

**PINELLAS COUNTY METROPOLITAN PLANNING ORGANIZATION
MINUTES - MEETING OF FEBRUARY 11, 2009**

The Pinellas County Metropolitan Planning Organization, created by the State of Florida in accordance with Title 23 United States Code, Section 134 and Chapter 339.175 Florida Statutes, met in regular session on Wednesday, February 11, 2009 in the chambers of the Pinellas County Commission, 315 Court Street, Clearwater, Florida.

MEMBERS PRESENT

Chris Arbutine – *Chairman* – Mayor, City of Belleair Bluffs, representing PSTA
David Eggers – *Vice Chairman* – City of Dunedin Commission
Karen Seel – *Secretary/Treasurer* – Board of County Commissioners
Neil Brickfield – Board of County Commissioners
Jeff Danner – City of St. Petersburg Council
Harriet Crozier – City of Largo Commission
Frank Hibbard – Mayor, City of Clearwater
William Mischler – Mayor, City of Pinellas Park
Herbert Polson – City of St. Petersburg Council
Andy Steingold – Mayor, City of Safety Harbor representing Oldsmar, Safety Harbor, and Tarpon Springs
Kenneth Welch – Board of County Commissioners
Don Skelton, *ex officio* – Secretary, Florida Department of Transportation District 7

MEMBERS ABSENT

None

OTHERS PRESENT

Brian Smith – MPO Executive Director
Sarah Ward – MPO Transportation Planning Division Manager
David Sadowsky – County Attorney's Office
Mahshid Arasteh – Pinellas County Public Works
Rob Meador - Pinellas County Public Works
Brian Beaty – Florida Department of Transportation (FDOT)
Lee Royal – Florida Department of Transportation (FDOT)
Paul Bertels – City of Clearwater
Bob Bray – City of Pinellas Park
Joe Kubicki – City of St. Petersburg
Tom Whalen – City of St. Petersburg
Kelley Teague – METROPLAN Orlando
Sue Miller – MPO Staff
Tim Garling – Pinellas Suncoast Transit Authority (PSTA)
Wilfred Sergeant – Citizen (Citizens Advisory Committee)
Lynn Rives – City of Oldsmar
Kim Jowell – Suncoast Safety Council
Peter Belmont – St. Petersburg Resident
Shakira Crandol – Federal Highway Administration (FHWA)
Tamara Christion – Federal Highway Administration (FHWA)
Elizabeth Martin – Federal Transit Administration (FTA)
Carolyn Kuntz – MPO Recorder

I. CALL TO ORDER

Chairman Arbutine called the meeting to order at 1:00 p.m.

II. INVOCATION AND PLEDGE

Commissioner Ken Welch gave the invocation and led the Pledge of Allegiance. The Board members introduced themselves.

III. PRESENTATION OF PLAQUE TO OUTGOING MPO MEMBER RONNIE DUNCAN

Chairman Arbutine presented a plaque to outgoing MPO member Ronnie Duncan.

IV. CITIZENS TO BE HEARD

There were no citizens to be heard.

V. CONSENT AGENDA

A. Approval of Minutes – Meeting of January 14, 2009

B. Approval of Invoices –

1. Tindale-Oliver and Associates

2. Renaissance Planning Group

C. Approval of Printing of Trail Guidebooks

D. Approval of Joint Participation Agreement (JPA) for PL Funds

Mayor Hibbard moved, Mayor Mischler seconded, and motion carried to approve the Consent Agenda as presented.

VI. PRESENTATION ON COMMUTER RAIL – METROPLAN ORLANDO

Kelley Teague, METROPLAN Orlando, reviewed a PowerPoint presentation, highlighting METROPLAN Orlando and Sun Rail, which is the Central Rail Commuter Project.

Some general discussion followed. This was an informational item; no action was necessary.

