official agenda other than those appearing under the section entitled, "Public Hearings" and "Public Presentation of matters by citizens," unless the MPO Governing Board shall first grant permission to be heard by majority vote of the members present at the meeting.

(26) Each person, other than members of the MPO staff, who addresses the MPO Governing Board shall give the following information in an audible tone of voice for the minutes:

(a) His name;

(b) His address;

(c) Where he speaks for himself, a group of persons, or a third party; if the person says that he represents an organization, he shall also indicate the number of members in the organization, the annual dues paid by the members, the date of the most recent meeting of the organization's board or governing council, and whether the view expressed by the speaker represents an established policy of the organization approved by the board or governing council.

(d) Whether he is being compensated by the person or persons for whom he speaks; and

(e) Whether he or any member of his immediate family has a personal financial interest in the pending matter, other than that set forth in (d).

(27) Unless further time is granted by the MPO Governing Board, each person shall limit his address to five (5) minutes.

(28) All remarks shall be addressed to the MPO Governing Board as a body and not to any member thereof. No person, other than Governing Board members, commissioners and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member, without the permission of the presiding officer. No question shall be asked a Governing Board member except through the presiding officer.

35H-1.12 RULES OF DEBATE - The conduct of business of the Governing Board of the MPO shall be governed by Mason's Manual of Legislative Procedure (1953 Edition) in all cases to which they are applicable except as otherwise provided by the following:

(1) When a motion is presented and seconded, it is under consideration and no other motion shall be received thereafter, except to adjourn, to lay on the table, to postpone, or to amend until the question is decided. These motions shall have preference in the order in which they are mentioned and the first two shall be decided without debate. Final action upon a pending motion may be deferred until a date certain by a majority of the members present.

(2) Upon relinquishing the chair, the presiding officer may move, second and debate, subject only to such limitations of debate as are by these rules imposed upon all members.

(3) Every member desiring to speak for any purpose shall address the presiding officer, and upon recognition shall confine himself to the question under debate, avoiding all personalities and indecorous language.

(4) A member once recognized, shall not be interrupted when speaking unless it be at call him to order or as herein otherwise provided. If a member while speaking, be called to

order, he shall cease speaking until the question of order be determined by the presiding officer, and if in order he shall be permitted to proceed. Any member may appeal to the Governing Board from the decision of the Chairman upon a question or order, when without debate the Chairman shall submit to the Governing Board the question, "Shall the decision of the chair be sustained?" and the Governing Board shall decide by a majority vote.

(5) The member moving the adoption of a motion or resolution shall have the privilege of closing the debate.

(6) Upon any roll call there shall be no discussion by any member before casting his vote, and he shall vote yes or no.

(a) Any member, upon voting, may give a brief statement to explain his vote.

(b) A member shall have the privilege of filing with the Secretariat a written explanation of his vote.

(7) Any member who announces a conflict of interest on a particular matter and a decision to refrain from voting or otherwise participating in the proceedings related to that matter shall leave the meeting chambers until the consideration of that matter is concluded. Any such member who does not leave the chambers shall be deemed absent for purposes of constituting a quorum, counting the vote, or for any other purpose.

(8) An action of the Governing Board may be reconsidered only at the same meeting at which the action was taken or at the next regular meeting thereafter.

(a) A motion to reconsider may be made only by a member who voted on the prevailing side of the question and must be concurred in by a majority of those present at the meeting.

(b) A motion to reconsider shall not be considered unless at least the same number of members are present as participated in the original vote under consideration, on upon affirmative vote of two-thirds (2/3) of those members present.

(c) Adoption of a motion to reconsider shall rescind the action reconsidered.

35H-1.13 ADJOURNMENT - A motion to adjourn shall always be in order and decided without debate.

35h-1.14 FILES OF THE MPO - The Secretariat shall keep and maintain the official files of the MPO, which files shall be open for public inspection during normal business hours at the MPO's principal office in Miami, Florida.

