

PROSPECTUS

for TRANSPORTATION
IMPROVEMENTS

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MIAMI-DADE
TRANSPORTATION
PLANNING
ORGANIZATION



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Preface

The Prospectus describes the established framework for executing the Miami-Dade Transportation Planning Organization (TPO) process of planning multimodal transportation improvements in Miami-Dade County. This edition has been revised to reflect all regulatory and administrative changes that have occurred since the last edition was published in 2010.

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-Dade TPO.

The Prospectus is divided into seven parts.

- Chapter 1.0 contains introductory information on how the TPO relates to Miami-Dade County’s metropolitan government and briefly relates historical references concerning the establishment of the TPO.
- Chapter 2.0 describes the Miami-Dade TPO structure including its legal basis, the management services contract with Miami-Dade County.
- Chapter 3.0 provides information on components of the Miami-Dade TPO’s organizational structure.
- Chapter 4.0 provides a detailed description of the federally mandated elements of the transportation planning program and process including the 20-year Long Range Transportation Plan (LRTP), the Transportation Improvement Program (TIP), and the Unified Planning Work Program (UPWP).
- Chapter 5.0 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 6.0 provides for a Public Involvement Process that complies with the federal requirements.

Finally, several appendices provide information on agreements and other procedural documentation relevant to the Miami-Dade TPO process.

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CHAPTER 1: AN INTRODUCTION TO THE TRANSPORTATION PLANNING PROCESS FOR THE MIAMI URBANIZED AREA

1.1 Introduction

The Transportation Planning Organization (TPO) guides the transportation planning process in Miami-Dade County, as established in 49 Code of Federal Register (CFR) Part 450. The Miami-Dade TPO was created as required under Section 163.01, Chapter 163, Florida Statutes, and established by Interlocal Agreement between Miami-Dade County, the Miami-Dade School Board and the Florida Department of Transportation (FDOT).

The TPO Governing Board (TPO Board) is charged with making transportation planning decisions in the Urbanized Area with the assistance of technical recommendations and citizens' comments. Pursuant to Florida Statutes 339.175(3)(d), the Miami-Dade TPO Governing Board membership includes: the thirteen (13) member Board of County Commissioners (BCC) and four appointments by the Governor of Florida representing an elected official of a municipality within the county; a citizen of whom does not hold elective office and resides in the unincorporated area of Miami-Dade County; a member of the Miami-Dade County Expressway Authority (MDX); and a member of the Miami-Dade County School Board. During the 1999 legislative session, the Florida Legislature revised Florida Statutes (339.176) to permit an elected official from each city with over fifty thousand (50,000) residents in Miami-Dade County, as established by the United States Bureau of the Census, to serve on the Governing Board as a voting member. Currently these cities include: Miami, Hialeah, Miami Gardens, Miami Beach, North Miami and Homestead. Furthermore, the FDOT has two (2) nonvoting representatives on the TPO Board. Membership of the Miami-Dade County TPO is constituted under the Chartered County option allowed by the State Statutes.

1.2 Goals and Objectives

A major role of the TPO 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 TPO endorsed plans and programs. The FDOT adopts the TPO'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 on an ongoing basis to insure the effectiveness of the TPO process. The TPO Board meets monthly and all meetings of the Governing Board are open to the public. In performing its major functions, the TPO:

- ◆ Develops a Long Range Transportation Plan (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.
- ◆ Coordinates the activities of the Transportation Planning Council (TPC) that advises the TPO Board on technical matters. The TPC includes: directors of County departments participating in the transportation planning process; senior staff of FDOT, the South Florida Regional Transportation Authority (SFRTA), and the Miami-Dade Expressway Authority (MDX); and a representative of the Miami-Dade League of Cities, the Miami-Dade County Public Schools and from the cities of Miami, Hialeah, Miami Gardens, Miami Beach, North Miami and Homestead.
- ◆ Maintains a Citizens Transportation Advisory Committee (CTAC) to provide a broad cross-section of citizen perspectives in the planning and development of the urban area transportation system.
- ◆ 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.
- ◆ 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).
- ◆ Addresses the multimodal transportation needs of freight movement throughout the county recommended by the Freight Transportation Advisory Committee (FTAC).
- ◆ Facilitates public involvement at all levels of the TPO process. Transportation issues are submitted routinely to CTAC for review and plans are available for public comment prior to their adoption.
- ◆ 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.

In performance of these duties, the TPO is assisted by professional staff from local, state and federal transportation agencies. Additionally, proper coordination of regional transportation planning is achieved through the TPO's close partnership with the South Florida Regional Planning Council (SFRTPC), South Florida Regional Transportation Authority (SFRTA), Florida Department of Transportation Districts 4 and 6, Florida's Turnpike Enterprise and the Broward and Palm Beach MPOs.

CHAPTER 2: METROPOLITAN PLANNING ORGANIZATION STRUCTURE

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 considers 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.

On July 6, 2012, the Moving Ahead for Progress in the 21st Century Act (MAP-21) was signed into law (P.L. 112-141). MAP-21 creates a streamlined, performance-based and multimodal program to address the many challenges facing the United States transportation system. These challenges include improving safety, maintaining infrastructure condition, reducing traffic congestion, improving efficiency of the system and freight movement, protecting the environment, and reducing delays in project delivery. Setting the course for transportation investment in highways, MAP-21:

- ◆ Strengthens America's Highways
- ◆ Establishes a Performance-Based Program
- ◆ Creates Jobs and Supports Economic Growth
- ◆ Supports the Department of Transportation's (DOT) Aggressive Safety Agenda
- ◆ Streamlines Federal Highway Transportation Programs
- ◆ Accelerates Project Delivery and Promotes Innovation

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.

2.2 Legal Basis: State Statutes

The Transportation Planning Organization for the Miami Urbanized Area was created March 23, 1977 under the authority of Chapter 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, the School Board of Miami-Dade County, and the FDOT, using an Interlocal Agreement, gave the TPO authority to organize itself to conduct a “continuing, cooperative and comprehensive transportation planning and programming process”. The agreement was designed to make the TPO an effective instrument for developing plans and programs that would thereafter be implemented.

Although the membership of the TPO 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 TPO 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 TPO 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, TPO 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 TPO, however, enhances coordination between the two boards. In addition, the participation of the municipalities, as well as MDX and the Miami-Dade Public Schools, provide for a better coordination and tends to facilitate the process of advancing transportation projects.

The existing Interlocal Agreement provides that the TPO 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 and operators of public mass transportation services.
- ♦ 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 that said rules do not supersede or conflict with applicable local and state laws, rules and regulations.

The agreement also specifies that the TPO 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

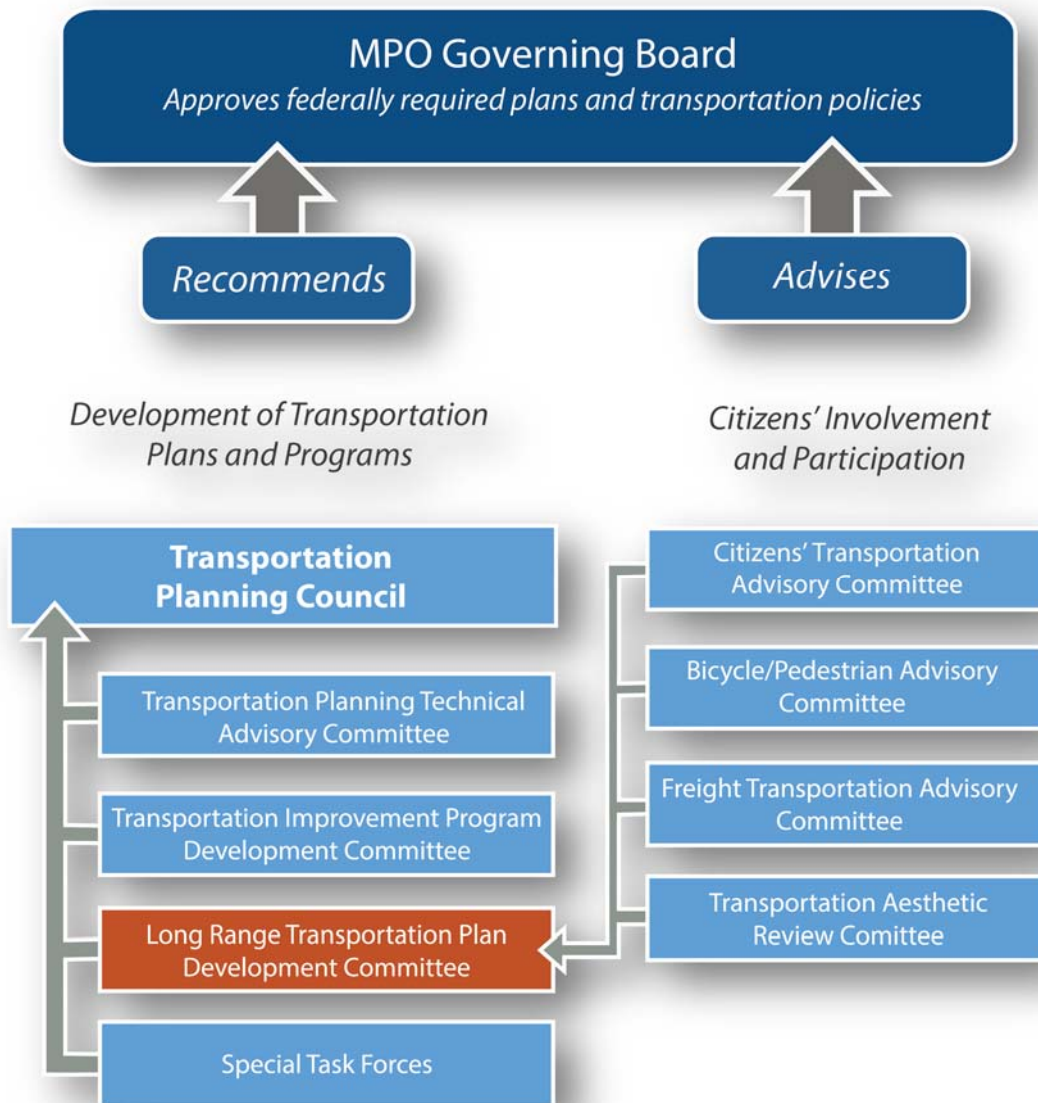
To carry out its duties, the TPO entered into a Management Services Agreement with the Miami-Dade Board of County Commissioners. Major elements of this agreement are:

- ♦ The County shall furnish the TPO with the professional, technical, administrative and clerical services; the supplies, equipment, office and other space; and such other incidental items as may be required and necessary to manage the business and affairs of the TPO to carry on the transportation planning and programming process.
- ♦ A TPO Executive Director shall be selected by the TPO Governing Board and serve at the pleasure of the Board.
- ♦ The TPO Executive Director shall be responsible to the TPO 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 appropriate organizational structure and the development of procedures to monitor and coordinate the planning process.
- ♦ The TPO Executive Director shall prepare 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/her competency and shall be expected to provide the TPO with expert advice or perform such duties incidental hereto as the County Mayor shall assign.
- ♦ The County Attorney shall be the legal advisor to the TPO and shall represent the TPO in all legal matters, provided that, with the concurrence of the County Attorney, the TPO may employ special counsel for specific needs.
- ♦ The TPO Executive Director shall prepare an annual budget on an October 1 to September 30 fiscal year basis which shall be approved by the TPO Governing Board. The budget shall identify funding sources, participating agencies and the level of participation by the various agencies.

CHAPTER 3: ORGANIZATION STRUCTURE

The organizational structure of the TPO 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 TPO structural elements:

Figure 1 TPO Master Organization Chart



3.1 TPO Governing Board

The TPO Governing Board is composed of twenty-three (23) 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 Governing Board is vested with the responsibility for exercising the powers of the TPO 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 TPO Executive Director

The Executive Director is designated by a majority vote of the whole number of voting members of the Governing Board. The TPO Executive Director serves at the pleasure of the TPO Governing Board. The Executive Director is fully responsible for the administration of the TPO and for conducting the transportation planning process including appointment, assignments, direction and control of all necessary TPO personnel. The Executive Director recommends to the Governing Board the appropriate structure to carry out the responsibilities set forth in the agreement between the TPO and the BCC, and recommends procedures by which the transportation planning process may be monitored and coordinated as well as develops operating procedures to conduct TPO functions. The Executive Director is the principal advisor to the Governing Board in all matters under its jurisdiction. Under the supervision of the TPO Executive Director, the TPO staff coordinates the activities of the component structure comprising the TPO; prepares agendas, resolutions, agreements and other documents; prepares an annual report; coordinates the implementation of policies established by the Governing Board as reflected in the transportation planning program.

3.3 Clerk of the TPO Governing Board

In response to F.S. 339175 2(e) requesting the governing body of the TPO designate an agency clerk, the TPO Board passed resolution #40-07. The Clerk of the TPO Governing Board is a staff position under the TPO Executive Director. The Clerk is officially responsible for the retention of official records including, but not limited to, minutes, resolutions, records of TPO Board appointed committees, contracts, agreements, and etc. in accordance with federal law and Florida statutes. The TPO Clerk prepares the meeting agendas, official copies of documents such as resolutions and meeting minutes as adopted by the TPO Governing Board and the Transportation Planning Council (TPC), and certifies legal documents on behalf of the TPO Board. The TPO Clerk is also responsible for advertising in accordance with federal and state regulations.

3.4 Legal Counsel

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

3.5 Transportation Planning Council

The Transportation Planning Council (TPC) is composed of voting and nonvoting members. The TPO Executive Director serves as the chair of the TPC. Council members are composed of senior technical staff from agencies such as the Florida Department of Transportation (FDOT), the South Florida Regional Transportation Authority (SFRTA), the Miami-Dade Expressway Authority (MDX), and a representative from the Miami-Dade County Public School Board, the Miami-Dade County League of Cities, and municipalities with voting membership on the TPO Governing Board. Also, the Directors of county departments participating in the transportation planning process. 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 TPO Clerk of the Board develops and prepares the TPC agenda, gives notice of its meetings, keeps minutes and records of its proceedings, prepares resolutions, and sees that the policies and directives of the Council are carried out. Membership on the Council is as follows:

Chairperson:

TPO Executive Director

Director or Designee:

Miami-Dade Aviation Department
Miami-Dade Expressway Authority
Miami-Dade Public Works and Waste Management Department
Miami-Dade Regulatory and Economic Resources
Miami-Dade Seaport Department
Miami-Dade Transit
Miami-Dade Water and Sewer Department

Representative:

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

The TPC is responsible for the overall technical adequacy of the TPO 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 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
- ◆ Long Range Transportation Plan (LRTP) Steering Committee

In addition, the TPC establishes inter-agency task forces and special committees to ensure coordination of important concerns as needs arise. The TPC Chair appoints the chairperson to TPC Committees and Task Forces. Additionally, the TPC Chair determines the membership of these committees and task forces. 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 TPO 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 by the Governing Board of transportation planning documents. The TPO staff provides coordination and guidance for these activities.