VII. FEDERAL STIMULUS PROGRAM

Brian Smith indicated the federal government is proposing a Stimulus package that is moving forward. Currently, there is a House and Senate version of the legislation. Projects need to be prioritized and ready to go when the legislation is signed into law. The idea is the MPOs throughout the State would prioritize all eligible submitted projects. Last month, the MPO approved staff to request all local governments that have submitted projects for Stimulus funding to send those projects to staff to be placed on the MPO website. The criteria list and all projects submitted by local governments (including the State) were included in the agenda packet and members' folders for review. Although the amount of funding each area would receive has not yet been determined, the MPO needs to prioritize projects to move as soon as the Bill is passed. All projects must meet federal requirements; however, the projects on the list have not gone through the eligibility process. Staff is requesting further direction. A special MPO meeting has been set for Tuesday, February 17, in the morning. Staff will use the criteria to develop a draft priority list for the MPO to act on at the special meeting, which would also include action on a TIP (Transportation Improvement Program) amendment. In addition, if a project (i.e., U.S. 19) that is already in the FDOT Tentative Work Program is funded with the Stimulus funds then that would free up the funds in the FDOT Tentative Work Program.

Don Skelton emphasized the need to move quickly on prioritizing projects. Each state will be judged on how quickly they obligate the Stimulus funds. The U.S. 19 projects are currently funded in the FDOT Work Program with Strategic Intermodal System (SIS) funds; therefore, if the U.S. 19 projects are accelerated with the Stimulus funds, those SIS funds would then be used for another SIS project and not the Bayway Bridge improvements since they are not part of the SIS. The ramp from S.R. 686 to 118th Avenue is in the current FDOT Tentative Work Program and, therefore, would not be eligible for the Stimulus funding. The TIP could be amended by approving projects globally and then each project would be listed as it was determined to be funded with the Stimulus funding. One version calls for 50% of the local priorities to be obligated within 75 days, which includes meeting all the federal requirements and the documentation showing the project has gone through the National Environmental Policy Act (NEPA) process. FDOT is working with all counties within their district to ensure all projects submitted are eligible. Upon query, Mr. Skelton responded all funding will come to the State the same way the federal funding currently does (STP, XU, XM, XL). The bill includes a reporting mechanism and each state will be held accountable, which is why FDOT is looking at projects that will benefit the most; i.e., construction projects. Currently, there is a provision in the bill that requires all projects to be constructed with three years, which adds additional limitations to eligible projects.

Considerable discussion followed on the process, inclusion of other projects such as the Friendship Trail Bridge, Enterprise Road/U.S. 19 overpass, 118th Avenue connector, Bryan Dairy Road; the importance of prioritizing projects, especially capacity projects; the need to move traffic, which makes U.S. 19 a priority project; the importance of a priority list right away; the need to include a priority list for Enhancement projects in case those funds are also included in the final bill; the difference between Governor Crist's "Accelerate Florida" and the Stimulus package; the Stimulus funds are not to supplant other funding; the need to have options in case higher prioritized projects cannot be funded; the need to have funds shared with local jurisdictions within the County; trails are not a priority in lieu of roads; possibility of reducing the time to construct projects by working longer shifts; the need to accelerate the process for amendments to the TIP and State TIP, legislative approval for Work Program and budget amendments, and federal authorization; the remaining 50% of local funds to be obligated within a year; US DOT Secretary discretion for use of state funds; what formula should be used for prioritizing projects; approximate funding (Florida – \$1.4 billion; 40% for local priorities – \$560 million statewide, District VII – \$80 to \$100 million); possibility of bids being higher due to increased demand with the Stimulus funding (FDOT is watching this issue); transit projects will go through the current federal process; suggestion of convening a meeting with all local jurisdictions in the next couple of days to review list and make sure they meet all federal criteria; FDOT has been in contact with all local governments to make sure they submit their projects to the MPO; statewide videoconference will be held Friday morning in their conference room from 8:30 to 12:00; definition of NEPA ready; local funding can be used for state roads as well as local roads; a public hearing is being advertised for Tuesday's special MPO meeting.

