Steiner, R. Florida's Transportation Concurrency: Are the current tools adequate to meet the need for coordinated land use and transportation Planning? *University of Florida Journal of Law and Public Policy*, 2001(Spring): 269-297. 2001.

This paper reviews the history of Florida's transportation concurrency requirements, then discusses the process of implementing transportation concurrency. Finally, recommendations made for improving the current system.

History of the Implementation of Concurrency

The 1985 Growth Management Act (GMA) in Florida required that "public facilities and services" be available concurrently with development. As the Department of Community Affairs (DCA) began to develop rules for concurrency (which were incorporated into the GMA in 1993), ongoing concern about the roadway concurrency were

- establishment of LOS standards on the state highway system
- standards used for roadway concurrency
- the perception that transportation concurrency was causing sprawl
- the long lead time for building roads
- the backlog of transportation projects
- the meaning of the requirement that facilities be "available concurrent with development"
- how to measure roadway concurrency.

Throughout the 1990s, the GMA was amended to begin to address some of these concerns.

In 1992, legislation was passed authorizing the creation of Transportation Concurrency Management Areas (TCMA). The purpose of a TCMA is to "promote infill development or redevelopment within selected portions of urban areas in a manner that supports the provision of more efficient mobility

alternatives, including public transit." An area-wide LOS may be established for facilities with similar functions serving common origins and destinations.

In addition to TCMAs, the legislature added two area-specific exceptions in 1993: 1) long-term transportation concurrency management systems (LTCMS) and 2) a transportation concurrency exception area (TCEA). LTCMS are established in areas with existing deficiencies. To eliminate the backlog, a local government develops a comprehensive plan that identifies the improvements that need to be made over 10-year period, and in exceptional cases over 15-year period. The purpose of a TCEA is to "reduce the adverse impact transportation concurrency may have on urban infill and redevelopment and on, among others, development of public transportation."

1999 amendments to the GMA

- authorized the establishment of multi-modal transportation districts (MMTDs) and the development of rules to implement them
- authorized the reduction of certain fees in MMTDs
- provided that the concurrency requirement does not apply for public transit
- provided that a multi-use development of regional impact (DRI) may satisfy certain requirements of transportation concurrency by payment of a proportionate-share contribution for traffic impacts under certain conditions.

<u>How Transportation Concurrency Is Implemented</u>

The DCA is responsible for developing guidelines for implementation of the GMA and for the review and approval of local government plans. The Florida Department of Transportation (FDOT) is responsible for developing the guidelines for establishing the LOS standards, which are currently based on the *Highway Capacity Manual*. FDOT also participates in the development of a state transportation plan and regional Unified Planning Works Program (UPWP) as part of the ongoing federal transportation planning process. Each local

government is required to complete a comprehensive plan based on a schedule and guidelines established by the DCA. Of particular interest in the implementation of the TCMS is the internal consistency requirement. Urban areas with populations of over 50,000 must, under federal law, engage in a continuous, comprehensive, and coordinated transportation planning process. Thus, in almost 50 percent of Florida's counties, a metropolitan planning organization (MPO) develops a Long-Range Transportation Plan every five years for a 20-year time period, and an annual transportation improvement plan (TIP) that is coordinated with the UPWP of the FDOT. A local government has significant discretion as to how it implements a TCMS. Each local government decides which of the concurrency management strategies and area-wide project exceptions it will allow. It also establishes LOS for each of the major roadways.

<u>Assessment of Transportation Concurrency Management System</u>

Four major problems that exist with the TCMS:

- lack of coordination in land-use and transportation decisions at the local, regional, and state levels
- inadequate funding for transportation
- problems with measurement of capacity and LOS
- spatial impact and the ability of concurrency to balance the broader goals of the community with transportation investments.

Lack of Coordination of Land Use and Transportation Decision Making

In Florida, the comprehensive planning process is not working because plans lack vertical, horizontal and internal consistency.