3.6 TPO Citizens' Advisory Committees

In 1983 a Federal mandate required the MPOs to provide a forum for citizens to become involved in the transportation planning process. In response to this mandate, the Citizens Transportation Advisory Committee (CTAC) was created. Over the years the TPO Governing Board formed, the Bicycle/Pedestrian Advisory Committee (BPAC), Transportation Aesthetics Review Committee (TARC), and Freight Transportation Advisory Committee (FTAC) to focus on specific areas in the transportation planning process. Each TPO Board Member shall, subject to TPO Board approval, appoint one representative to each of the TPO citizens' committees who must be a permanent resident and elector of Miami-Dade County unless the TPO Board, by a two-thirds vote of its membership, waives this requirement. No appointee to a committee shall serve more than eight (8) consecutive years on any one TPO citizens' committee. Nothing set forth in the preceding

sentence shall prohibit any individual from being reappointed to a TPO citizens' committee after a hiatus of two (2) years. Notwithstanding the foregoing, a TPO Board member may reappoint an existing citizen to serve in excess of the eight (8) year term limit, provided that said member has demonstrated exceptional dedication and service to the committee and that the reappointment is presented to the TPO Governing Board in the form of a resolution and approved by a two-thirds (2/3) vote of the full membership of the TPO Governing Board. The term of every committee member appointed by a TPO Board member shall automatically expire when:

1. The appointing Board Member leaves office; or
2. The appointing Board Member's term of office expires.

Although citizens of these committees are appointed by the TPO Board and serve at the pleasure of the appointing Board member, a citizen committee member can be removed if:

1. in a given fiscal year: (i) he or she is absent from two (2) consecutive meetings without an acceptable excuse; or (ii) if he or she is absent from three (3) of the committee's meetings without an acceptable excuse.
2. A member of a TPO committee shall be deemed absent from a meeting when he or she is not present at the meeting at least seventy-five (75) percent of the time. An "acceptable excuse" is defined as an absence for medical reasons, business reasons, personal reasons, or any other reason which the TPO Board, by a two-thirds vote of the membership deems appropriate.

Additionally, a committee member shall be automatically removed if he or she is absent (excused and/or unexcused) for fifty percent of the total number of meetings held within a fiscal year.

3.6.1 Citizens Transportation Advisory Committee

CTAC 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. One of 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 TPO 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.

3.6.2 Bicycle Pedestrian Advisory Committee

BPAC members are sought from organizations and groups such as bike clubs, civic organizations, walking/running clubs, educators, engineers and the elderly. The responsibilities of the BPAC include assisting with the development of the non-motorized component of the Long Range Transportation Plan (LRTP), reviewing transportation plans and programs and providing an opportunity for the public to speak on issues that affect people who walk or ride a bicycle.

3.6.3 Transportation Aesthetics Review Committee

The Transportation Aesthetics Review Committee (TARC) was created by the TPO as a permanent part of the TPO review process for the architectural and aesthetic review of major bridges and transportation projects. Although, most appointees have a design background including architects, landscape architects, planners, and engineers, other interested persons are welcome. 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, and to advise the TPO Board on aesthetic aspects of transportation projects. The Aesthetic Guidance and Action Plan for Transportation Projects in Miami-Dade County can help designers incorporate aesthetics into such projects.

3.6.4 Freight Transportation Advisory Committee

The Freight Transportation Advisory Committee (FTAC) was created as a formal committee of the TPO planning process for advising the TPO Board on matters of multimodal freight transportation. The mission of FTAC is to address the multimodal transportation needs of freight movement throughout Miami-Dade County. Members of FTAC represent the stakeholders of the freight and goods movement industry in Miami-Dade County and are usually 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.

3.7 Review by Miami-Dade County Municipalities

The Miami Urbanized Area has thirty-five (35) 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.

3.8 Transportation Disadvantaged Local Coordinating Board

The Miami-Dade County Transportation Disadvantaged Local Coordinating Board (LCB) was established by the Florida Commission for the Transportation Disadvantaged (CTD). The LCB is required to identify local transportation service needs and provide information, advice and direction to the local Community Transportation Coordinator (CTC) on the coordination of services to be provided to the transportation disadvantaged through the Florida Coordinated Transportation System (FCTS), as required by Chapter 427, Florida Statutes.

The CTD establishes the membership of the LCB, but in accordance with Section 427.0157, Florida Statutes, members of the LCB, including the appointment of a local elected official to serve as the Chairperson, are appointed by the Miami-Dade TPO, the designated official planning agency. The membership shall be consistent with Rule 41-2.012, F.A.C. The TPO administers the LCB to ensure the following required tasks are approved and delivered to the CTD:

- ◆ Assist with and approve the local CTC's evaluation process
- ◆ Approve the local TD Grievance Procedures
- ◆ Appoint members to the local TD Grievance Committee to serve a two-year term
- ◆ Hold an annual Public Hearing
- ◆ Review and approve the Annual Operating Report (AOR)
- ◆ Review and approve Coordination and Fare Agreements (CFA)
- ◆ Review and approve the Trip & Equipment Grant Rate Model
- ◆ Review and approve Transportation Disadvantaged Service Plan (TDSP)

3.9 Southeast Florida Transportation Council (SEFTC)

The Southeast Florida Transportation Council (SEFTC) is a formal partnership between the Miami-Dade, Broward and Palm Beach Metropolitan Planning Organizations (MPOs) within the US Census designated Miami Urbanized Area (UZA). The Miami UZA, as first defined following the 2000 U.S. Census, encompasses parts of Miami-Dade, Broward, and Palm Beach counties. In 2005, the three MPOs created the SEFTC through an Interlocal Agreement, which is made up of representatives from each of the three TPO Boards. The SEFTC serves as a forum for policy coordination and communication, and undertakes regional planning efforts resulting in, but not limited to:

- ◆ Regional long range transportation plans covering the tri-county region
- ◆ Regional project prioritization and selection processes
- ◆ Regional public involvement process
- ◆ Performance measures to assess the effectiveness of regional coordination

SEFTC facilitates transportation planning by engaging the public and fostering strong partnerships between the three MPOs with other agencies, local governments and communities. One of SEFTCs most important responsibilities is developing and implementing its Regional Transportation Plan (RTP) in coordination with other regional and local plans, while moving toward an agreed-upon vision for transportation in Southeast Florida. This plan is updated every five years to adapt to population changes of the region. Steps involved in developing the 2040 RTP range from goal setting to selection and prioritization of projects for inclusion in a financially feasible plan.

CHAPTER 4: TPO MAJOR DOCUMENTS

4.1 Introduction

Pursuant to United States Code Title 23 of Federal Regulations Section 134, the Miami-Dade TPO has the authority and the responsibility by federal law to conduct the transportation planning process for the metropolitan area and to be the region's policymaking organization responsible for prioritizing transportation initiatives. To achieve this obligation, the TPO works in close coordination and cooperation with the Florida Department of Transportation, transit operators, and other transportation partners.

To ensure compliance with federal laws and regulations, the TPO is required to carry out three main documents: the Long Range Transportation Plan (LRTP), the Transportation Improvement Program (TIP) and the Unified Planning Work Program (UPWP).

4.2 The Long Range Transportation Plan (LRTP)

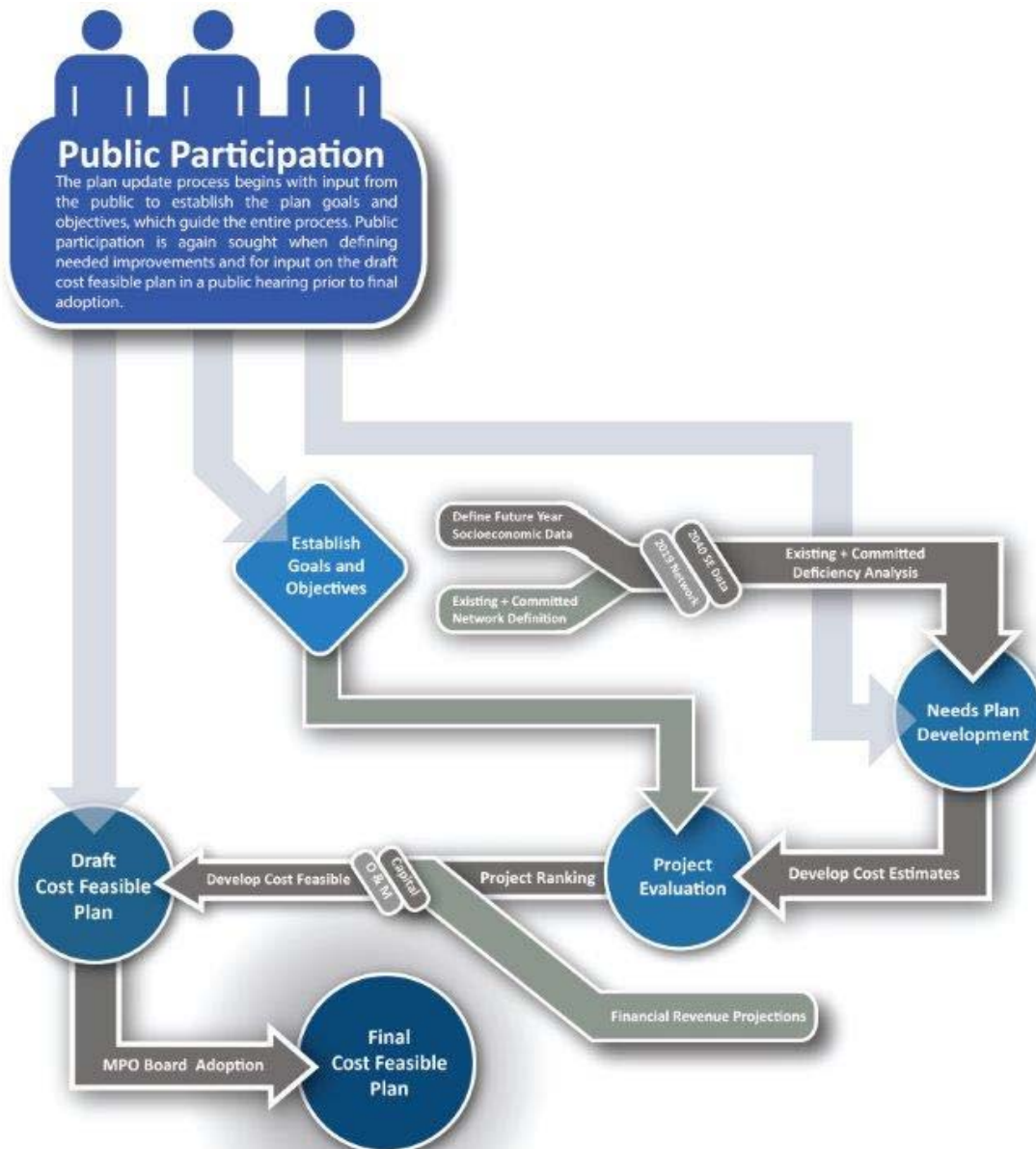
A central feature in the TPO's program efforts is the development and maintenance of an updated Long Range Transportation Plan (LRTP). The plan shall provide for the development and integrated management and operation of transportation systems and facilities (including accessible pedestrian walkways and bicycle transportation facilities) that will function as an intermodal transportation system for the metropolitan planning area and as an integral part of an intermodal transportation system for the State and the United States. In addition, the LRTP must include a financial feasibility assessment indicating the funding necessary to implement improvements for its duration must include both long-range and short-range strategies; and it must comply with all other state and federal requirements. Also, the LRTP is subject to air quality conformity requirements established by section 176 of the Clean Air Act Amendment (CAAA).

A Long Range Transportation Plan covering at least a twenty-year (20) horizon is required of all recipients of federal funds. In air quality conformity attainment areas, the TPO is required to review and update the plan at least every five years, to confirm the validity and consistency with current and forecasted transportation and land use conditions [23 C.F.R. 450.322(c)]. The LRTP 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. limits 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 TPO's LRTP, it may be necessary to amend the CDMP to implement projects contained in the LRTP. Prior to its adoption by the TPO Board, the Plan is endorsed by the Transportation Planning Council (TPC) and made available for review by civic and public organizations including municipalities, the four TPO citizens' committees (BPAC, CTAC, FTAC and TARC) and citizens in general.

Figure 2 Transportation Plan Development, Adoption and Organization Chart Implementation Process



4.3 The Transportation Improvement Plan (TIP)

As stated in the Code of Federal Regulations (CFR) Title 49 Part 1410.324, the designated Metropolitan Planning Organization (MPO) is responsible for advancing the Transportation Improvement Program (TIP) in a metropolitan planning area. The TIP is the short range element of the Long Range Transportation Plan (LRTP). This short range element consists of projects programmed in a five-year time span, 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 during the preparation of the LRTP. These analyses are also part of the work defined in the Unified Planning Work Program (UPWP).

The TIP must include transportation management system strategies proposed for implementation during the time frame of the document. Since the TIP is required to be prioritized and financially constrained, the document identifies all sources of funding that are known or anticipated to be available during the program period. The Transportation Plan is adopted by the Governing Board of the TPO, and accepted by the state and federal agencies involved in local transportation planning and implementation such as, the Florida Department of Transportation, the Federal Highway Administration, and the Federal Transit Administration. The TIP may be amended at any time during a program year by the same procedures required for developing and adopting the original document. Projects approved by the TPO Board in the TIP are subsequently implemented by the Miami-Dade County Board of County Commissioners and, when required, by federal and/or state agencies.

4.3.1 Funding Sources

The LRTP and the TIP both draw funds from the following 3 major funding sources:

1. Federal
2. State (under this category Florida Turnpike Enterprise is included)
3. Local Funding includes Secondary Gas Tax, Local Option Gas Tax, Road Impact Fees, and the People's Transportation Plan ½ penny sales Tax. Miami-Dade Expressway Authority funds are locally levied and fund the MDX program.

4.3.2 TPO Program Priorities

The TPO Program Priorities is an annual listing of major transportation projects prepared by the TPO and submitted to FDOT. The Program Priorities identify the high priority projects from Priority II of the approved Long Range Transportation Plan (LRTP), which FDOT should program with funding in the annual work program development cycle.

As set forth in this Prospectus, the process for developing the TPO program of priority projects has been incorporated into the overall TIP development process and utilize the same development schedule. The FDOT five-year work program feeds directly into the TPO's TIP development process. Therefore, consistent with the requirements of 23 USC and 49 USC Chapter 53 and FS 339.175(8), the TPO Program Priorities is an annual

coordination effort between the TPO, which is the agency responsible for the planning process, and the agency responsible for implementation of the identified high priority projects. The purpose of this effort is to communicate to the State the priority projects for inclusion in the “new 5th year” of the FDOT Work Program. The FDOT shall fund the priority projects with the Federal Transportation Management Area TMA funds which are allocated and prioritized by the TPO.

4.4 Amendment to TPO Major Documents

Three major steps are involved in amending the plan:

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

An amendment is a major revision to the Long Range Transportation Plan (LRTP) or the Transportation Improvement Program (TIP). It includes addition or deletion of projects, or major changes in the scope and/or cost of a project. Amendments must be submitted to the TPO staff in the prescribed format and are reviewed for sufficiency of information and supporting documentation. Citizen review procedures in the amendment process are accomplished through the regular citizen activities defined in the TPO process. Amendments to major TPO documents require a public hearing and TPO Board approval. LRTP and TIP amendments may be considered at any time throughout the year.