At 2:00 p.m., Commissioner Eggers left the meeting

At 2:04 p.m., Commissioner Eggers returned to the meeting

At 2:05 p.m., Mayor Steingold left the meeting

At 2:09 p.m., Mayor Steingold returned to the meeting

By consensus, MPO members felt the priority should given to projects that meet all federal requirements, the second priority for capacity projects, the need to have a

fair and equitable formula for prioritizing projects, the need to set a meeting tomorrow to review all projects to make sure they meet federal requirements, and the need to divide projects into separate priorities (1) State priorities; 2) local priorities – projects ready within 75 days and projects after the 75 days; and 3) Enhancement projects. The recommended action for Tuesday's special MPO meeting is to prioritize the lists by roll call vote, and then amend those projects by roll call vote into the TIP, and then the Chairman would sign the appropriate TIP forms once projects are funded.

Chairman Arbutine noted the BAC passed a motion to include the Trail project on East Avenue in Clearwater for Stimulus funding. Mr. Smith responded this project was included on the list.

Mayor Hibbard moved; Councilman Danner seconded; and motion carried to accept BAC Motion #09-3 to include East Avenue on the Stimulus list.

VIII. LEGISLATION ON DISTRACTED DRIVERS (CELL PHONES)

Kim Jowell, Suncoast Safety Council, reviewed a PowerPoint presented for proposed legislation on distracted drivers. A lot of research has gone into the issue regarding distracted drivers; however, it remains very controversial. A lot of research has not gone into the study of driver behavior that is causing the distraction, only that the driver is being distracted. A lot of the controversy centers over the distraction of cell phones, hand-held versus the use of "hands free". A number of states and cities have banned the use of hand-held cell phones while driving. Florida currently has two bills: SB172 and HB345, which is called Heather's Law. Both bills are identical and would make cell phone usage while driving a secondary enforcement.

IX. BICYCLE ADVISORY COMMITTEE (BAC) RECOMMENDATIONS

B. BAC Motion Supporting Legislation on Distracted Drivers (Cell Phones)

This motion was based on the presentation included under Item VIII, to support legislation that would ban hand-held cell phones while driving but would allow hands-free devices.

Considerable discussion followed regarding the need to have more information on the impacts of those states/cities that have passed laws banning the use of hand-held devices while driving as to whether it has increased safety. It was noted these laws are fairly new and there is not enough statistical data yet from a historical perspective. Currently, there is no field being captured electronically that the use of cell phones was the cause of a crash. There is the use of the broader field of distraction but it doesn't break it down as to what caused the distraction. It was noted texting is a worse problem than talking on the cell phone. It was noted the bills are called Heather's Law because she was killed by a truck driver who was talking on a cell phone. It was also discussed there should be education of common sense.

Commissioner Eggers moved and Councilman Polson seconded a motion to receive BAC Motion #09-2.

Mayor Steingold noted laws are enacted for safety purpose and banning cell phone usage would eliminate one less distraction and save lives; however, he would like more information before making a decision. As an attorney, he handles lots of cases of accidents that were the result of someone using a cell phone while driving.

Following discussion, **the motion passed, with Commissioner Seel, Mayor Hibbard, and Mayor Steingold casting the dissenting votes.**

A. BAC Motion Supporting a Legislative Change Permitting Bikes on Limited Access Roadways

Peter Belmont, St. Petersburg resident, indicated the Bicycle Advisory Committee (BAC) approved a motion to allow bicycle activists on the Sunshine Skyway and other limited roadways as deemed appropriate. Currently, State Law prohibits bicycles on limited access roadways. The motion: 1) supports changing the State law to allow cycling access on the Sunshine Skyway shoulder; 2) allow temporary events on the Sunshine Skyway; and 3) allow flexibility for other segments of limited access roadways to be considered to allow cycling operations. He reviewed the reasons for supporting the motion, noting there isn't a safety issue, there is not a southern alternative other than through Hillsborough County, adequate shoulders are available, and the investments in improving cycling conditions. Currently, legislation has not been filed but he's hoping legislation will be filed this spring.