APPENDIX D

FLORIDA STATUTES 339.175 PERTAINING TO METROPOLITAN PLANNING ORGANIZATION PROVISIONS

The 2003 Florida Statutes

Title XXVI: Public Transportation
Chapter 339: Transportation Finance and Planning

339.175 **Metropolitan planning organization.**--It is the intent of the Legislature to encourage and promote the safe and efficient management, operation, and development of surface transportation systems that will serve the mobility needs of people and freight within and through urbanized areas of this state while minimizing transportation-related fuel consumption and air pollution. To accomplish these objectives, metropolitan planning organizations, referred to in this section as M.P.O.'s, shall develop, in cooperation with the state and public transit operators, transportation plans and programs for metropolitan areas. The plans and programs for each metropolitan area must provide for the development and integrated management and operation of transportation systems and facilities, including pedestrian walkways and bicycle transportation facilities that will function as an intermodal transportation system for the metropolitan area, based upon the prevailing principles provided in s. 334.046(1). The process for developing such plans and programs shall provide for consideration of all modes of transportation and shall be continuing, cooperative, and comprehensive, to the degree appropriate, based on the complexity of the transportation problems to be addressed.

(1) DESIGNATION.--

(a)1. An M.P.O. shall be designated for each urbanized area of the state; however, this does not require that an individual M.P.O. be designated for each such area. Such designation shall be accomplished by agreement between the Governor and units of general-purpose local government representing at least 75 percent of the population of the urbanized area; however, the unit of general-purpose local government that represents the central city or cities within the M.P.O. jurisdiction, as defined by the United States Bureau of the Census, must be a party to such agreement.

2. More than one M.P.O. may be designated within an existing metropolitan planning area only if the Governor and the existing M.P.O. determine that the size and complexity of the existing metropolitan planning area makes the designation of more than one M.P.O. for the area appropriate.

(b) Each M.P.O. shall be created and operated under the provisions of this section pursuant to an interlocal agreement entered into pursuant to s. 163.01. The signatories to the interlocal agreement shall be the department and the governmental entities designated by the Governor for membership on the M.P.O. If there is a conflict between this section and s. 163.01, this section prevails.

(c) The jurisdictional boundaries of an M.P.O. shall be determined by agreement between the Governor and the applicable M.P.O. The boundaries must include at least the metropolitan planning area, which is the existing urbanized area and the contiguous area expected to become urbanized within a 20-year forecast period, and may encompass the entire metropolitan statistical area or the consolidated metropolitan statistical area.

(d) In the case of an urbanized area designated as a nonattainment area for ozone or carbon monoxide under the Clean Air Act, 42 U.S.C. ss. 7401 et seq., the boundaries of the metropolitan planning area in existence as of the date of enactment of this paragraph shall be retained, except that the boundaries may be adjusted by agreement of the Governor and affected metropolitan planning organizations in the manner described in this section. If more than one M.P.O. has authority within a metropolitan area or an area that is designated as a nonattainment area, each M.P.O. shall consult with other M.P.O.'s designated for such area and with the state in the coordination of plans and programs required by this section.

Each M.P.O. required under this section must be fully operative no later than 6 months following its designation.

(2) VOTING MEMBERSHIP.

(a) The voting membership of an M.P.O. shall consist of not fewer than 5 or more than 19 apportioned members, the exact number to be determined on an equitable geographic-population ratio basis by the Governor, based on an agreement among the affected units of general-purpose local government as required by federal rules and regulations. The Governor, in accordance with 23 U.S.C. s. 134, may also provide for M.P.O. members who represent municipalities to alternate with representatives from other municipalities within the metropolitan planning area that do not have members on the M.P.O. County commission members shall compose not less than one-third of the M.P.O. membership, except for an M.P.O. with more than 15 members located in a county with a five-member county commission or an M.P.O. with 19 members located in a county with no more than 6 county commissioners, in which case county commission members may compose less than one-third percent of the M.P.O. membership, but all county commissioners must be members. All voting members shall be elected officials of general-purpose governments, except that an M.P.O. may include, as part of its apportioned voting members, a member of a statutorily authorized planning board, an official of an agency that operates or administers a major mode of transportation, or an official of the Florida Space Authority. The county commission shall compose not less than 20 percent of the M.P.O. membership if an official of an agency that operates or administers a major mode of transportation has been appointed to an M.P.O.