4.4.1 LRTP Administrative Modification

An administrative modification is a minor revision of the LRTP, usually necessitated by a minor change in the scope or cost of a project which does not require an amendment. The administrative modification does not require public review and comment, or the demonstration of fiscal constraint per 23 CFR 450.104.

4.4.2 TIP Administrative Amendment

FHWA and FTA allows administrative TIP amendments during the 3 month gap (between July 1 and September 30) for new projects that were added during the Tentative Work Program development cycle. During this time-frame the TPO Executive Director has the discretion to grant an administrative TIP amendment. An Administrative TIP amendment does not require TPO Board approval.

4.5 Unified Planning Work Program

Under 23 C.F.R. Part 450, an TPO is required to document planning activities in a Unified Planning Work Program (UPWP) to indicate who will perform the work, the schedule for completing it, and all products that will be produced. Additionally, the UPWP serves as the TPO Operating Budget.

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: Long Range Transportation Plan, Transportation Improvement Program, data surveillance, travel modeling and forecasting, regional support work, 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 is the transportation process. The UPWP is in support of goals and objectives established by the TPO, 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 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 TPO Board and the appropriate state and federal agencies.

4.5.1 UPWP Call for Ideas

The “Call for Ideas” (CFI) program is an outreach tool used to solicit ideas from the general public and local government agencies to improve Miami-Dade County’s transportation system. A flyer is developed, which requests submittal of creative ideas in the area of transportation planning that will provide effective solutions to alleviate traffic congestion in the areas of highways, transit, freight, air, sea, non-motorized and safety. The solicitation process begins in November of each year with a deadline of late January. Ideas submitted are reviewed and shortlisted by the TPO. Selected submissions are then considered for inclusion in the UPWP in the form of studies.

4.6 Annual Cycle of TPO Documents

The information presented in Figure 3 shows the annual review and approval cycle of major TPO 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 TPO 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 TPO’s TIP for the same period.

Figure 3 Annual Development & Activity Cycle of Formal Transportation Planning Documents

LONG RANGE TRANSPORTATION PLAN (LRTP) Updated every 5 years with plan amendments as needed												
Activity	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
Public Participation						O	O	O				
LRTP Steering Committee			O	O	O	O	O	O				
CTAC						P			E			
TPC							P			E		
TPO Governing Board										A		
Submission to FDOT, FHWA & FTA												S
TRANSPORTATION IMPROVEMENT PROGRAM (TIP) Updated annually with amendments as needed												
Activity	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
TIP Development Committee	O	O	O	O								O
CTAC			P	E								
TPC				P	E							
TPO Governing Board					A							
Submission to FDOT, FHWA & FTA					S							
TPO Program Priorities												
Activity	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
TPO Program Priorities Development	O	O	O	O								
TPC				P	E							
TPO Governing Board					A							
Submission to FDOT						S						
FDOT Work Program Development												
Activity	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
Work Program "Gaming"						O	O	O				
Public Hearings									P			
TPC									P	E		
TPO Governing Board										E		
UNIFIED PLANNING WORK PROGRAM (UPWP) Updated biennially with amendments as needed												
Activity	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
Document Development	O	O	O	O							O	O
CTAC				P	E							
TPC				P	E							
TPO Governing Board					A							
Submission to FDOT, FHWA & FTA					S							

Symbol Key:

O Ongoing
P Presentation/Preliminary Review
E Endorsement
A Adoption
S Submission

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

CHAPTER 5: PROGRAM MONITORING REVIEW AND REPORTING

5.1 Program Management

The Executive Director of the TPO 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.

5.2 Monitoring

A monitoring process is applied to the transportation planning and programming process by the TPC through the Executive Director of the TPO to ensure that:

- ◆ Programs and projects are consistent with adopted TPO 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.

5.3 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.

5.4 Reporting

A reporting system is used to review the status, progress, and achievements of the TPO at all levels. Quarterly reports on the status of the UPWP are prepared by the Executive Director of the TPO 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 Executive Director of the TPO prepares additional summary reports to the TPO Board, TPC, and others informing them of performance, progress and compliance with goals and objectives of the overall TPO program.

CHAPTER 6: PUBLIC PARTICIPATION PROCEDURES

6.1 Goal

Under the 23 Code of Federal Register (CFR) Subpart C, MPOs must develop a stand-alone Public Participation Plan (PPP). The main goal of the Miami-Dade TPO's PPP is to involve the general public in the transportation planning and decision making process by providing information regarding TPO transportation plans and programs, and to consider all comments and incorporate the agreed upon modifications prior to the adoption of the plans. This ensures a two-way exchange of information. The information within this Chapter summarizes what is included within the PPP.

6.2 Objectives

The following are the main objectives of the Miami-Dade TPO's public involvement process:

- ◆ To encourage effective participation by attracting a larger number of interested citizens and organizations that will provide decision-makers with reliable input.
- ◆ To achieve adequate support for transportation related plans by providing timely and reliable information to the general 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 general public input to effectively develop transportation plans and programs.

6.3 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 general 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.

6.4 Title VI of the Civil Rights Act of 1964

42 United States Code (U.S.C.) 2000d-2000d-7 Title VI of the Civil Rights Act of 1964 as amended provides that: "No person in the United States shall, on the grounds of race, color, or

national origin, be excluded from, participation in, or be denied the benefits of, or be subjected to discrimination under any program, or activity receiving Federal financial assistance”. To comply with Title VI the Miami-Dade TPO has established the following goals:

- ◆ To maintain membership composition in the Citizens Transportation Advisory Committee (CTAC) that represents the demographics of the citizenry of Miami-Dade County.
- ◆ To develop better documentation efforts related to Title VI activities.
- ◆ To provide information to FHWA that demonstrates the participation of minority and female consultants in the contracting process.
- ◆ To provide additional opportunities to the community to participate in the TPO programs and activities.
- ◆ To establish specific public involvement programs for the Long Range Transportation Plan (LRTP), the Transportation Improvement Program (TIP), and the Unified Planning Work Program (UPWP).
- ◆ To allow adequate review time for public comment in the TIP development process.
- ◆ To increase public participation at public hearings.
- ◆ To implement Sociocultural Effects strategies and techniques into the TPO planning process.
- ◆ To address the distribution of benefits and impacts of the transportation investment program.

6.5 Methodology

6.5.1 Early Involvement

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

- ◆ *Participating Agencies* shall work with the general public to: provide access to general information; provide adequate time for public response; prepare documentation for public distribution that is both concise and easy to understand; and keep the public informed about the transportation plans and programs.
- ◆ The *General Public* 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* shall assure that the public participation process is established according to: federal requirements and the needs of the community; assure that there are enough resources to implement the program; provide adequate time for public comments; consider the public responses and concerns to the plans and programs presented to the community; and 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); the Transportation Planning Technical Advisory Committee (TPTAC); and the Transportation Planning Council (TPC). Finally,

after these endorsements, the TPO Board may approve the plans.

- ◆ 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 the development of the LRTP, the TIP, and the UPWP, as well as any other study advisory committees, as appropriate.

6.5.2 Timely Public Notice

Revisions to the Miami-Dade TPO's Public Participation Plan (PPP) will be available forty-five (45) calendar days prior to its adoption by the TPO 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 TPO process will be available for comments at least fourteen (14) 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).

6.5.3 Coordination

Representatives of transportation related agencies, state and local officials and the general public are part of the existing policy, technical and citizen advisory committees. Also, representatives of local, state and federal environmental resource and permitting agencies shall be involved, as appropriate. Close coordination between the TPO and Florida Department of Transportation (FDOT) is a strong element of the process. Provisions, where deemed appropriate, are made for the involvement of the following organizations that are already active in the TPO's transportation planning process:

- ◆ Traffic, Ridesharing, Parking, Transportation Safety and Enforcement Agencies
- ◆ Commuter Railroad Operators
- ◆ Airport and Port Authorities
- ◆ Toll or Expressway Authorities
- ◆ Private Transportation Providers
- ◆ Elderly and Disabled
- ◆ Minorities
- ◆ Business Community
- ◆ Freight Movement Operators
- ◆ Municipal Elected Officials

Finally, the process shall provide for mutual collaboration with the various citizen grassroots organizations within Miami-Dade County.

6.5.4 Notification

As part of the public participation process, advertisements are published in a local newspaper to indicate the request for comments on applicable plans. For example, documents that are advertised are: adoption and/or amendments of the TIP, LRTP, and UPWP.

Copies of the documents are also 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 TPO plans.

6.5.5 Document Accessibility

Transportation plan documents may be requested by phone, fax, e-mail or in person from the Miami-Dade TPO. Major documents may also be downloaded from the TPO 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 to provide information regarding the transportation plans with organizations representing minorities, the elderly and persons with disabilities.

6.5.6 Physical Accessibility

It is the policy of the TPO 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. Provisions are made, upon request, for vision or hearing impaired persons. The availability of these services is included in advertising for TPO meetings and activities.

In order to accommodate elderly persons and persons with disabilities, the TPO also considers access to public transit services, physical facility access and parking availability when selecting locations for all TPO activities.

6.5.7 Openness

To provide open participation, a session is formally scheduled to receive comments from the general public at the beginning of each citizen advisory committee meeting agenda.

To encourage regional scale participation and awareness, transportation plans are submitted to the Broward and Palm Beach MPOs for information and comment.

6.5.8 Public Involvement Techniques

These are the mechanisms used to inform the general public and encourage their participation in the transportation planning process. Multiple outreach methods and strategies have been developed to involve larger numbers of groups in the process. Specific public involvement plans (PIP), to be established by the TPO, will combine different techniques according to the individual characteristics of each plan or project. The following are the proposed steps to be followed when developing a PIP:

1. Access the TPO's resource bank containing names, addresses and particular interests of organizations and individuals who are willing to participate in the process. 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 advertisement may be published asking for interested organizations and individuals to participate in this process.
 3. Letters shall be mailed to different groups to promote active involvement by the community and businesses.
 4. Using the TPO's Transportation Outreach Planner, utilize outreach strategies and techniques best suited for the specific plan or program (elements shall be implemented as personnel and monetary resources allow for the development of the project or plan).

6.5.9 *Monitoring Program*

Quantitative and qualitative analysis, as deemed 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.

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 TPO.

6.5.10 *Consideration Given to Received Comments*

A summary and analysis of written or oral comments received for the plans shall be included within the applicable 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 general public, a second opportunity for public comment on the revised document shall be provided.

6.5.11 *Process Review*

The public participation process shall be periodically reviewed by the TPO in terms of its effectiveness in assuring full and open access for the general public to the transportation planning process.

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

6.6 *Future Amendments to the Current Process*

This section can only be modified, altered, changed or improved by action of the TPO 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

Miami-Dade TPO Interlocal Agreement

MAR 4 3 59 PM 1977

AT THE TIME & DATE NOTED
PAUL F. HARTSFIELD
CLERK OF CIRCUIT COURT

INTERLOCAL AGREEMENT

March THIS AGREEMENT, made and entered into this 2nd day of , 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:

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 334.22(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

- .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.

- (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

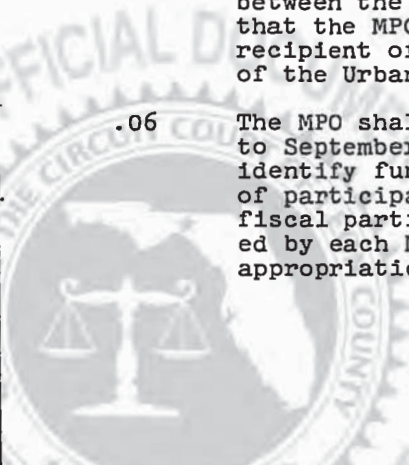
To effectuate the powers, duties, functions and authority conferred by this agreement, the MPO shall provide for an appropriate organization to administer the affairs and business of the MPO, including a Secretariat, a Public Involvement structure, a structure to evaluate the technical adequacy of the 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:

- .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 1954, 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.

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- .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 UMTA. Subletting of consultants contracts involving funds administered by FHWA shall be in accordance with the requirements of Paragraph 6B(5) of Volume 4, Chapter 1 Section 2, Subsection 2, of the Federal-Aid Highway Program Manual.

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

BOARD OF COUNTY COMMISSIONERS
DADE COUNTY, FLORIDA

By: [Signature]
Title: County Manager

Attest: _____

By: _____
Title: _____

Attest: _____

By: [Signature]
Title: DIRECTOR OF ADMINISTRATION

Attest: [Signature]

FWB
FISCAL APPROVED
FEB 24 1977

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APPENDIX B

First Amendment to the Interlocal Agreement

FIRST AMENDMENT TO INTERLOCAL AGREEMENT

This First Amendment to Interlocal Agreement is entered into this 25th day of April, 2005, by the State of Florida Department of Transportation, Miami-Dade County, Florida and the School Board of Miami-Dade County, Florida:

WITNESSETH:

WHEREAS, the above named entities are parties to an Interlocal Agreement dated March 2, 1977 in the form recorded in the Official Records of Miami-Dade County, Florida, in O.R.B. 9611 at Page 337; and

WHEREAS, the parties wish to amend their Interlocal Agreement to reflect statutory and other changes as provided below

NOW, THEREFORE, in consideration of the mutual covenants expressed herein and other good and valuable consideration, the sufficiency of which is hereby acknowledged, the parties amend their Interlocal Agreement as follows:

1. The second Whereas clause is deleted in its entirety and the following substituted therefor:

WHEREAS, the U.S. Department of Transportation, under authority of 23 U.S.C. 134 and Section 8 of the Federal Transit Act (49 U.S.C. 1607) and its implementing regulations contained in Chapter I, parts 420 and 450 of title 23 of the Code of Federal Regulations requires an urbanized area such as the Miami Urbanized Area have a Metropolitan Planning Organization (MPO) and requires the MPO perform a continuing, cooperative and comprehensive transportation planning process that results in plans and programs that consider all transportation modes and supports metropolitan community development and social goals leading to the development and operation of an integrated, intermodal transportation system that facilitates the efficient, economic movement of people and goods within such urbanized area; and

2. "Miami-" is added before the word Dade contained in Subsections .02 and .03 of Section 1.00. Subsection .06 of Section 1.00 is deleted. The words "MTA" and "Metropolitan Transit Agency" are deleted from Subsection .08 of Section 1.00 and "MDT" and "Miami-Dade Transit" are substituted therefor. The words "UMTA" and "Urban Mass Transportation Administration" are deleted from Subsection .011 of Section 1.00 and "FTA" and "Federal Transit Administration" are substituted therefor. The Interlocal Agreement is further amended to replace every reference therein to "UMTA" with "FTA."

3. The statutory reference contained in the first sentence of Section 4.00 is deleted and the following substituted therefor: "Sec. 339.175 Fla Stats. (2001), as same may be amended by the Florida Legislature." The second sentence of Section 4.00 through the end of Section 4 is deleted in its entirety and the following substituted therefor:

"The MPO shall be headed by a Governing Board designated and appointed as provided in Secs. 339.175(2) and 339.176 Fla. Stats. (2001), as same may be amended by the Florida Legislature."