Discussion followed regarding the possibility of special events and safety considerations. Mr. Skelton indicated his concern with allowing bicyclists on the Interstate system and the Sunshine Skyway although he understands there is no alternative to riding south to Manatee or Bradenton. The Sunshine Skyway has strong winds under normal circumstances and the barriers on the outside are not equipped for bicycle or pedestrian access. The Interstate doesn't allow bicyclists due to the high rate of travel speed and, in addition, Florida is rated high for bicycle and pedestrian fatalities in the Nation. The Sunshine Skyway is a toll facility and allowing special events would mean bridge closure and the loss of toll revenue, which the bond holders would not like.

Mayor Mischler moved, Mayor Steingold seconded, and motion carried to receive and file BAC Motion #09-01.

There was further discussion regarding the support of special events on the Sunshine Skyway. Mr. Skelton indicated this would be a bond holder issue but closing only one lane could be looked at to see if it was viable.

C. BAC Motion Recommending the Trail Upgrade on East Avenue in Downtown Clearwater be Included as a Stimulus Project

This motion was approved under Item VII.

D. BAC Recommendation Defining the Year for the Trail Loop Program (Ten-Year End Date)

Mr. Smith indicated the ten-year end date was already included in the Plan for 2018.

Mayor Hibbard moved, commissioner Eggers seconded, and motion carried to approve BAC Motion #09-04.

X. PINELLAS MOBILITY INITIATIVE (PMI) UPDATE

Mayor Hibbard indicated the PMI Steering Committee met on Monday and approved the Bus Rapid Transit Plan for review by the committees, with the Plan to come back to the PMI Committee in March and the MPO in March for final approval. They received an update on TBARTA activities where that Board received information regarding Phase III, a

presentation by Tampa Mayor Pam Iorio on the Hillsborough Transportation Plan, and TBARTA will be having a retreat at their February meeting instead of their regular meeting to resolve some of the issues being discussed.

Mr. Smith added the PMI Committee agreed to a future extension of the rail in North County and the first priority to include the CSX rail line and the line across the Tampa Bay.

At 3:20 p.m., Mayor Hibbard left the meeting

XI. MPOAC MEETING

A. MPOAC Report – Meeting of January 22, 2009

Sarah Ward indicated the MPOAC met January 22 in Orlando. Their agenda was included in the agenda packet. A lot of the discussion at the MPOAC meeting centered around the Stimulus program and to make sure the MPOs have a process in place to work with that program to get projects obligated as soon as the Bill is approved. SAFETEA-LU, the current Transportation Bill, is set to expire later this year. The MPOAC discussed items they would like see included in that Reauthorization Bill. FDOT is updating the State Transportation Plan and asked the MPOAC for input.

B. 2009 Legislative Policy Positions

Ms. Ward highlighted the MPOAC 2009 legislative policy positions, which were approved at the January meeting. These positions include looking at additional funding for transportation, including the creation of a Florida Transportation Revenue Commission to look at sustainable revenue sources for recommendations to the Legislature; continue TRIP (Transportation Regional Incentive Program) and other similar funding programs; support legislation to allow counties to enact a transit surtax through referendum; support allowing counties to impose a local option surtax in the lease or rental of motor vehicles through referendum; support dedicated funding for regional transportation authorities; allow MPOs to create regional entities to receive and disperse revenues; allow MPO input regarding tolls on existing facilities; allow MPO input regarding public/private partnership agreements; establish language to make it easier to implement passenger rail projects throughout the State to deal with insurance and liability issues; provide start-up funds for independent MPOs through DOT grants; allow SIS (Strategic Intermodal System) funds to be used on other roads and transportation facilities if a benefit is shown for SIS facilities; allow local governments to improve safety at high accident intersections through the use of red-light detection cameras; and restore funding for the Road Ranger Program and that it be funneled through FDOT to determine funding levels.