(b) In metropolitan areas in which authorities or other agencies have been or may be created by law to perform transportation functions and are performing transportation functions that are not under the jurisdiction of a general purpose local government represented on the M.P.O., they shall be provided voting membership on the M.P.O. In all other M.P.O.'s where transportation authorities or agencies are to be represented by elected officials from general purpose local governments, the M.P.O. shall establish a process by which the collective interests of such authorities or other agencies are expressed and conveyed.

(c) Any other provision of this section to the contrary notwithstanding, a chartered county with over 1 million population may elect to reapportion the membership of an M.P.O. whose jurisdiction is wholly within the county. The charter county may exercise the provisions of this paragraph if:

1. The M.P.O. approves the reapportionment plan by a three-fourths vote of its membership;

2. The M.P.O. and the charter county determine that the reapportionment plan is needed to fulfill specific goals and policies applicable to that metropolitan planning area; and

3. The charter county determines the reapportionment plan otherwise complies with all federal requirements pertaining to M.P.O. membership.

Any charter county that elects to exercise the provisions of this paragraph shall notify the Governor in writing.

(d) Any other provision of this section to the contrary notwithstanding, any county chartered under s. 6(e), Art. VIII of the State Constitution may elect to have its county commission serve as the M.P.O., if the M.P.O. jurisdiction is wholly contained within the county. Any charter county that elects to exercise the provisions of this paragraph shall so notify the Governor in writing. Upon receipt of such notification, the Governor must designate the county commission as the M.P.O. The Governor must appoint four additional voting members to the M.P.O., one of whom must be an elected official representing a municipality within the county, one of whom must be an expressway authority member, one of whom must be a person who does not hold elected public office and who resides in the unincorporated portion of the county, and one of whom must be a school board member.

(3) APPORTIONMENT.-

(a) The Governor shall, with the agreement of the affected units of general-purpose local government as required by federal rules and regulations, apportion the membership on the applicable M.P.O. among the various governmental entities within the area and shall prescribe a method for appointing alternate members who may vote at any M.P.O. meeting that an alternate member attends in place of a regular member. An appointed alternate member must be an elected official serving the same governmental entity or a general-purpose local government with jurisdiction within all or part of the area that the regular member serves. The governmental entity so designated shall appoint the appropriate number of members to the M.P.O. from eligible officials. Representatives of the department shall serve as nonvoting members of the M.P.O. Nonvoting advisers may be appointed by the M.P.O. as deemed necessary. The Governor shall review the composition of the M.P.O. membership in conjunction with the decennial census as prepared by the United States Department of Commerce, Bureau of the Census, and reapportion it as necessary to comply with subsection (2).

(b) Except for members who represent municipalities on the basis of alternating with representatives from other municipalities that do not have members on the M.P.O. as provided in paragraph (2)(a), the members of an M.P.O. shall serve 4-year terms. Members who represent municipalities on the basis of alternating with representatives from other municipalities that do not have members on the M.P.O. as provided in paragraph (2)(a) may serve terms of up to 4 years as further provided in the interlocal agreement described in paragraph (1)(b). The membership of a member who is a public official automatically terminates upon the member's leaving his or her elective or appointive office for any reason, or may be terminated by a majority vote of the total membership of a county or city governing entity represented by the member. A vacancy shall be filled by the original appointing entity. A member may be reappointed for one or more additional 4-year terms.

(c) If a governmental entity fails to fill an assigned appointment to an M.P.O. within 60 days after notification by the Governor of its duty to appoint, that appointment shall be made by the Governor from the eligible representatives of that governmental entity.