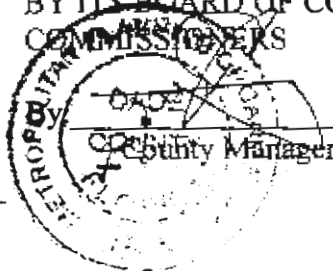
4. Subsection .03 of Section 7.00 is deleted in its entirety. The words "Section 9 of the Urban Mass Transportation Act of 1964" appearing in the last sentence of Subsection .05 of Section 7.00 are deleted and the following substituted therefor: "49 U.S.C. §5307." The last sentence of Subsection .06 of Section 7.00 is amended to read as follows: "The amount of fiscal participation shall be determined by the MPO Governing Board subject to approval and lawful appropriation of the respective member bodies."

IN WITNESS WHEREOF, the parties have caused this First Amendment to Interlocal Agreement to be executed on their behalf as of the date first noted above.

ATTEST:

By: _____
(Seal)

MIAMI-DADE COUNTY
BY ITS BOARD OF COUNTY
COMMISSIONERS



SCHOOL BOARD OF MIAMI-
DADE COUNTY, FLORIDA

By: _____
Superintendent

ATTEST:

By: _____
(Seal)

APPROVED AS TO FORM

STATE OF FLORIDA
DEPARTMENT OF
TRANSPORTATION

By: _____
District VI Secretary

ATTEST:

By: _____
(Seal)

APPENDIX C

Urban Transportation Planning Agreement

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(l) 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 mutual 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, evaluate 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 accommodate 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:

Ray S. Linscomb
Director of Planning and
Programming

STATE OF FLORIDA DEPARTMENT
OF TRANSPORTATION

BY: Billy S. Pellam
Director of Administration

ATTEST: Carolyn Scarabin (SEAL)
Executive Secretary

METROPOLITAN PLANNING ORGANIZATION

BY: Stephen P. Lee
TITLE: Chairman

APPROVED AS TO FORM
AND LEGALITY

ATTEST: John J. [Signature] (SEAL)
TITLE: Secretary

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

Stephen P. Lee
Attorney
My [Signature]
3-30-77

BY: George L. Vano
ATTORNEY

APPENDIX D

Management Services Agreement

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding hereafter to be called the **MPO Management Services Agreement** made and entered into this 1st day of July, 2013 by and between the **Metropolitan Planning Organization** hereinafter called the **MPO** and **Miami- Dade County, Florida** hereinafter called the **County**.

WITNESSETH:

WHEREAS, the MPO, pursuant to the power conferred upon it by Section 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 Section 339.175, Florida Statutes, the MPO may enter into an agreement with Miami-Dade County for the purpose of utilizing county personnel to 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 Miami-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 "Executive Director" shall mean the Executive Director of the Metropolitan Planning Organization.
- .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 Executive Director

An Executive Director of the MPO shall be selected by a majority vote of the whole number of voting members of the Governing Board. The Executive Director shall serve at the pleasure of the MPO Governing Board. The Executive Director shall report to the Governing Board of the MPO. The MPO Governing Board shall determine the compensation and benefits of the Executive Director, based upon recommendations from a committee selected by the MPO Governing Board. The Executive Director shall have the following duties and functions coordinating the activities of the various structures established by the Interlocal Agreement heretofore mentioned: conducting the transportation planning process as directed by the MPO Governing Board; preparing the agenda of the MPO Governing Board, which shall be approved by the Chairperson of the MPO; preparing the agenda for the Technical Advisors; preparing resolutions and other appropriate documents; scheduling meetings; giving notices; 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 Executive Director; directing the implementation of policies established by the MPO Governing Board; performing such other duties as may be assigned by the MPO Governing Board; and reporting directly to the MPO Chairperson regarding the day-to-day operations of the MPO. In the absence of the MPO Chairperson, the Executive Director shall report directly to the MPO Vice Chairperson. The Executive Director shall also be responsible for: the appointment, assignment, direction, and control (including promotions, demotions, discipline and salary adjustments) 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 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 Mayor shall assign.

.03 County Attorney

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.

.04 Annual Budget

The Executive Director shall have prepared an annual budget on October 1 to September 30 fiscal year basis which shall be approved by the MPO Governing Board. The budget shall identify funding sources, participating agencies and the level of participation by the various agencies.

.05 Financial Administration

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

.05.2 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 Executive Director shall appoint selection/evaluation/negotiation committees and make all contract award recommendations to the MPO Governing Board.

The MPO may authorize the issuance of requests for proposals and qualifications (RFP/RFQ), bids and any addenda. The County shall provide technical and logistical support in the procurement process to ensure compliance with Federal, State and County procurement requirements.

.05.3 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 Federal or State law.

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 Section 3.05 of this agreement.

5.00 Consultants

It is agreed by 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.

6.00 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.

7.00 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.

8.00 Amendment of Agreement

The County and the MPO may upon initiation of either party amend this agreement to cure any 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.

9.00 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.

10.00 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.

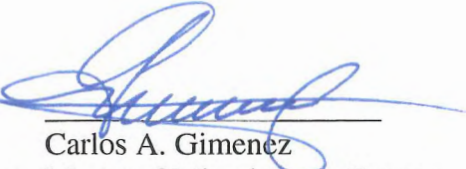
11.00 Severability

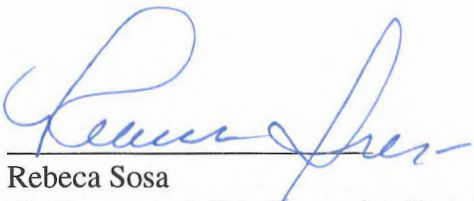
Should any section, sentence or clause of this Agreement be deemed unlawful by a Court of competent jurisdiction, no other provision hereof shall be affected and all other provisions of this Agreement shall continue in full force and effect.

12.00 Effective Date

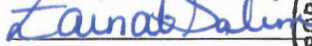
This Agreement shall be effective upon the filing of a fully executed copy of this Agreement with the Clerk of the Board of Miami-Dade County, Florida, pursuant to Section 163.01(11), Florida Statutes. This agreement, upon the effective date, shall supersede and replace the MPO Management Services Agreement between the MPO and the County entered into on November 30, 1995.

In Witness Whereof, the undersigned parties have caused this Memorandum of Understanding to be duly executed this 1st day of July, 2013.

By: 
Carlos A. Gimenez
Title: Mayor of Miami-Dade County


By: 
Rebeca Sosa
Title: Chairwoman, MPO Governing Board

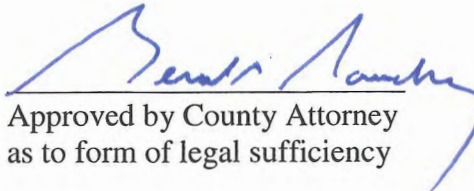
Attest: Harvey Rubin
Clerk of the Board of County Commissioners

Attest: 
Zainab Salim
Title: Clerk, MPO Governing Board

By: 
Title Deputy Clerk




Approved by County Attorney
as to form and legal sufficiency


Approved by County Attorney
as to form of legal sufficiency

APPENDIX E

ICAR Agreement

**INTERGOVERNMENTAL COORDINATION AND REVIEW
AND
PUBLIC TRANSPORTATION COORDINATION
JOINT PARTICIPATION AGREEMENT**

THIS JOINT PARTICIPATION AGREEMENT is made and entered into this 22nd day of Feb, 2012 by and between: the FLORIDA DEPARTMENT OF TRANSPORTATION; the MIAMI-DADE Metropolitan Planning Organization; the SOUTH FLORIDA REGIONAL PLANNING COUNCIL; MIAMI-DADE COUNTY, a political subdivision of the State of Florida and operator of publicly owned transportation systems in Miami-Dade County; the SOUTH FLORIDA REGIONAL TRANSPORTATION AUTHORITY; and the MIAMI-DADE EXPRESSWAY AUTHORITY.

RECITALS

WHEREAS, the Federal Government, under the authority of 23 United States Code (U.S.C.) and any subsequent applicable amendments requires each metropolitan area, as a condition to the receipt of federal capital or operating assistance, to have a continuing, cooperative, and comprehensive transportation planning process in designated metropolitan areas to develop and implement plans and programs consistent with the comprehensively planned development of the metropolitan area;

WHEREAS, 23 U.S.C. Section 134, and Section 339.175, Florida Statutes (FS), provide for the creation of metropolitan planning organizations to develop transportation plans and programs for metropolitan areas;

WHEREAS, 23 Code of Federal Regulations (CFR) Section 450.314 require that the State, the metropolitan planning organization, and the operators of publicly owned transportation systems shall enter into an agreement clearly identifying the responsibilities for cooperatively carrying out such transportation planning (including corridor and subarea studies pursuant to 23 CFR Sections 450.212 and 450.318) and programming;

WHEREAS, pursuant to Section 20.23, FS, the Department has been created by the State of Florida, and the Department has the powers and duties relating to transportation, all as outlined in Section 334.044, FS;

WHEREAS, pursuant to 23 U.S.C. Section 134, 49 U.S.C. Section 5303, 23 CFR Section 450.310, and Section 339.175(2), FS, the Miami-Dade Metropolitan Planning Organization (MPO) has been designated and its membership apportioned by the Governor of the State of Florida, with the agreement of the affected units of general purpose local government, to organize and establish the Metropolitan Planning Organization;

WHEREAS, pursuant to an interlocal agreement executed on March 2, 1977, and filed with the Clerk of the Circuit Court of Miami-Dade County, the Miami-Dade Metropolitan Planning Organization was established;

WHEREAS, pursuant to the Home Rule Amendment to the Florida Constitution (Article VIII, Section 11 Florida Constitution of 1885 and Article VIII, Section 6 Florida Constitution of 1968) the electors of Miami-Dade County have adopted a Home Rule Charter which grants the Miami-Dade County Board of County Commissioners the power, among other things, to provide and operate air, water, rail and bus terminals, port facilities and public transportation systems (Article 1, Sec. 1.01);

WHEREAS, pursuant to such Charter, Miami-Dade County ("County") operates the public mass transit system, the airport system of the county (comprised of Miami-International Airport and regional and general aviation airports), and the Port of Miami through its Transit, Aviation and Seaport Departments;

WHEREAS, pursuant to Chapter 2003-159, Laws of Florida (Sections 343.53 and 343.54 F.S.), the South Florida Regional Transportation Authority was created and established to own, operate, maintain, and manage a transit system in the tri-county area of Broward, Miami-Dade and Palm Beach counties;

WHEREAS, the Miami-Dade Expressway Authority is a state sanctioned, locally administered, public agency created in 1994 by the State of Florida and the Board of County Commissioners of Miami-Dade County, to oversee, operate and maintains local expressways;

WHEREAS, pursuant to Section 339.175(10)(a)2, FS, the Metropolitan Planning Organization shall execute and maintain an agreement with the metropolitan and regional intergovernmental coordination and review agencies serving the Metropolitan Area;

WHEREAS, the aforesaid agreement must describe the means by which activities will be coordinated and specify how transportation planning and programming will be part of the comprehensively planned development of the Metropolitan Area;

WHEREAS, the Miami-Dade MPO has executed and maintains a Memorandum of Understanding dated November 30, 1995 with Miami-Dade County for the staffing and provision of transportation planning and programming services including the participation of the Directors of the Miami-Dade County's Transit, Aviation and Seaport Departments on the Transportation Planning Council to assure the overall technical adequacy and intermodal coordination of the MPO's planning program;

WHEREAS, pursuant to Section 186.504, FS, and Chapter 29J-1.001, Florida Administrative Code (FAC), the South Florida Regional Planning Council was established and operates with a primary purpose of intergovernmental coordination and review;

WHEREAS, pursuant to Section 186.505(24), FS, the South Florida Regional Planning Council is to review plans of metropolitan planning organizations to identify inconsistencies between those agencies' plans and applicable local government comprehensive plans adopted pursuant to Chapter 163, FS;

WHEREAS, the South Florida Regional Planning Council, pursuant to Section 186.507, FS, is required to prepare a Strategic Regional Policy Plan, which will contain regional goals and policies that address regional transportation issues;

WHEREAS, based on the South Florida Regional Planning Council's statutory mandate to identify inconsistencies between plans of metropolitan planning organizations and applicable local government comprehensive plans, and to prepare and adopt a Strategic Regional Policy Plan, the South Florida Regional Planning Council is appropriately situated to assist in the intergovernmental coordination of the intermodal transportation planning process;

WHEREAS, pursuant to Section 186.509, FS, and Chapter 29 J-3, FAC, the South Florida Regional Planning Council has adopted a conflict and dispute resolution process;

WHEREAS, the purpose of the dispute resolution process is to reconcile differences in planning and growth management issues between local governments, regional agencies, and private interests;

WHEREAS, the parties hereto have determined that the voluntary dispute resolution process is useful in the process of resolving conflicts and disputes arising in the transportation planning process;

WHEREAS, pursuant to 23 CFR Section 450.314 and Section 339.175(10)(a)3, FS, the Miami-Dade Metropolitan Planning Organization must execute and maintain an agreement with the operators of public transportation systems, including transit systems, commuter rail systems, airports, and seaports, describing the means by which activities will be coordinated, and specifying how public transit, commuter rail, aviation, and seaport planning (including corridor and subarea studies pursuant to 23 CFR Sections 450.212 and 450.318) and programming will be part of the comprehensively planned development of the Metropolitan Area;

WHEREAS, it is in the public interest that the MPO, operators of public transportation systems, including transit systems, commuter rail systems, port and aviation authorities, jointly pledge their intention to cooperatively participate in the planning and programming of transportation improvements within this Metropolitan Area;

WHEREAS, the undersigned parties have determined that this Agreement satisfies the requirements of and is consistent with 23 CFR Section 450.314 and Section 339.175(10), FS; and

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

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

ARTICLE 1 RECITALS; DEFINITIONS

Section 1.01. Recitals. Each and all of the foregoing recitals be and the same are hereby incorporated herein and acknowledged to be true and correct. Failure of any of the foregoing recitals to be true and correct shall not operate to invalidate this Agreement.

Section 1.02. Definitions. The following words when used in this Agreement (unless the context shall clearly indicate the contrary) shall have the following meanings:

“Agreement” means and refers to this instrument, as amended from time to time.

“Corridor or Sub-area Study” shall mean and refer to studies involving major investment decisions or as otherwise identified in 23 CFR Section 450.318.

“Department” shall mean and refer to the Florida Department of Transportation, an agency of the State of Florida, created pursuant to Section 20.23, FS.

“FHWA” means and refers to the Federal Highway Administration.

“Long Range Transportation Plan” is at a minimum a 20-year plan which: identifies transportation facilities; includes a financial plan that demonstrates how the plan can be implemented and assesses capital improvements necessary to preserve the existing metropolitan transportation system and make efficient use of existing transportation facilities; indicates proposed transportation enhancement activities; and, in ozone/carbon monoxide nonattainment areas, is coordinated with the State Implementation Plan, all as required by 23 U.S.C. Section 134(i), 23 CFR Section 450.322, and Section 339.175(7), FS.