C. MPOAC Federal Transportation Authorization Principles

Ms. Ward indicated the MPOAC is beginning to look at the reauthorization of the federal transportation bill (SAFETEA-LU), including looking at other agencies' positions. The MPOAC's Policy Subcommittee has met and made recommendations to the MPOAC Policy Board. Instead of the MPOAC approving these recommendations, they directed their Executive Director to seek input from the MPOs and FDOT. These recommendations are to be presented to the local MPOs and FDOT, with any input received to come back to the MPOAC at their April meeting in Tallahassee. This item can be brought back to the MPO in March if they would like further review.

At 3:33 p.m., Commissioner Crozier left the meeting

One of the positions is that the reauthorization bill includes a federal role that focuses on the metropolitan areas. This would include a strong MPO role in policy and funding issues and that the MPO maintains their traditional role as the primary planning and programming entity for those metropolitan areas. Another area is a recommendation for the consolidation of funding streams, that the funding programs be reviewed and there be fewer categories. This recommendation would also be for the consolidation of funding programs available for maintenance funding. The MPOAC supports additional funding for operations and maintenance, which would include Intelligent Transportation Systems, focusing on intersection operational improvements, incident management, etc. This position is also being looked at by other agencies, such as AASHTO (American Association of State Transportation and Highway Officials). Other positions deal with freight policy and how to better integrate freight and rail into the Federal Bill and positions dealing with transportation and finance, including a Federal Revenue Adjustment Commission. Other positions deal with allowing MPOs to have input regarding the placement of tolls on facilities built with federal funds and public/private partnerships. The MPOAC supports raising the MPO designation threshold to 100,000 in population and that appropriate language be inserted to allow grandfathering of established MPOs that do not meet the threshold; supports the suballocation of additional funds to Metropolitan Mobility Authorities in areas with more than 1 million people for congestion relief, freight, and capacity issues; supports language that excludes PL funds from rescission of planning funds; and that energy and efficiency and climate change be added as a planning factor.

****At 3:36 p.m., Commissioner Crozier returned to the meeting****

By consensus, this item will be placed on the next MPO agenda for further discussion and comment.

XII. LEGISLATIVE UPDATE

Mr. Smith noted this was follow-up to the earlier discussion that legislation be changed to allow counties to enact a transit surtax by legislation. The legislative proposal is to amend the County Transit Surtax Legislation by deleting the 1984 date by which a charter county had to be established and to broaden the eligibility to counties that are designated members of Regional Transportation Authorities. Any enactment of this transit surtax would have to be approved by referendum.

Commissioner Seel moved, Commissioner Welch seconded, and motion carried to support this legislative change.

XIII. COMMITTEE APPOINTMENTS

Commissioner Seel moved, Mayor Mischler seconded, and motion carried to reappoint Tom Kennedy to the Citizens Advisory Committee as a Clearwater representative.

XIV. FEDERAL CERTIFICATION PUBLIC MEETING

Ms. Ward announced there is a federal certification public meeting after today's meeting, beginning at 4:00 p.m., to receive community input. She then introduced the representatives in attendance from the Federal Transit Administration and Federal Highway Administration.

****At 3:44 p.m., Commissioner Welch left the meeting****

XV. PSTA ACTIVITIES

Tim Garling, PSTA Executive Director, indicated a joint meeting was held Monday with the PSTA Board, the MPO, and the PMI Committee to discuss the future of transportation in Pinellas County. He commended the MPO for their leadership and participation and looking forward to the continued cooperation and coordination with the MPO and staff.

Mayor Mischler commended Tim Garling for his leadership with the PSTA and for his efforts in bringing the MPO and PSTA together.

XVI. OTHER BUSINESS

A. Correspondence

B. Other

There was no other business brought up by the members.

XVII. ADJOURNMENT

There being no further business, the meeting was adjourned at 3:45 p.m.

Chris Arbutine, Chairman