(4) AUTHORITY AND RESPONSIBILITY.--The authority and responsibility of an M.P.O. is to manage a continuing, cooperative, and comprehensive transportation planning process that, based upon the prevailing principles provided in s. 334.046(1), results in the development of plans and programs which are consistent, to the maximum extent feasible, with the approved local government comprehensive plans of the units of local government the boundaries of which are within the metropolitan area of the M.P.O. An M.P.O. shall be the forum for cooperative decisionmaking by officials of the affected governmental entities in the development of the plans and programs required by subsections (5), (6), (7), and (8).

(5) POWERS, DUTIES, AND RESPONSIBILITIES.--The powers, privileges, and authority of an M.P.O. are those specified in this section or incorporated in an interlocal agreement authorized under s. 163.01. Each M.P.O. shall perform all acts required by federal or state laws or rules, now and subsequently applicable, which are necessary to qualify for federal aid. It is the intent of this section that each M.P.O. shall be involved in the planning and programming of transportation facilities, including, but not limited to, airports, intercity and high-speed rail lines, seaports, and intermodal facilities, to the extent permitted by state or federal law.

(a) Each M.P.O. shall, in cooperation with the department, develop:

1. A long-range transportation plan pursuant to the requirements of subsection (6);

2. An annually updated transportation improvement program pursuant to the requirements of subsection (7); and

3 An annual unified planning work program pursuant to the requirements of subsection (8).

(b) In developing the long-range transportation plan and the transportation improvement program required under paragraph (a), each M.P.O. shall provide for consideration of projects and strategies that will:

1. Support the economic vitality of the metropolitan area, especially by enabling global competitiveness, productivity, and efficiency;

2. Increase the safety and security of the transportation system for motorized and nonmotorized users;

3 Increase the accessibility and mobility options available to people and for freight;

4. Protect and enhance the environment, promote energy conservation, and improve quality of life;

5. Enhance the integration and connectivity of the transportation system, across and between modes, for people and freight;

6 Promote efficient system management and operation; and

7 Emphasize the preservation of the existing transportation system.

(c) In order to provide recommendations to the department and local governmental entities regarding transportation plans and programs, each M.P.O. shall:

1. Prepare a congestion management system for the metropolitan area and cooperate with the department in the development of all other transportation management systems required by state or federal law;

2. Assist the department in mapping transportation planning boundaries required by state or federal law;

3. Assist the department in performing its duties relating to access management, functional classification of roads, and data collection;

4. Execute all agreements or certifications necessary to comply with applicable state or federal law;

5. Represent all the jurisdictional areas within the metropolitan area in the formulation of transportation plans and programs required by this section; and

6. Perform all other duties required by state or federal law.

(d) Each M.P.O. shall appoint a technical advisory committee that includes planners; engineers; representatives of local aviation authorities, port authorities, and public transit authorities or representatives of aviation departments, seaport departments, and public transit departments of municipal or county governments, as applicable; the school superintendent of each county within the jurisdiction of the M.P.O. or the superintendent's designee; and other appropriate representatives of affected local governments. In addition to any other duties assigned to it by the M.P.O. or by state or federal law, the technical advisory committee is responsible for considering safe access to schools in its review of transportation project priorities, long-range transportation plans, and transportation improvement programs, and shall advise the M.P.O. on such matters. In addition, the technical advisory committee shall coordinate its actions with local school boards and other local programs and organizations within the metropolitan area which participate in school safety activities, such as locally established community traffic safety teams. Local school boards must provide the appropriate M.P.O. with information concerning future school sites and in the coordination of transportation service.

(e)1. Each M.P.O. shall appoint a citizens' advisory committee, the members of which serve at the pleasure of the M.P.O. The membership on the citizens' advisory committee must reflect a broad cross section of local residents with an interest in the development of an efficient, safe, and cost-effective transportation system. Minorities, the elderly, and the handicapped must be adequately represented.

2. Notwithstanding the provisions of subparagraph 1., an M.P.O. may, with the approval of the department and the applicable federal governmental agency, adopt an alternative program or mechanism to ensure citizen involvement in the transportation planning process.

(f) The department shall allocate to each M.P.O., for the purpose of accomplishing its transportation planning and programming duties, an appropriate amount of federal transportation planning funds.