“Metropolitan Area” means and refers to the planning area as determined by agreement between the Miami-Dade Metropolitan Planning Organization and the Governor in the urbanized areas designated by the United States Bureau of the Census as described in 23 U.S.C. Section 134(b)(1) and Section 339.175, FS, which shall be subject to the Metropolitan Planning Organization’s planning authority.

“MDX” means and refers to the Miami Dade Expressway Authority, a state sanctioned, locally administered, public agency.

“MPO” means and refers to the metropolitan planning organization formed pursuant to Interlocal Agreement dated March 2, 1977 as amended or superseded from time to time.

“Regional Planning Council” means and refers to the South Florida Regional Planning Council created pursuant to Section 186.504, FS, and identified in Chapter 27E-1 FAC.

“SFRTA” means and refers to the South Florida Regional Transportation Authority, a body politic and corporate, an agency of the state, created by Chapter 2003-159, Laws of Florida (Section 343.53, F.S.) ;

“Transportation Improvement Program (TIP)” is the staged multi-year program of transportation improvement projects developed by a metropolitan planning organization consistent with the Long-Range Transportation Plan and developed pursuant to title 23 U.S.C. Section 134(j), 49 U.S.C. Section 5304, 23 CFR Section 450.324 and Section 339.175(8), FS.

“Unified Planning Work Program” is a biennial program developed in cooperation with the Department and public transportation providers, that lists all planning tasks to be undertaken during a two-year time frame, with a complete description thereof and an estimated budget, all as required by 23 CFR Section 450.308, and Section 339.175(9), FS.

ARTICLE 2

PURPOSE

Section 2.01. Coordination with public transportation operators. As set forth in Article 3 of this Agreement, the purpose of this Agreement is to provide for coordination and cooperation with the Department, MPO, the South Florida Regional Transportation Authority, and the County (as operator of the County’s public transit system, seaport and airports) in the development and preparation of the Unified Planning Work Program, the Transportation Improvement Program, the Long-Range Transportation Plan, and any applicable Corridor or Subarea Studies.

Section 2.02. Intergovernmental coordination; Regional Planning Council. As set forth in Article 4 of this Agreement, the purpose of this Agreement is to provide a process through the Regional Planning Council for intergovernmental coordination and review and identification of inconsistencies between proposed Metropolitan Planning Organization transportation plans and local government comprehensive plans adopted pursuant to Chapter 163, FS, and approved by the Florida Department of Community Affairs.

Section 2.03. Dispute resolution. As set forth in Article 5 of this Agreement, a purpose of this Agreement is to provide a process for conflict and dispute resolution.

ARTICLE 3

COOPERATIVE PROCEDURES FOR PLANNING AND PROGRAMMING WITH OPERATORS OF PUBLIC TRANSPORTATION SYSTEMS

Section 3.01. Cooperation with operators of public transportation systems; coordination with local government approved comprehensive plans.

(a) The Metropolitan Planning Organization shall coordinate and cooperate with the South Florida Regional Transportation Authority, and the County (as operator of the county’s public transit system, seaport and airports) to optimize the planning and programming of an integrated and balanced intermodal transportation system for the Metropolitan Area.

(b) The Metropolitan Planning Organization shall implement a continuing, cooperative, and comprehensive transportation planning process that is consistent, to the maximum extent feasible, with port and aviation master plans, rail master plans (to include SFRTA) and public transit development plans of the units of local governments whose boundaries are within the Metropolitan Area.

(c) The Metropolitan Planning Organization shall ensure that representatives of the county’s seaport, transit and aviation departments are provided membership on the Metropolitan Planning Organization’s Transportation Planning Council. Membership of the Metropolitan Planning Organization shall comply with the requirements of Chapter 339, Florida Statutes.

(d) The Metropolitan Planning Organization shall ensure that representatives of ports, transit authorities, and airports within the Metropolitan Area are provided membership on the Metropolitan Planning Organization’s Technical Advisory Committee.

Section 3.02. Preparation of transportation related plans.

(a) Although the adoption or approval of the Unified Planning Work Program, the Transportation Improvement Program, and the Long-Range Transportation Plan is the responsibility of the Miami-Dade Metropolitan Planning Organization, development of such plans or programs shall be viewed as a cooperative

effort involving the Department, the South Florida Regional Transportation Authority, and the County (as operator of the County's public transit system, seaport and airports). In developing its plans and programs, the Miami-Dade Metropolitan Planning Organization shall solicit the comments and recommendations of the parties to this Agreement in the preparation of such plans and programs.

(b) At the commencement of the process of preparing the Unified Planning Work Program, the Transportation Improvement Program, or the Long-Range Transportation Plan, or preparing other than a minor amendment thereto (as determined by the Metropolitan Planning Organization), the Metropolitan Planning Organization shall extend notice to the Department, the South Florida Regional Transportation Authority, the Miami Dade Expressway Authority and the County advising each as to the scope of the work to be undertaken and inviting comment and participation in the development process. The MPO shall ensure that the chief operating officials of the Department, the South Florida Regional Transportation Authority, the Miami Dade Expressway Authority and the County (as operator of the County's public transit system, seaport and airports) shall receive approximately 15 days written formal notice of all public workshops and hearings relating to the development of such plans and programs. It is stipulated by the parties to this Agreement that the inadvertent failure by the Miami-Dade Metropolitan Planning Organization to properly extend written or other notice shall not invalidate, or be the basis for lodging a claim to invalidate, the adoption of the aforementioned plans and programs.

(c) Local government comprehensive plans.

(1) In developing the TIP, Long-Range Transportation Plan, or Corridor or Subarea Studies, or preparing other than a minor amendment thereto (as determined by the MPO), the Miami-Dade Metropolitan Planning Organization, the County (as operator of the County's public transit system, seaport and airports), and South Florida Regional Transportation Authority shall analyze for each local government in the Metro Area: (i) the comprehensive plan future land use elements; (ii) the goals, objectives, and policies of the comprehensive plans; and (iii) the zoning, of each local government in the Metropolitan Area. Based upon the foregoing review and a consideration of other growth management factors, the MPO, the South Florida Regional Transportation Authority, and the County (as operator of the County's public transit system, seaport and airports), and the Miami-Dade Expressway Authority, shall provide written recommendations to local governments in the Metropolitan Area in the development, amendment, and implementation of their comprehensive plans, only when significant or necessary. A copy of the recommendations shall be sent to the Regional Planning Council.

(2) The Miami-Dade Metropolitan Planning Organization agrees that, to the maximum extent feasible, the Long-Range Transportation Plan and the project and project phases within the Transportation Improvement Program shall be consistent with the future land use element and goals, objectives, and policies of the comprehensive plans of local governments in the Metropolitan Area. If the MPO's Transportation Improvement Program is inconsistent with a local government comprehensive plan, the MPO shall so indicate, and the MPO shall present, as part of the Transportation Improvement Program, justification for including the project in the program.

(d) Multi-modal transportation agency plans.

(1) In developing the Transportation Improvement Program, Long-Range Transportation Plan, or a Corridor or Subarea Studies, or preparing other than a minor amendment thereto (as determined by the Metropolitan Planning Organization), the Miami-Dade Metropolitan Planning Organization shall analyze the affected master plans of the Port of Miami, the Miami-Dade County Aviation Department, the South Florida Regional Transportation Authority, and the Miami Dade County Expressway Authority. Based upon the foregoing review and a consideration of other transportation-related factors, the Miami-Dade Metropolitan Planning Organization, shall from time to time and as appropriate, provide recommendations to the parties to

this Agreement as well as local governments within the Metropolitan Area, for the development, amendment, and implementation of their master, development, or comprehensive plans.

(2) In developing or revising their respective master or development or comprehensive plans, the parties to this Agreement shall analyze the draft or approved Unified Planning Work Program, Transportation Improvement Program, Long-Range Transportation Plan, or Corridor and Subarea Studies, or amendments thereto. Based upon the foregoing review and a consideration of other transportation-related factors, the parties to this Agreement shall from time to time and as appropriate, provide written recommendations to the Metropolitan Planning Organization MPO with regard to development, amendment, and implementation of the plans, programs, and studies.

(3) The Miami Dade Metropolitan Planning Organization agrees that, to the maximum extent feasible, the Transportation Improvement Program shall be consistent with the affected master plans and development plans of the parties to this Agreement.

(e) By letter agreement, or other procedure to that effect, to be executed by the Miami-Dade Metropolitan Planning Organization and the affected Port of Miami, Miami Dade County Aviation Department, South Florida Regional Transportation Authority, Miami Dade County Expressway Authority and public transit providers represented by Metropolitan Planning Organization members, the Miami-Dade Metropolitan Planning Organization and the affected agency or authority shall mutually develop a process for planning coordination, forwarding recommendations, and project programming consistency to be referred to as the "letter agreement". The parties to this Agreement agree that the Miami Dade Metropolitan Planning Organization shall include in the Transportation Improvement Program those state-funded airport and seaport projects that directly relate to surface transportation activities when considering airport and seaport projects. The process agreed to in the letter agreement shall provide flexible deadlines for inter-agency comment on affected plans referenced in this section. Upon approval, the letter agreement shall be appended to this Agreement and shall be an exhibit hereto. The signatories to the letter agreement may revise or terminate the Agreement upon 30 days written notice to all other parties to this Agreement without approval of other parties hereto.

ARTICLE 4 INTERGOVERNMENTAL COORDINATION AND REVIEW

Section 4.01. Coordination with Regional Planning Council. The Regional Planning Council shall perform the following tasks:

(a) Within 30 days of receipt, review the draft of the proposed Transportation Improvement Program, Long-Range Transportation Plan, Corridor and Subarea Studies, or amendments thereto, as requested by the Metropolitan Planning Organization, to identify inconsistencies between the foregoing plans and programs and applicable local government comprehensive plans adopted pursuant to Chapter 163 *et seq.*, FS, for counties and cities within the Metropolitan Area and the adopted Strategic Regional Policy Plan.

(1) The parties hereto recognize that, pursuant to Florida law, the Long-Range Transportation Plan and the Transportation Improvement Program of the Miami-Dade Metropolitan Planning Organization must be considered by cities and counties within the Metropolitan Area in the preparation, amendment, and update/revision of their comprehensive plans. Further, the Long-Range Transportation Plan and the projects and project phases within the Transportation Improvement Program are to be consistent with the future land use element and goals, objectives, and policies of the comprehensive plans of local governments in the Metropolitan Area to the maximum extent feasible. Therefore, promptly upon completion of its review of the draft proposal, the Regional Planning Council shall advise the Metropolitan Planning Organization and each affected county or city of its findings;

(2) If, after completing its review of the draft proposal, the South Florida Regional Planning Council deems that the plans and programs submitted are not acceptable, the Regional Planning Council shall

promptly advise the Miami-Dade Metropolitan Planning Organization in writing of its concerns and identify those portions of the submittals which need to be reevaluated and potentially modified; and

(3) Upon final adoption of the proposed Transportation Improvement Program, Long-Range Transportation Plan, Corridor and Subarea Studies, or amendments thereto, the Miami-Dade Metropolitan Planning Organization may request that the South Florida Regional Planning Council consider adoption of regional transportation goals, objectives, and policies in the Strategic Regional Policy Plan implementing the adopted Transportation Improvement Program, Long-Range Transportation Plan, Corridor and Subarea Studies, or amendments thereto. If the proposed plan, program, or study, or amendments thereto, was the subject of previous adverse comment by the South Florida Regional Planning Council, the Metropolitan Planning Organization will identify the change in the final adopted plan intended to resolve the adverse comment, or alternatively, the Metropolitan Planning Organization shall identify the reason for not amending the plan as suggested by the South Florida Regional Planning Council.

(b) Provide the availability of the conflict and dispute resolution process as set forth in Article 5 below.

ARTICLE 5 CONFLICT AND DISPUTE RESOLUTION PROCESS

Section 5.01. Disputes and conflicts under this Agreement. This process shall apply to conflicts and disputes relating to matters subject to this Agreement, or conflicts arising from the performance of this Agreement. Except as otherwise provided in this Article 5, only representatives of the agencies with conflicts or disputes shall engage in conflict resolution.

Section 5.02. Initial resolution. The affected parties to this Agreement shall, at a minimum, ensure the attempted early resolution of conflicts relating to such matters. Early resolution shall be handled by direct discussion between the officials of the following organizations formally appointed by each organization for this purpose:

for the Florida Department of Transportation: Director of Transportation Development

for the Miami-Dade Metropolitan Planning Organization: Director

for the South Florida Regional Planning Council: Executive Director

for the Miami Dade County Expressway Authority: Director

for the Port of Miami: Seaport Director

for the Miami Dade County Aviation Department: Director

for the Miami Dade Transit: Director

for the South Florida Regional Transportation Authority: Executive Director

Section 5.03. Resolution by senior agency official. If the conflict remains unresolved, the conflict shall be resolved by the highest-ranking appointed or elected official of the following organizations:

for the Florida Department of Transportation: District Secretary

for the Miami-Dade Metropolitan Planning Organization: Chair, Governing Board

for the South Florida Regional Planning Council: Chair

for the Miami Dade County: Chair, Board of County Commissioners

for the Miami Dade County Expressway Authority: Chair

for the South Florida Regional Transportation Authority: Chair, Governing Board

Section 5.04. Alternative Regional Planning Council dispute resolution. If a resolution is not possible, the parties may undertake dispute resolution pursuant to the Regional Planning Council procedure set forth in Chapter 29, FAC. All parties to the dispute must agree to undertake this procedure before it may be invoked.

Section 5.05. Resolution under Chapter 164, Florida Statutes. If the parties cannot reach a resolution through Sections 5.02, 5.03, or 5.04, any party may, to the extent permitted by Chapter 164, Florida Statutes, endeavor to initiate a resolution of the conflict under the Governmental Disputes resolution provisions provided in Chapter 164, Florida Statutes.

ARTICLE 6 MISCELLANEOUS PROVISION

Section 6.01. Constitutional or statutory duties and responsibilities of parties. 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 this performance may be offered in satisfaction of the obligation or responsibility.

Section 6.02. Amendment of Agreement. Amendments or modifications of this Agreement may only be made by written agreement signed by all parties hereto with the same formalities as the original Agreement.

Section 6.03. Duration; withdrawal procedure.

(a) Duration. This Agreement shall have a term of five (5) years and shall automatically renew at the end of said five (5) years for another five (5) year term and every five (5) years thereafter. At the end of the five (5) year term and at least every five (5) years thereafter, the parties hereto shall examine the terms hereof and agree to amend the provisions or reaffirm the same. However, the failure to amend or to reaffirm the terms of this Agreement shall not invalidate or otherwise terminate this Agreement.

(b) Withdrawal procedure. Any party may withdrawal from this Agreement after presenting in written form a notice of intent to withdrawal to the other parties to this Agreement and the MPO, at least ninety (90) days prior to the intended date of withdrawal; provided, that financial commitments made prior to withdrawal are effective and binding for their full term and amount regardless of withdrawal.