Lack of vertical consistency: The state has failed to update the plan since its adoption in 1985; state agencies have engaged in development activities inconsistent with the planning goal of reducing sprawl; the state has failed to fund the infrastructure backlog; the power of Regional Planning Councils (RPCs) to

implement the state plan was reduced when strategic regional plans were mandated in place of comprehensive regional plans.

Lack of horizontal consistency: RPCs cannot enforce intergovernmental coordination between adjacent jurisdictions that are unwilling to cooperate voluntarily.

Lack of internal consistency: Many local comprehensive plans are not internally consistent as many local governments continue to allow development and do not have a financially feasible capital improvement plan (CIP); the Department of Community Affairs (DCA) does not review local land development regulations (LDRs) except under extraordinary circumstances.

Inadequate Funding for Transportation

The State of Florida has failed to provide adequate funding for infrastructure, including transportation. Moreover, it has not provided a means through which local governments can easily raise revenues against the wishes of a hesitant public.

Problems with Measurement of Capacity and LOS

Finding a simple measure of LOS has not been easy. In the 1998 LOS Handbook, the FDOT concurred by recognizing that “no single performance measure is robust enough to fully measure congestion or address mobility for multiple modes of transportation. A series of modal performance measures are considered superior to a single performance measure. At a minimum, each MMP/ CMS (Congestion Management System) in Florida must include both highway and transit performance measures.” In a seeming contradiction to the above noted difficulty in developing an LOS measure, FDOT continues: “Highway LOS was deemed an adequate, convenient, and readily understood indicator of where congestion exists and, therefore, was suggested as the triggering device to determine where highway congestion exists.” Applied in a simplistic manner, this

measure may result in widening of the roads as the solution, which, because of the triple convergence problem, may lead to more congestion. Also, by focusing on the individual segments of the local transportation system and defining congestion simplistically as the sole measure of the need for capacity, the TCMS may encourage incremental planning rather than comprehensive planning for the urban transportation systems. Moreover, local governments control the definition of the impact area and most limit it to one-quarter of a mile, even if trips generated by new development will travel through major intersections beyond the boundary of the impact area. Thus, while the calculation of the roadway LOS may be simple in concept, it is not so simple in application. Just as trip generation rates allow for a calculation of a range of the number of trips, depending upon unique characteristics of a situation, the calculation of roadway capacity should allow for considerations unique to the situation under which it is being implemented. Consideration needs to be given to the level of congestion the public will accept and the trade-off between higher taxation and worse congestion on roadways.

Spatial Impact and the Ability of Concurrency to Balance the Broader Goals of the Community with Transportation Investments

The debates over transportation concurrency represent the conflicts between mobility and livability and relate directly to changing ideas about the role of the transportation system in urban areas. Also, the LOS measure does not distinguish between congestion associated with a poorly designed transportation system and/or a lack of coordinated land use and transportation. The TCMS only implicitly defines different standards for urban, suburban, and rural areas, but comparable LOS in each situation is likely to have a different cause. The TCMS penalizes infill and redevelopment because excess capacity is more frequently found and is less expensive to build at the urban fringe. Over the years, project by project exceptions or area-wide exceptions have been used in response to this concern. Many urban areas in Florida do not have a sufficient grid to provide alternative routes with similar functional classifications, as required in the TCMA,

that serve the same set of origins and destinations. The MMTD, for which the rules are still being developed, may be used as a substitute or in combination with a TCMA, TCEA, or LTCMS because all share the goal of planning for alternatives to the automobile. The LTCMS has not been widely used in the State of Florida.

Recommendations for Change

Some of the major recommendations are as follows:

- Continuing research and development are needed of tools that provide allow efficient utilization of the transportation system for all users and of other methodologies that provide tools to assess the impact of different urban forms.
- The state should explore the use of other methods for coordinating transportation investment with land development. Examples of these methods include transit-oriented development (TOD) and nodes, centers and sub-centers, transportation corridors, focused public investment plans (FPIP), and priority funding areas (PFA).
- For the purpose of transportation concurrency, regional agencies (MPOs, district DOTs, RPCs) should be organized in a manner consistent with regional boundaries. Regional agencies should coordinate transportation planning across local jurisdictions using longer planning time frames.