(g) Each M.P.O. may employ personnel or may enter into contracts with local or state agencies, private planning firms, or private engineering firms to accomplish its transportation planning and programming duties required by state or federal law.

(h) A chair's coordinating committee is created, composed of the M.P.O.'s serving Hernando, Hillsborough, Manatee, Pasco, Pinellas, Polk, and Sarasota Counties. The committee must, at a minimum:

1 Coordinate transportation projects deemed to be regionally significant by the committee.

2 Review the impact of regionally significant land use decisions on the region

3. Review all proposed regionally significant transportation projects in the respective transportation improvement programs which affect more than one of the M.P.O.'s represented on the committee.

4. Institute a conflict resolution process to address any conflict that may arise in the planning and programming of such regionally significant projects.

(i)1. The Legislature finds that the state's rapid growth in recent decades has caused many urbanized areas subject to M.P.O. jurisdiction to become contiguous to each other. As a result, various transportation projects may cross from the jurisdiction of one M.P.O. into the jurisdiction of another M.P.O. To more fully accomplish the purposes for which M.P.O.'s have been mandated, M.P.O.'s shall develop coordination mechanisms with one another to expand and improve transportation within the state. The appropriate method of coordination between M.P.O.'s shall vary depending upon the project involved and given local and regional needs. Consequently, it is appropriate to set forth a flexible methodology that can be used by M.P.O.'s to coordinate with other M.P.O.'s and appropriate political subdivisions as circumstances demand.

2. Any M.P.O. may join with any other M.P.O. or any individual political subdivision to coordinate activities or to achieve any federal or state transportation planning or development goals or purposes consistent with federal or state law. When an M.P.O. determines that it is appropriate to join with another M.P.O. or any political subdivision to coordinate activities, the M.P.O. or political subdivision shall enter into an interlocal agreement pursuant to s. 163.01, which, at a minimum, creates a separate legal or administrative entity to coordinate the transportation planning or development activities required to achieve the goal or purpose; provide the purpose for which the entity is created; provide the duration of the agreement and the entity, and specify how the agreement may be terminated, modified, or rescinded; describe the precise organization of the entity, including who has voting rights on the governing board, whether alternative voting members are provided for, how voting members are appointed, and what the relative voting strength is for each constituent M.P.O. or political subdivision; provide the manner in which the parties to the agreement will provide for the financial support of the entity and payment of costs and expenses of the entity; provide the manner in which funds may be paid to and disbursed from the entity; and provide how members of the entity will resolve disagreements regarding interpretation of the interlocal agreement or disputes relating to the operation of the entity. Such interlocal agreement shall become effective upon its recordation in the official public records of each county in which a member of the entity created by the interlocal agreement has a voting member. This paragraph does not require any M.P.O.'s to merge, combine, or otherwise join together as a single M.P.O.

(6) LONG-RANGE TRANSPORTATION PLAN.--Each M.P.O. must develop a long-range transportation plan that addresses at least a 20-year planning horizon. The plan must include both long-range and short-range strategies and must comply with all other state and federal requirements. The prevailing principles to be considered in the long-range transportation plan are: preserving the existing transportation infrastructure; enhancing Florida's economic competitiveness; and improving travel choices to ensure mobility. The long-range transportation plan must be consistent, to the maximum extent feasible, with future land use elements and the goals, objectives, and policies of the approved local government comprehensive plans of the units of local government located within the jurisdiction of the M.P.O. The approved long-range transportation plan must be considered by local governments in the development of the transportation elements in local government comprehensive plans and any amendments thereto. The long-range transportation plan must, at a minimum:

(a) Identify transportation facilities, including, but not limited to, major roadways, airports, seaports, spaceports, commuter rail systems, transit systems, and intermodal or multimodal terminals that will function as an integrated metropolitan transportation system. The long-range transportation plan must give emphasis to those transportation facilities that serve national, statewide, or regional functions, and must consider the goals and objectives identified in the Florida Transportation Plan as provided in s. 339.155. If a project is located within the boundaries of more than one M.P.O., the M.P.O.'s must coordinate plans regarding the project in the long-range transportation plan.