Section 6.04. Notices. All notices, demands and correspondence required or provided for under this Agreement shall be in writing and delivered in person or dispatched by certified mail, postage prepaid, return receipt requested. Notice is required to be given and shall be addressed as follows:

FLORIDA DEPARTMENT OF TRANSPORTATION
Attention: Director of Transportation Development
1000 NW 111th Avenue
Miami, Florida 33172

MIAMI-DADE METROPOLITAN PLANNING ORGANIZATION

Attention: MPO Director
111NW 1st Street, Suite 920
Miami, Florida 33128

SOUTH FLORIDA REGIONAL PLANNING COUNCIL

Attention: Executive Director
3440 Hollywood Boulevard, Suite 140
Hollywood, Florida 33021

MIAMI-DADE COUNTY

Attention: Office of the Chair, Board of County Commissioners
111 NW 1st Street, Suite 220
Miami, Florida 33128

MIAMI DADE EXPRESSWAY AUTHORITY

Attention: Executive Director
3790 NW 21st Street
Miami, Florida 33142

SOUTH FLORIDA REGIONAL TRANSPORTATION AUTHORITY

Attention: Executive Director
800 N.W. 33rd Street
Pompano Beach, Florida 33064

A party may unilaterally change its address or addressee by giving notice in writing to the other parties as provided in this section. Thereafter, notices, demands and other pertinent correspondence shall be addressed and transmitted to the new address.

Section 6.05. Interpretation.

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

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

(c) Rules of construction. In interpreting this Agreement, the following rules of construction shall apply unless the context indicates otherwise:

- (1) The singular of any word or term includes the plural;
- (2) The masculine gender includes the feminine gender; and
- (3) The word "shall" is mandatory, and "may" is permissive.

Section 6.06. Attorney's Fees. In the event of any judicial or administrative action to enforce or interpret this Agreement by any party hereto, each party shall bear its own attorney's fees in connection with such proceeding.

Section 6.07. Agreement execution; use of counterpart signature pages. This Agreement, and any amendments hereto, 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.

Section 6.08. Effective date. This Agreement shall become effective upon its execution by all parties hereto.

Section 6.09. Other authority. In the event that any election, referendum, approval, permit, notice, or other proceeding or authorization is required under applicable law to enable the parties to enter into this Agreement or to undertake the provisions set forth hereunder, or to observe, assume or carry out any of the provisions of the Agreement, said parties will initiate and consummate, as provided by law, all actions necessary with respect to any such matters for required.

Section 6.10. Parties not obligated to third parties. No party hereto shall be obligated or liable hereunder to any party not a signatory to this Agreement. There are no express or intended third party beneficiaries to this Agreement.

Section 6.11. Rights and remedies not waived. In no event shall the making by the Department of any payment to the Metropolitan Planning Organization constitute or be construed as a waiver by the Department of any breach of covenant or any default which may then exist on the part of the Metropolitan Planning Organization, and the making of any such payment by the Department while any such breach or default exists shall in no way impair or prejudice any right or remedy available to the Department in respect of such breach or default.

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

(Signatures on following pages)

Signed, Sealed, and Delivered in the presence of:

[Every participant identified in this Agreement shall sign and date this Agreement with the appropriate witnesses]

FLORIDA DEPARTMENT OF
TRANSPORTATION

By: [Signature]
Name: Gu's PEGO
Title: DISTRICT SECRETARY

Attest:

[Signature]
Name: Margaret Higgins
Title: Executive Secretary

Witnesses:

[Signature]
Name: Aileen Bouele

Name: _____

Legal Review - FDOT

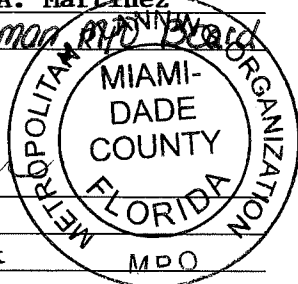
By: [Signature] Carolyn C. Ferreira, Esq.

MIAMI-DADE METROPOLITAN PLANNING
ORGANIZATION

By: [Signature]
Name: Joe A. Martinez
Title: Chairman, MPO Board

Attest:

[Signature]
Name: Zainab Salim
Title: MPO Board Clerk



Witnesses:

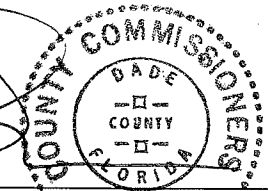
Approved as to form
and Legal Sufficiency
Name: [Signature]
Assistant County Attorney
Name: 2/10/12
Date

MIAMI-DADE COUNTY

By: [Signature]
Name: Joe A. Martinez
Title: Chairman, Board of County Commissioners

Attest:

Harvey Ruvin
Clerk of the Board
By: [Signature]
Deputy Clerk Gene Spender
2/22/12



Witnesses:

Approved as to form
and Legal Sufficiency
Name: [Signature]
Assistant County Attorney
1/19/12
Name: Date

SOUTH FLORIDA REGIONAL PLANNING
COUNCIL

By: _____
Name: _____
Title: _____

Attest:

Name: _____
Title: _____

Witnesses:

Name: _____
Name: _____

Signed, Sealed, and Delivered in the presence of:

[Every participant identified in this Agreement shall sign and date this Agreement with the appropriate witnesses]

FLORIDA DEPARTMENT OF
TRANSPORTATION

By: _____

Name: _____

Title: _____

Attest:

Name: _____

Title: _____

Witnesses:

Name: _____

Name: _____

MIAMI-DADE METROPOLITAN PLANNING
ORGANIZATION

By: _____

Name: Joe A. Martinez

Title: Chairman, MPO Board

Attest: _____

Name: Zainab Salim

Title: MPO Board Clerk

Witnesses:

Approved as to form
and Legal Sufficiency

Name: _____

Assistant County Attorney

Name: _____

Date

MIAMI-DADE COUNTY

By: _____

Name: Joe A. Martinez

Title: Chairman, Board of County Commissioners

Attest:

Harvey Ruvin
Clerk of the Board

By: _____

Deputy Clerk Gen. Spencer
2/22/12

Witnesses:

Approved as to form
and Legal Sufficiency

Name: _____

Assistant County Attorney

Name: _____

Date

SOUTH FLORIDA REGIONAL PLANNING
COUNCIL

By: _____

Name: James F. Murley

Title: Interim Executive Director

Attest:

Name: _____

Title: _____

Witnesses:

Name: _____

Name: _____

Signed, Sealed, and Delivered in the presence of:

[Every participant identified in this Agreement shall sign and date this Agreement with the appropriate witnesses]

FLORIDA DEPARTMENT OF
TRANSPORTATION

By: _____
Name: _____
Title: _____

Attest:

Name: _____
Title: _____

Witnesses:

Name: _____

Name: _____

MIAMI-DADE METROPOLITAN PLANNING
ORGANIZATION

By: _____
Name: _____
Title: _____

Attest:

Name: _____
Title: _____

Witnesses:

Name: _____

Name: _____

MIAMI-DADE COUNTY

By: _____
Name: _____
Title: _____

Attest:

Harvey Ruvin
Clerk of the Board

By: _____
Deputy Clerk

Witnesses:

Name: _____

Name: _____

SOUTH FLORIDA REGIONAL PLANNING
COUNCIL

By: _____ 9-29-11
Name: James E. Murley
Title: Interim Executive Director

Attest:


Name: RONDA H. NOAH
Title: DIRECTOR OF OPERATIONS

Witnesses:


Name: KATHY LERCH

Name: ISABEL MORENO


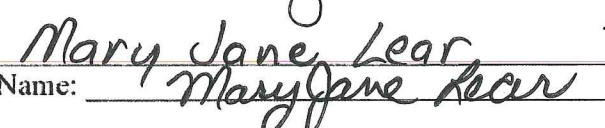
**SOUTH FLORIDA REGIONAL
TRANSPORTATION AUTHORITY**

By: 
Name: JOSEPH GIULIETTI
Title: EXECUTIVE DIRECTOR

Attest:


Name: SANDRA K. THOMPSON
Title: EXECUTIVE Administrative Coord.

Witnesses:


Name: Dianelys Hdz. Del Calvo

Name: Mary Jane Lear

**MIAMI-DADE COUNTY EXPRESSWAY
AUTHORITY**

By: _____
Name: _____
Title: _____

Attest:

Name: _____
Title: _____

Witnesses:

Name: _____

Name: _____

SOUTH FLORIDA REGIONAL
TRANSPORTATION AUTHORITY

By: _____
Name: _____
Title: _____

Attest:

Name: _____
Title: _____

Witnesses:

Name: _____

Name: _____

MIAMI-DADE COUNTY EXPRESSWAY
AUTHORITY

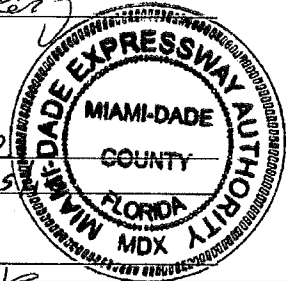
By: *Javier Rodriguez*
Name: JAVIER RODRIGUEZ
Title: EXECUTIVE DIRECTOR

Attest:

M. L. Navia Lopez
Name: M. L. NAVIA LOPEZ
Title: Board Secretary

Witnesses:

Pamela S. Leshe
Name: Pamela S. Leshe
Theresa Carille
Name: Theresa Carille



APPENDIX F

By-Laws of the Miami-Dade TPO

TPO RESOLUTION #10-18

RESOLUTION ACCEPTING THE REFORMATTED AND UPDATED BY-LAWS OF THE TRANSPORTATION PLANNING ORGANIZATION IN ITS ROLE AS THE METROPOLITAN PLANNING ORGANIZATION FOR THE MIAMI URBANIZED AREA

WHEREAS, the Interlocal Agreement creating and establishing the Miami-Dade Metropolitan Planning Organization (MPO), for the Miami Urbanized Area, now known as the Transportation Planning Organization (TPO), requires that the TPO provide a structure to evaluate the adequacy of the transportation planning and programming process; and

WHEREAS, the Executive Policy Committee was established to provide policy direction in the development of transportation plans and work programs including the TPO Prospectus for Transportation Improvements; and

WHEREAS, the Rules Governing the Internal Organization Chapter of the TPO Prospectus is currently being updated to include Board action since the last major revision in 2015; and

WHEREAS, the updating process presents a beneficial opportunity to reformat the Internal Governing Rules structure in a more simplified manner, which includes renaming the section as By-Laws, based on the Best Practices model of large and successful MPOs in the nation,

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BOARD OF THE TRANSPORTATION PLANNING ORGANIZATION (TPO) IN ITS ROLE AS THE MPO FOR THE MIAMI URBANIZED AREA, that the attached reformatted and updated By-Laws of the Transportation Planning Organization in its Role as the Metropolitan Planning Organization for the Miami Urbanized Area, is hereby accepted.

The adoption of the foregoing resolution was sponsored by Executive Policy Committee and moved by Board Member Roberto Martell. The motion was seconded by Board Member Oliver G. Gilbert, III, and upon being put to a vote, the vote was as follows:

Chairman Esteban L. Bovo, Jr.-Absent
Vice Chairman Francis Suarez-Aye

Board Member Bruno A. Barreiro	-Absent	Board Member Vince Lago	-Aye
Board Member Juan Carlos Bermudez	-Aye	Board Member Daniella Levine Cava	-Aye
Board Member Jose "Pepe" Diaz	-Absent	Board Member Roberto Martell	-Aye
Board Member Audrey M. Edmonson	-Aye	Board Member Joe A. Martinez	-Nay
Board Member Dan Gelber	-Absent	Board Member Jean Monestime	-Aye
Board Member Oliver G. Gilbert, III	-Aye	Board Member Dennis C. Moss	-Aye
Board Member Perla Tabares Hantman	-Nay	Board Member Jeff Porter	-Absent
Board Member Carlos Hernandez	-Absent	Board Member Rebeca Sosa	-Nay
Board Member Sally A. Heyman	-Aye	Board Member Javier D. Souto	-Nay
Board Member Barbara J. Jordan	-Aye	Board Member Xavier L. Suarez	-Absent
Board Member Smith Joseph	-Absent		

The Chairperson thereupon declared the resolution duly passed and approved this 22nd day of February, 2018.

TRANSPORTATION PLANNING ORGANIZATION

By Zainab Salim
Zainab Salim, Clerk
Miami-Dade TPO



**BY-LAWS OF THE
TRANSPORTATION PLANNING ORGANIZATION
IN ITS ROLE AS THE METROPOLITAN PLANNING ORGANIZATION
FOR THE
MIAMI URBANIZED AREA**

**PART I
GOVERNING BOARD**

Article I	Description of Organization
Article II	Governing Board Composition
Article III	Governing Board – Appointment
Article VI	Governing Board – Chairperson and Vice Chairperson
Article V	Quorum
Article VI	Minutes of Governing Board Meetings
Article VII	Resolutions and Motions
Article VIII	Meetings: Special Meetings, Emergency Meetings, Hearings & Workshops
Article IX	Agenda
Article X	Conduct of Meetings
Article XI	Rules of Debate
Article XII	Adjournment
Article XIII	Files of the TPO

**PART II
GOVERNING BOARD COMMITTEES**

Article I	Standing Committees: Executive Policy Committee, Fiscal Priorities Committee and Transportation and Mobility Committee
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PART I

GOVERNING BOARD

ARTICLE I

DESCRIPTION OF ORGANIZATION

The Transportation Planning Organization (TPO) in its role as 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.

ARTICLE II

COMPOSITION

The Transportation Planning Organization is headed by a Governing Board consisting of voting members and may also include non-voting members. If established by the TPO Governing Board, 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 TPO. At the beginning of each TPO Board Member's term, an Oath of Office form shall be signed by the respective Board Member and returned to the TPO Clerk of the Board. A Board Member's term is defined as the election/re-election to office or appointment/reappointment by the Governor or respective governing body to the TPO Governing Board.

The composition of the Governing Board of the TPO shall be in accordance with Florida Statutes Section 339.175 and 339.176, which may be amended. Each municipality with a population at or above the 50,000 resident threshold, as determined by the decennial census performed by the United States Bureau of the Census or as determined by United States Bureau of Census annual Population Estimates Census, shall have a voting member of the TPO Governing Board. The voting member shall be appointed by the applicable municipality's governing body. Alternatively, any municipality which believes it has reached the 50,000 resident threshold for representation on the TPO Governing Board may, at its own expense, sponsor an interdecennial census to be performed by the United States Bureau of the Census. If said interdecennial census confirms that a municipality has a population of 50,000 or more residents, an additional voting member appointed by that municipality's governing body shall be added to the TPO Governing Board.