(b) Include a financial plan that demonstrates how the plan can be implemented, indicating resources from public and private sources which are reasonably expected to be available to carry out the plan, and recommends any additional financing strategies for needed projects and programs. The financial plan may include, for illustrative purposes, additional projects that would be included in the adopted long-range transportation plan if reasonable additional resources beyond those identified in the financial plan were available. For the purpose of developing the long-range transportation plan, the M.P.O. and the department shall cooperatively develop estimates of funds that will be available to support the plan implementation. Innovative financing techniques may be used to fund needed projects and programs. Such techniques may include the assessment of tolls, the use of value capture financing, or the use of value pricing.

(c) Assess capital investment and other measures necessary to:

1. Ensure the preservation of the existing metropolitan transportation system including requirements for the operation, resurfacing, restoration, and rehabilitation of major roadways and requirements for the operation, maintenance, modernization, and rehabilitation of public transportation facilities; and

2. Make the most efficient use of existing transportation facilities to relieve vehicular congestion and maximize the mobility of people and goods.

(d) Indicate, as appropriate, proposed transportation enhancement activities, including, but not limited to, pedestrian and bicycle facilities, scenic easements, landscaping, historic preservation, mitigation of water pollution due to highway runoff, and control of outdoor advertising.

(e) In addition to the requirements of paragraphs (a)-(d), in metropolitan areas that are classified as nonattainment areas for ozone or carbon monoxide, the M.P.O. must coordinate the development of the long-range transportation plan with the State Implementation Plan developed pursuant to the requirements of the federal Clean Air Act.

In the development of its long-range transportation plan, each M.P.O. must provide the public, affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties with a reasonable opportunity to comment on the long-range transportation plan. The long-range transportation plan must be approved by the M.P.O.

(7) TRANSPORTATION IMPROVEMENT PROGRAM.--Each M.P.O. shall, in cooperation with the state and affected public transportation operators, develop a transportation improvement program for the area within the jurisdiction of the M.P.O. In the development of the transportation improvement program, each M.P.O. must provide the public, affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties with a reasonable opportunity to comment on the proposed transportation improvement program.

(a) Each M.P.O. is responsible for developing, annually, a list of project priorities and a transportation improvement program. The prevailing principles to be considered by each M.P.O. when developing a list of project priorities and a transportation improvement program are: preserving the existing transportation infrastructure; enhancing Florida's economic competitiveness; and improving travel choices to ensure mobility. The transportation improvement program will be used to initiate federally aided transportation facilities and improvements as well as other transportation facilities and improvements including transit, rail, aviation, spaceport, and port facilities to be funded from the State Transportation Trust Fund within its metropolitan area in accordance with existing and subsequent federal and state laws and rules and regulations related thereto. The transportation improvement program shall be consistent, to the maximum extent feasible, with the approved local government comprehensive plans of the units of local government whose boundaries are within the metropolitan area of the M.P.O.

(b) Each M.P.O. annually shall prepare a list of project priorities and shall submit the list to the appropriate district of the department by October 1 of each year; however, the department and a metropolitan planning organization may, in writing, agree to vary this submittal date. The list of project priorities must be formally reviewed by the technical and citizens' advisory committees, and approved by the M.P.O., before it is transmitted to the district. The approved list of project priorities must be used by the district in developing the district work program and must be used by the M.P.O. in developing its transportation improvement program. The annual list of project priorities must be based upon project selection criteria that, at a minimum, consider the following:

1. The approved M.P.O. long-range transportation plan;

2. The results of the transportation management systems; and

3 The M.P.O.'s public-involvement procedures.

(c) The transportation improvement program must, at a minimum:

1. Include projects and project phases to be funded with state or federal funds within the time period of the transportation improvement program and which are recommended for advancement during the next fiscal year and 4 subsequent fiscal years. Such projects and project phases must be consistent, to the maximum extent feasible, with the approved local government comprehensive plans of the units of local government located within the jurisdiction of the M.P.O. For informational purposes, the transportation improvement program shall also include a list of projects to be funded from local or private revenues.

2. Include projects within the metropolitan area which are proposed for funding under 23 U.S.C. s. 134 of the Federal Transit Act and which are consistent with the long-range transportation plan developed under subsection (6).

3. Provide a financial plan that demonstrates how the transportation improvement program can be implemented; indicates the resources, both public and private, that are reasonably expected to be available to accomplish the program; identifies any innovative financing techniques that may be used to fund needed projects and programs; and may include, for illustrative purposes, additional projects that would be included in the approved transportation improvement program if reasonable additional resources beyond those identified in the financial plan were available. Innovative financing techniques may include the assessment of tolls, the use of value capture financing, or the use of value pricing. The transportation improvement program may include a project or project phase only if full funding can reasonably be anticipated to be available for the project or project phase within the time period contemplated for completion of the project or project phase.

4. Group projects and project phases of similar urgency and anticipated staging into appropriate staging periods.

5. Indicate how the transportation improvement program relates to the long-range transportation plan developed under subsection (6), including providing examples of specific projects or project phases that further the goals and policies of the long-range transportation plan.

6. Indicate whether any project or project phase is inconsistent with an approved comprehensive plan of a unit of local government located within the jurisdiction of the M.P.O. If a project is inconsistent with an affected comprehensive plan, the M.P.O. must provide justification for including the project in the transportation improvement program.

7. Indicate how the improvements are consistent, to the maximum extent feasible, with affected seaport, airport, and spaceport master plans and with public transit development plans of the units of local government located within the jurisdiction of the M.P.O. If a project is located within the boundaries of more than one M.P.O., the M.P.O.'s must coordinate plans regarding the project in the transportation improvement program.

(d) 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 the joint action of the M.P.O. and the department. Except when recommended in writing by the district secretary for good cause, any project removed from or rescheduled in a subsequent transportation improvement program shall not be rescheduled by the M.P.O. in that subsequent program earlier than the 5th year of such program

(e) During the development of the transportation improvement program, the M.P.O. shall, in cooperation with the department and any affected public transit operation, provide citizens, affected public agencies, representatives of transportation agency employees, freight shippers, providers of freight transportation services, private providers of transportation, representatives of users of public transit, and other interested parties with reasonable notice of and an opportunity to comment on the proposed program.

(f) The adopted annual transportation improvement program for M.P.O.'s in nonattainment or maintenance areas must be submitted to the district secretary and the Department of Community Affairs at least 90 days before the submission of the state transportation improvement program by the department to the appropriate federal agencies. The annual transportation improvement program for M.P.O.'s in attainment areas must be submitted to the district secretary and the Department of Community Affairs at least 45 days before the department submits the state transportation improvement program to the appropriate federal agencies; however, the department, the Department of Community Affairs, and a metropolitan planning organization may, in writing, agree to vary this submittal date. The Governor or the Governor's designee shall review and approve each transportation improvement program and any amendments thereto.

(g) The Department of Community Affairs shall review the annual transportation improvement program of each M.P.O. for consistency with the approved local government comprehensive plans of the units of local government whose boundaries are within the metropolitan area of each M.P.O. and shall identify those projects that are inconsistent with such comprehensive plans. The Department of Community Affairs shall notify an M.P.O. of any transportation projects contained in its transportation improvement program which are inconsistent with the approved local government comprehensive plans of the units of local government whose boundaries are within the metropolitan area of the M.P.O.

(h) The M.P.O. shall annually publish or otherwise make available for public review the annual listing of projects for which federal funds have been obligated in the preceding year. Project monitoring systems must be maintained by those agencies responsible for obligating federal funds and made accessible to the M.P.O.'s.

(8) UNIFIED PLANNING WORK PROGRAM.--Each M.P.O. shall develop, in cooperation with the department and public transportation providers, a unified planning work program that lists all planning tasks to be undertaken during the program year. The unified planning work program must provide a complete description of each planning task and an estimated budget therefor and must comply with applicable state and federal law.