ARTICLE III

APPOINTMENT

The Governing Board of the TPO shall be appointed by the Governor of Florida and shall serve at the Governor's pleasure provided:

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

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

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

ARTICLE IV CHAIRPERSON AND VICE CHAIRPERSON

The Chairperson and Vice Chairperson of the TPO Governing Board shall be, elected for a term of two (2) years by a majority vote of the voting members of the Governing Board present at the first meeting of each off-numbered year. Notwithstanding any provision to the contrary, the Chairperson for the term commencing in 2019 must be a member of the Governing Board who is not a Miami-Dade County Commissioner. For every term thereafter, eligibility for the position of Chairperson shall alternate between County Commissioners and non-County Commissioners. Notwithstanding any provision to the contrary, the Vice Chairperson for the term commencing in 2019 must be a Governing Board member who is a Miami-Dade County Commissioner. For every term thereafter, eligibility for the position of Vice Chairperson shall alternate between non-County Commissioners and County Commissioners. Upon adjournment of the first meeting of each off-numbered year, the newly elected Chairperson and Vice Chairperson shall commence their respective terms. In the event of a vacancy in the position of Chairperson or Vice Chairperson during a term, a special election to fill the position for the remainder of the term shall be scheduled for the next regular meeting of the TPO Governing Board. In said special election, the vacancy left by a non-County Commissioner must be filled by a non-County Commissioner and the vacancy left by a County Commissioner must be filled by a County Commissioner. The Chairperson shall preside at all meetings, hearings and conferences when present. In the absence of the Chairperson, the Vice Chairperson shall preside.

ARTICLE V QUORUM

A majority of voting members currently serving on 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.

(2) Should no quorum be attained within thirty minutes after the hour appointed for the meeting of the Governing Board, the Chairperson or the Vice Chairperson or in their absence, the TPO Board Clerk, 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 TPO Board Clerk.

ARTICLE VI MINUTES

All official actions of the Governing Board are recorded and kept in permanent minutes files by the TPO Board Clerk of the TPO Office, which are open to public inspection during regular office hours at the principal office of the TPO in Miami-Dade County, Florida.

ARTICLE VII 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 or amendments to the By-Laws ; establishment for changes in internal organizational structure of Governing Boards and Committees; 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 TPO shall be recorded and kept in the TPO Board Clerk's permanent files located within the principal office of the TPO.
- (3) Action by motion shall be for approval of purely administrative matters including directives or authorizations to the Chairperson, Committees, the technical staff, the public involvement structure or the TPO Executive Director.
- (4) All official and formal motions shall be recorded in the minutes of the meeting at which the action is taken.

ARTICLE VIII MEETINGS

A. **REGULAR MEETINGS** – The Governing Board shall adopt a calendar for the anticipated regularly scheduled monthly meetings prior to the commencement of each calendar year. Any changes to these dates may be made by the Chairperson provided that advance notice of any rescheduled meeting shall be made public at least seven (7) days before such meeting is scheduled to take place. A regular meeting may be canceled by the Chairperson or Vice Chairperson provided advance notice of such cancellation shall be made public at least seven (7) days before such meeting was to have taken place.

B. SPECIAL MEETINGS, EMERGENCY MEETINGS, HEARINGS & WORKSHOPS

(1) A special meeting of the TPO Governing Board may be called by the majority of the members of the TPO. The TPO Board Clerk shall notify each Governing Board Member 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 TPO Board Clerk 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 TPO may be called by the Chairperson whenever, in his/her opinion, an emergency exists which requires immediate action by the TPO. Whenever such emergency meeting is called, the Chairperson shall notify the TPO Board Clerk who shall forthwith notify each TPO Governing Board 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 TPO Board Clerk receives notice of the meeting and the time the meeting is to be held.

(4) If after reasonable diligence, it becomes impossible to give notice to each Governing Board Member, such failure shall not affect the legality of the meeting 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 meeting was given to each Governing Board Member of the TPO, 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 a suitable facility within Miami-Dade County, Florida. Minutes thereof shall be kept by the TPO Board Clerk.

(5) Anything herein to the contrary notwithstanding, notice of any special emergency meeting of the TPO may be waived only by a majority of the entire membership of the TPO. 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 TPO.

(6) Public hearings and workshops may be called by the TPO Governing Board and may be scheduled before or after regular meetings at the same meeting place or may be scheduled at other times and places provided: The TPO Board Clerk 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, and no formal business, for which notice has not been given, shall be transacted at such public hearings or workshops.

ARTICLE IX AGENDA

There shall be an official agenda for every meeting of the TPO Governing Board, which shall determine the order of business conducted at the meeting.

(1) The TPO 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 members present shall have first consented to the presentation thereof for consideration and action.

(2) No public hearing on the agenda 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 TPO Board Clerk.

(4) Matters may be placed on the agenda by any TPO Governing Board Member, the County Attorney or the TPO Executive Director.

(5) A copy of each resolution shall be furnished to the TPO 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 Article VIII B.

ARTICLE X CONDUCT OF MEETINGS

At the TPO Governing Board meetings, TPO Board Members will be seated in any available seat of their choosing with the exception of the Chair who shall sit in the center of the dais, the Vice Chair shall be to the right of the Chair, and the TPO Executive Director to the left of the Chair. Members must be physically present at the meeting to receive seating. All meetings of the TPO Governing Board shall be conducted in accordance with the following:

- (1) The Chairperson shall preside at all meetings at which he/she is present.
- (2) In the absence of the Chairperson, the Vice Chairperson shall preside.
- (3) The presiding officer shall preserve strict order and decorum at all meetings.
- (4) The Chairperson 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/her name being called last.
- (7) The TPO Board Clerk shall, upon request, certify all resolutions adopted by TPO.
- (8) The County Attorney or his/her designee shall act as parliamentarian, and shall advise and assist the presiding officer in matters of parliamentary law.
- (9) The County Attorney or his/her designee shall be available to the TPO at all meetings.
- (10) The Chairperson shall take the chair at the hour appointed for the meeting, and shall call the Governing Board meeting to order immediately.
- (11) In the absence of the Chairperson and the Vice Chairperson, the TPO Board Clerk shall then determine whether a quorum is present and in such event shall call for the election of a temporary Chairperson. Upon the arrival of the Chairperson, or the Vice Chairperson, the temporary Chairperson shall relinquish the chair upon the conclusion of the business immediately before the TPO Governing Board.
- (12) Before proceeding with the business of the Governing Board, the TPO Board Clerk or his/her 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 voting of resolutions.
- (14) Any member who intends to be absent from any Governing Board Meeting shall notify in writing the TPO Board Clerk of the intended absence at least 24-hours prior to the scheduled time of meeting.
- (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 TPO Attorney, and the Executive Director shall be seated 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) The minutes of prior meetings may be approved by a majority of the members present, and upon such approval shall become the official minutes.

(17) Upon every roll call vote the names of the members shall be called alphabetically by surname, however, the Vice Chairperson and Chairperson shall always cast his/her vote last.

(18) The TPO Board Clerk shall call the roll, tabulate the vote, and announce the results.

(19) Other than public hearing matters, the vote upon any resolution, motion, or other matter may be a voice vote, provided that the Chairperson or any member may require a roll call to be taken upon any resolution or motion.

(20) All proceedings and the order of business at all meetings of the TPO 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 TPO Governing Board present at the meeting.

(21) Any citizen shall be entitled to speak on any matter appearing on the official agenda under the sections entitled "Reasonable Opportunity for the Public to be Heard" and "Public Hearings".

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

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

- (a) His/her name;
- (b) His/her address;
- (c) Whom he/she speaks for.

(24) Each person shall limit his/her address to the time limit specified by the Chairperson.

(25) All remarks shall be addressed to the TPO Governing Board as a body and not to any member thereof. No person, other than Governing Board members 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 to Governing Board member except through the presiding officer.

ARTICLE XI RULES OF DEBATE

The conduct of business of the TPO Governing Board shall be governed by Mason's Manual of Legislative Procedure (Latest 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 the Chairperson has called him/her to order or as herein otherwise provided. If a member while speaking, be called to order, he/she shall cease speaking until the question of order be determined by the presiding officer, and if in order he/she shall be permitted to proceed. Any member may appeal to the Governing Board from the decision of the Chairperson upon a question of order, when without debate the Chairperson 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/her vote, and he shall vote yes or no. Notwithstanding, any member, upon voting, may give a brief statement to explain his/her vote. A member shall have the privilege of filing with the TPO Board Clerk a written explanation of his/her vote.

(7) Any member who announces a conflict of interest on a particular matter shall leave the meeting chambers until the consideration of that matter is concluded.

(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 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 reconsideration, 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.

ARTICLE XII ADJOURNMENT

A motion to adjourn shall always be in order and decided without debate.

ARTICLE XIII FILES OF THE TPO

The TPO Board Clerk shall keep and maintain the official files of the TPO, which files shall be open for public inspection during normal business hours at the TPO's principal office in Miami-Dade County, Florida.

PART II
GOVERNING BOARD COMMITTEES

ARTICLE I
PERMANENT STANDING COMMITTEES

There shall be three permanent TPO Committees tasked as follows:

(1) Executive Policy Committee composed of five (5) to seven (7) TPO Board Members:

- (a) review the following: grant applications, legislative proposals, Work Program and Budget, and items for the TPO Board's consideration as deemed appropriate by the Chairperson
- (b) provide policy direction in the development of transportation plans and work programs including the TPO Prospectus for Transportation Improvements
- (c) survey other comparable regional planning bodies, evaluate the scope of responsibilities vested in the boards referenced above, and submit any recommendations for changes to the structure and composition of the TPO Board and the committees that assist the Miami-Dade TPO
- (d) evaluate the annual performance of the TPO Executive Director and making relevant recommendations to the TPO Governing Board

(2) Transportation and Mobility Committee composed of seven (7) to nine (9) TPO Board Members:

- (a) be responsible for identifying immediate opportunities to increase the integration and utilization of existing transportation services
- (b) will be asked to forward recommendations to improve the connectivity of the current mass transit providers (municipal circulators, jitney services, Miami-Dade Transit and Tri-Rail)
- (c) monitor and provide advice concerning the transportation planning process to ensure adequate consideration of regional values such as land use, economic development, and other social, economic and environmental factors in plan development
- (d) review projects and planning affecting regional transportation
- (e) advise on the compliance of the regional transportation planning process with all applicable federal requirements for maintaining certification
- (f) monitor the status of and make recommendations for amendments to the Long Range Transportation Plan (LRTP),

Transportation Improvement Program (TIP), and any other planning document that impacts transportation and mobility

(3) Fiscal Priorities Committee composed of seven (7) to nine (9) TPO Board Members:

- (a) concentrate on the programming of transportation dollars to better reflect the immediate priorities of the community
- (b) thoroughly evaluate funding recommendations embedded in the planning documents routinely submitted to the TPO for approval
- (c) provide recommendations to advance and defer projects in order to respond to the needs of current demographic-employment commuting trends based on the Long Range Transportation Plan (LRTP)
- (d) to the extent solutions require additional dollars for capital investments for new intermodal facilities, bus and rail rapid transit, or any other transportation project, the FPC will identify and recommend to the TPO potential funding sources
- (e) review the TPO Priority List of Projects and recommend actions for project prioritization and funding to the TPO Governing Board

ARTICLE II CHAIRPERSON AUTHORITY

In addition to the permanent standing committees provided for in the preceding section, the Chairperson of the TPO Governing Board shall be empowered to:

- (1) Establish standing and ad hoc TPO advisory committees composed of TPO members who volunteer to serve;
- (2) Determine the subject matter of each committee;
- (3) Appoint the Chairperson, Vice Chairperson and membership of each standing and ad hoc committee;
- (4) Determine the number of TPO members on each committee; and
- (5) Establish any additional procedural rules of order consistent with this rule which is necessary for the efficient and effective operation of the committee system.

Standing and ad hoc committees shall be advisory and shall not be empowered to lay items on the table or delay items indefinitely.

ARTICLE III COMMITTEE MEETINGS

A. **REGULAR MEETINGS** – A Committee shall adopt a calendar for the anticipated regularly scheduled monthly meetings prior to the commencement of each calendar year. Any changes to these dates may be made by the Chairperson provided that advance notice of any rescheduled meeting shall be made public at least seven (7) days before such meeting is

scheduled to take place. A regular meeting may be canceled by the Chairperson or Vice Chairperson provided advance notice of such cancellation shall be made public at least seven (7) days before such meeting was to have taken place.

B. SPECIAL MEETINGS, EMERGENCY MEETINGS, HEARINGS & WORKSHOPS

(1) A special meeting of a Committee may be called by the majority of the members of the TPO. The TPO Board Clerk shall notify each Committee Member 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 TPO Board Clerk 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 a Committee may be called by the Chairperson whenever, in his/her opinion, an emergency exists which requires immediate action by the Committee. Whenever such emergency meeting is called, the Chairperson shall notify the TPO Board Clerk who shall forthwith notify each Committee 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 TPO Board Clerk receives notice of the meeting and the time the meeting is to be held.

(4) If after reasonable diligence, it becomes impossible to give notice to each Committee Member, such failure shall not affect the legality of the meeting 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 meeting was given to each Committee Member, 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 a suitable facility within Miami-Dade County, Florida. Minutes thereof shall be kept by the TPO Board Clerk.

(5) Anything herein to the contrary notwithstanding, notice of any special emergency meeting of a Committee may be waived only by a majority of the entire membership of the Committee. 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 Committee.

(6) Public hearings and workshops may be called by a Committee and may be scheduled before or after regular meetings at the same meeting place or may be scheduled at other times and places provided: The TPO Board Clerk 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, and no formal business, for which notice has not been given, shall be transacted at such public hearings or workshops.

ARTICLE IX AGENDA

There shall be an official agenda for every meeting of a Committee, which shall determine the order of business conducted at the meeting.

(1) A Committee 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 members present shall have first consented to the presentation thereof for consideration and action.

(2) The agenda shall be prepared by the TPO Board Clerk.

(3) Matters may be placed on the agenda by any Committee Member, the County Attorney or the TPO Executive Director.

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

(5) 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.

(6) This rule is not applicable to special or emergency meetings called pursuant to Article VIII B.

ARTICLE X CONDUCT OF MEETINGS

At Committee meetings, Committee Members will be seated in any available seat of their choosing with the exception of the Chair who shall sit in the center of the dais, the Vice Chair shall be to the right of the Chair, and the TPO Executive Director to the left of the Chair. Members must be physically present at the meeting to receive seating. All Committee meetings shall be conducted in accordance with the following:

(1) The Chairperson shall preside at all meetings at which he/she is present.

(2) In the absence of the Chairperson, the Vice Chairperson shall preside.

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

(4) The Chairperson shall state every question coming before the Committee 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/her name being called last.

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

(8) The County Attorney or his/her designee shall be available at all Committee meetings.

(9) The Chairperson shall take the chair at the hour appointed for the meeting, and shall call the Governing Board meeting to order immediately.

(10) In the absence of the Chairperson and the Vice Chairperson, the TPO Board Clerk shall then determine whether a quorum is present and in such event shall call for the election of a temporary Chairperson. Upon the arrival of the Chairperson, or the Vice Chairperson, the temporary Chairperson shall relinquish the chair upon the conclusion of the business immediately before the Committee.

(11) Before proceeding with the business of a Committee, the TPO Board Clerk or his/her designee shall call the roll of the members in alphabetical order, and the names of those present shall be entered in the minutes.

(12) Any member who intends to be absent from any Committee Meeting shall notify in writing the TPO Board Clerk of the intended absence at least 24-hours prior to the scheduled time of meeting.