(9) AGREEMENTS.--

(a) Each M.P.O. shall execute the following written agreements, which shall be reviewed, and updated as necessary, every 5 years:

1. An agreement with the department clearly establishing the cooperative relationship essential to accomplish the transportation planning requirements of state and federal law.

2. An agreement with the metropolitan and regional intergovernmental coordination and review agencies serving the metropolitan areas, specifying the means by which activities will be coordinated and how transportation planning and programming will be part of the comprehensive planned development of the area.

3. An agreement with operators of public transportation systems, including transit systems, commuter rail systems, airports, seaports, and spaceports, describing the means by which activities will be coordinated and specifying how public transit, commuter rail, aviation, seaport, and aerospace planning and programming will be part of the comprehensive planned development of the metropolitan area.

(b) An M.P.O. may execute other agreements required by state or federal law or as necessary to properly accomplish its functions.

(10) METROPOLITAN PLANNING ORGANIZATION ADVISORY COUNCIL.--

(a) A Metropolitan Planning Organization Advisory Council is created to augment, and not supplant, the role of the individual M.P.O.'s in the cooperative transportation planning process described in this section.

(b) The council shall consist of one representative from each M.P.O. and shall elect a chairperson annually from its number. Each M.P.O. shall also elect an alternate representative from each M.P.O. to vote in the absence of the representative. Members of the council do not receive any compensation for their services, but may be reimbursed from funds made available to council members for travel and per diem expenses incurred in the performance of their council duties as provided in s. 112.061.

(c) The powers and duties of the Metropolitan Planning Organization Advisory Council are to:

1. Enter into contracts with individuals, private corporations, and public agencies.

2. Acquire, own, operate, maintain, sell, or lease personal property essential for the conduct of business.

3. Accept funds, grants, assistance, gifts, or bequests from private, local, state, or federal sources.

4. Establish bylaws and adopt rules pursuant to ss. 120.536(1) and 120.54 to implement provisions of law conferring powers or duties upon it.

5. Assist M.P.O.'s in carrying out the urbanized area transportation planning process by serving as the principal forum for collective policy discussion pursuant to law.

6. Serve as a clearinghouse for review and comment by M.P.O.'s on the Florida Transportation Plan and on other issues required to comply with federal or state law in carrying out the urbanized area transportation and systematic planning processes instituted pursuant to s. 339.155.

7. Employ an executive director and such other staff as necessary to perform adequately the functions of the council, within budgetary limitations. The executive director and staff are exempt from part II of chapter 110 and serve at the direction and control of the council. The council is assigned to the Office of the Secretary of the Department of Transportation for fiscal and accountability purposes, but it shall otherwise function independently of the control and direction of the department.

8. Adopt an agency strategic plan that provides the priority directions the agency will take to carry out its mission within the context of the state comprehensive plan and any other statutory mandates and directions given to the agency.

(11) APPLICATION OF FEDERAL LAW.--Upon notification by an agency of the Federal Government that any provision of this section conflicts with federal laws or regulations, such federal laws or regulations will take precedence to the extent of the conflict until such conflict is resolved. The department or an M.P.O. may take any necessary action to comply with such federal laws and regulations or to continue to remain eligible to receive federal funds.

History.--s. 1, ch. 79-219; s. 1, ch. 82-9; s. 219, ch. 84-309; s. 3, ch. 84-332; s. 30, ch. 85-55; ss. 1, 2, ch. 87-61; ss. 1, 2, ch. 88-86; s. 1, ch. 88-163; s. 6, ch. 89-301; s. 79, ch. 90-136; s. 4, ch. 92-152; s. 60, ch. 93-164; s. 502, ch. 95-148; s. 54, ch. 95-257; s. 53, ch. 96-323; s. 25, ch. 97-280; s. 70, ch. 98-200; s. 9, ch. 99-256; ss. 33, 103, ch. 99-385; s. 20, ch. 2000-266; s. 23, ch. 2002-183; s. 8, ch. 2003-286.

Note.--Former s. 334.215.

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