(13) All Committee meetings shall be open to the public. Promptly at the hour for each meeting, the members of the Committee, the TPO Attorney, and the Executive Director shall be seated in the meeting chamber, and the business of the Committee shall be taken up for consideration and disposition in accordance with the agenda for the meeting.

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

(15) Upon every roll call vote the names of the members shall be called alphabetically by surname, however, the Vice Chairperson and Chairperson shall always cast his/her vote last.

(16) The TPO Board Clerk shall call the roll, tabulate the vote, and announce the results.

(17) Other than public hearing matters, the vote upon any resolution, motion, or other matter may be a voice vote, provided that the Chairperson or any member may require a roll call to be taken upon any resolution or motion.

(18) All proceedings and the order of business at all Committee meetings 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 Committee present at the meeting.

(19) Any citizen shall be entitled to speak on any matter appearing on the official agenda under the sections entitled "Reasonable Opportunity for the Public to be Heard" and "Public Hearings".

(20) No citizen shall be permitted to address the Committee on any matter not appearing on the official agenda, unless the Committee shall first grant permission to be heard by a two-thirds vote of the members present.

(21) Each person, other than members of the TPO staff, who address the Committee shall give the following information in an audible tone of voice for the minutes:

- (a) His/her name;
- (b) His/her address;
- (c) Whom he/she speaks for.

(22) Each person shall limit his/her address to the time limit specified by the Chairperson.

(23) All remarks shall be addressed to the Committee as a body and not to any member thereof. No person, other than Committee members 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 to a Committee member except through the presiding officer.

ARTICLE XI RULES OF DEBATE

The conduct of business of the Committee shall be governed by Mason's Manual of Legislative Procedure (Latest 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 the Chairperson has called him/her to order or as herein otherwise provided. If a member while speaking, be called to order, he/she shall cease speaking until the question of order be determined by the presiding officer, and if in order he/she shall be permitted to proceed. Any member may appeal to the Committee from the decision of the Chairperson upon a question of order, when without debate the Chairperson shall submit to the Committee the question, "Shall the decision of the Chair be sustained?" and the Committee 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/her vote, and he shall vote yes or no. Notwithstanding, any member, upon voting, may give a brief statement to explain his/her vote. A member shall have the privilege of filing with the TPO Board Clerk a written explanation of his/her vote.

(7) Any member who announces a conflict of interest on a particular matter shall leave the meeting chambers until the consideration of that matter is concluded.

(8) An action of the Committee 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 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 reconsideration, 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.

ARTICLE XII ADJOURNMENT

A motion to adjourn shall always be in order and decided without debate.

ARTICLE XIII FILES OF COMMITTEES

The TPO Board Clerk shall keep and maintain the official files of the Committees, which files shall be open for public inspection during normal business hours at the TPO's principal office in Miami-Dade County, Florida.

PART III
TRANSPORTATION PLANNING COUNCIL

ARTICLE I
DESCRIPTION OF COUNCIL

The Transportation Planning Council (TPC) is responsible for the overall technical adequacy of the TPO 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.

ARTICLE II
COMPOSITION

The TPC is composed of voting and nonvoting members. The TPO Executive Director, or designee, serves as the chair of the TPC. Council members are composed of senior technical staff from partner agencies, as well as the directors of County departments participating in the transportation planning process. 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 TPO Clerk of the Board develops and prepares the TPC agenda, gives notice of its meetings, keeps minutes and records of its proceedings, prepares resolutions, and sees that the policies and directives of the Council are carried out. Membership on the Council is as follows:

Chairperson:

TPO Executive Director, or Designee

Director:

Miami-Dade Aviation Department
Miami-Dade Department of Transportation and Public Works
Miami-Dade Regulatory and Economic Resources
Miami-Dade Seaport Department
Miami-Dade Water and Sewer Department

Representative:

City of Hialeah
City of Homestead
City of Miami
City of Miami Beach
City of Miami Gardens
City of North Miami
City of Doral

City of Coral Gables
Florida Department of Transportation
Miami-Dade Expressway Authority
Miami-Dade County League of Cities
Miami-Dade County School Board
South Florida Regional Transportation Authority

ARTICLE III MINUTES

All official actions of the TPC are recorded and kept in permanent minutes files by the TPO Board Clerk of the TPO Office, which are open to public inspection during regular office hours at the principal office of the TPO in Miami-Dade County, Florida.

ARTICLE IV RESOLUTIONS AND MOTIONS

(1) All recommendations of the TPC to the TPO Governing Board shall be by resolution.

(2) All official and formal resolutions of the TPC shall be recorded and kept in the TPO Board Clerk's permanent files located within the principal office of the TPO.

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

PART IV CITIZENS' ADVISORY COMMITTEES

ARTICLE I EXISTING CITIZENS' ADVISORY COMMITTEE

The following Citizens' Advisory Committees have been established:

1. Citizens' Transportation Advisory Committee (CTAC)
2. Bicycle Pedestrian Advisory Committee (BPAC)
3. Transportation Aesthetics Review Committee (TARC)
4. Freight Transportation Advisory Committee (FTAC)

ARTICLE II STATE AND FEDERAL REQUIREMENTS

The Citizens' Advisory Committees shall be subject to applicable State and Federal requirements.

ARTICLE III AUTHORIZATION

(1) The TPO Governing Board shall be authorized to create or eliminate any Citizen Advisory Committee.

(2) Citizens' Advisory Committees shall be authorized to adopt their own respective By-Laws or Rules of Procedures.

ARTICLE IV CONDUCT OF MEETINGS

(1) The TPO Board Clerk, shall upon request, certify all resolutions adopted by a Citizens' Advisory Committee.

(2) All meetings of a Citizens' Advisory Committee shall be open to the public.

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

(4) Any citizen shall be entitled to speak on any matter appearing on the official agenda under the section reserved for reasonable opportunity for public to be heard.

(5) Any Committee member who announces a conflict of interest on a particular matter shall leave the meeting chambers until the consideration of that matter is concluded.

ARTICLE VI FILES OF THE CITIZENS' ADVISORY COMMITTEES

The TPO Board Clerk shall keep and maintain the official files of the Citizens' Advisory Committees, which files shall be open for public inspection during normal business hours at the TPO's principal office in Miami-Dade County, Florida.

APPENDIX G

Florida Statutes 339.175 & 339.176 Pertaining to Metropolitan Planning Organization Provisions

Select Year: 2018 ▼ Go

The 2018 Florida Statutes

[Title XXVI](#)[Chapter 339](#)[View Entire Chapter](#)[PUBLIC TRANSPORTATION](#)[TRANSPORTATION FINANCE AND PLANNING](#)**339.175 Metropolitan planning organization.—**

(1) **PURPOSE.**—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 and foster economic growth and development within and through urbanized areas of this state while minimizing transportation-related fuel consumption, air pollution, and greenhouse gas emissions through metropolitan transportation planning processes identified in this section. 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. To ensure that the process is integrated with the statewide planning process, M.P.O.'s shall develop plans and programs that identify transportation facilities that should function as an integrated metropolitan transportation system, giving emphasis to facilities that serve important national, state, and regional transportation functions. For the purposes of this section, those facilities include the facilities on the Strategic Intermodal System designated under s. [339.63](#) and facilities for which projects have been identified pursuant to s. [339.2819\(4\)](#).

(2) 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. To the extent possible, only one M.P.O. shall be designated for each urbanized area or group of contiguous urbanized areas. More than one M.P.O. may be designated within an existing urbanized area only if the Governor and the existing M.P.O. determine that the size and complexity of the existing urbanized area makes the designation of more than one M.P.O. for the area appropriate.

(b) Each M.P.O. designated in a manner prescribed by Title 23 of the United States Code 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. Each M.P.O. shall be considered separate from the state or the governing body of a local government that is represented on the governing board of the M.P.O. or that is a signatory to the interlocal agreement creating the M.P.O. and shall have such powers and privileges that are provided under s. [163.01](#). 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.

(e) The governing body of the M.P.O. shall designate, at a minimum, a chair, vice chair, and agency clerk. The chair and vice chair shall be selected from among the member delegates comprising the governing board. The agency clerk shall be charged with the responsibility of preparing meeting minutes and maintaining agency records. The clerk shall be a member of the M.P.O. governing board, an employee of the M.P.O., or other natural person.

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

(3) VOTING MEMBERSHIP.—

(a) The voting membership of an M.P.O. shall consist of at least 5 but not more than 25 apportioned members, with the exact number determined on an equitable geographic-population ratio basis, based on an agreement among the affected units of general-purpose local government and the Governor, as required by federal regulations. In accordance with 23 U.S.C. s. 134, the Governor may also allow M.P.O. members who represent municipalities to alternate with representatives from other municipalities within the metropolitan planning area which do not have members on the M.P.O. With the exception of instances in which all of the county commissioners in a single-county M.P.O. are members of the M.P.O. governing board, county commissioners shall compose at least one-third of the M.P.O. governing board membership. A multicounty M.P.O. may satisfy this requirement by any combination of county commissioners from each of the counties constituting the M.P.O. Voting members shall be elected officials of general-purpose local governments, one of whom may represent a group of general-purpose local governments through an entity created by an M.P.O. for that purpose. 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 Space Florida. As used in this section, the term "elected officials of a general-purpose local government" excludes constitutional officers, including sheriffs, tax collectors, supervisors of elections, property appraisers, clerks of the court, and similar types of officials. County commissioners 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 or will be performing transportation functions that are not under the jurisdiction of a general-purpose local government represented on the M.P.O., such authorities or other agencies may be provided voting membership on the M.P.O. In all other M.P.O.'s in which 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.

(4) APPORTIONMENT.—

(a) Each M.P.O. shall review the composition of its membership in conjunction with the decennial census, as prepared by the United States Department of Commerce, Bureau of the Census, and with the agreement of the Governor and the affected general-purpose local government units that constitute the existing M.P.O., reapportion the membership as necessary to comply with subsection (3). At the request of a majority of the affected units of general-purpose local government comprising an M.P.O., the Governor and a majority of units of general-purpose local government serving on an M.P.O. shall cooperatively agree upon and prescribe who may serve as an alternate member and a method for appointing alternate members, who may vote at any M.P.O. meeting that he or she attends in place of a regular member. The method must be set forth as a part of the interlocal agreement describing the M.P.O. membership or in the operating procedures and bylaws of the M.P.O. 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 advisers to the M.P.O. governing board. Additional nonvoting advisers may be appointed by the M.P.O. as deemed necessary; however, to the maximum extent feasible, each M.P.O. shall seek to appoint nonvoting representatives of various multimodal forms of transportation not otherwise represented by voting members of the M.P.O. An M.P.O. shall appoint nonvoting advisers representing major military installations located within the jurisdictional boundaries of the M.P.O. upon the request of the aforesaid major military installations and subject to the agreement of the M.P.O. All nonvoting advisers may attend and participate fully in governing board meetings but may not vote or be members of the governing board.

(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 (3)(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 (3)(a) may serve terms of up to 4 years as further provided in the interlocal agreement described in paragraph (2)(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 the entity's governing board 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.

(5) 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 (6), (7), (8), and (9).

(6) **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 (7);
2. An annually updated transportation improvement program pursuant to the requirements of subsection (8);

and

3. An annual unified planning work program pursuant to the requirements of subsection (9).

(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, the members of which shall serve at the pleasure of the M.P.O. The membership of the technical advisory committee must include, whenever possible, 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. shall have an executive or staff director who reports directly to the M.P.O. governing board for all matters regarding the administration and operation of the M.P.O. and any additional personnel as deemed necessary. The executive director and any additional personnel may be employed either by an M.P.O. or by another governmental entity, such as a county, city, or regional planning council, that has a staff services agreement signed and in effect with the M.P.O. Each M.P.O. may enter into contracts with local or state agencies, private planning firms, private engineering firms, or other public or private entities to accomplish its transportation planning and programming duties and administrative functions.

(h) In order to enhance their knowledge, effectiveness, and participation in the urbanized area transportation planning process, each M.P.O. shall provide training opportunities and training funds specifically for local elected officials and others who serve on an M.P.O. The training opportunities may be conducted by an individual M.P.O. or through statewide and federal training programs and initiatives that are specifically designed to meet the needs of M.P.O. board members.

(i) The Tampa Bay Area Regional Transit Authority Metropolitan Planning Organization Chairs Coordinating Committee is created within the Tampa Bay Area Regional Transit Authority, composed of the M.P.O.'s serving Citrus, Hernando, Hillsborough, Manatee, Pasco, Pinellas, Polk, and Sarasota Counties. The authority shall provide administrative support and direction to the committee. 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.

(j)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; provides the purpose for which the entity is created; provides the duration of the agreement and the entity and specifies how the agreement may be terminated, modified, or rescinded; describes 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; provides

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; provides the manner in which funds may be paid to and disbursed from the entity; and provides 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.

(7) **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. Each M.P.O. is encouraged to consider strategies that integrate transportation and land use planning to provide for sustainable development and reduce greenhouse gas emissions. 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, improve safety, and maximize the mobility of people and goods. Such efforts must include, but are not limited to, consideration of infrastructure and technological improvements necessary to accommodate advances in vehicle technology, such as autonomous technology and other developments.

(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.

(8) **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. and include those projects programmed pursuant to s. 339.2819(4).

(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. Where more than one M.P.O. exists in an urbanized area, the M.P.O.'s shall coordinate in the development of regionally significant project priorities. 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 Strategic Intermodal System Plan developed under s. 339.64.
3. The priorities developed pursuant to s. 339.2819(4).
4. The results of the transportation management systems; and
5. 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

(7).

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 (7), 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 Economic Opportunity 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 Economic Opportunity at least 45 days before the department submits the state transportation improvement program to the appropriate federal agencies; however, the department, the Department of Economic Opportunity, 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 Economic Opportunity 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 Economic Opportunity 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.

(9) **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.

(10) **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.

(11) **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 by action of its governing board providing procedural rules to guide its proceedings and consideration of matters before the council, or, alternatively, 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 prioritizes steps the agency will take to carry out its mission within the context of the state comprehensive plan and any other statutory mandates and directives.

(12) **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.

(13) **VOTING REQUIREMENTS.**—Each long-range transportation plan required pursuant to subsection (7), each annually updated Transportation Improvement Program required under subsection (8), and each amendment that affects projects in the first 3 years of such plans and programs must be approved by each M.P.O. on a recorded roll call vote, or hand-counted vote, of a majority of the membership present.

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; s. 4, ch. 2004-366; s. 6, ch. 2005-281; s. 22, ch. 2005-290; s. 40, ch. 2007-196; s. 70, ch. 2008-4; s. 30, ch. 2008-227; s. 240, ch. 2011-142; s. 55, ch. 2012-174; s. 17, ch. 2014-223; s. 17, ch. 2016-181; s. 44, ch. 2016-239; s. 1, ch. 2017-98.

Note.—Former s. 334.215.

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PUBLIC TRANSPORTATION

TRANSPORTATION FINANCE AND PLANNING

339.176 Voting membership for M.P.O. with boundaries including certain counties.—In addition to the voting membership established by s. [339.175\(3\)](#) and notwithstanding any other provision of law to the contrary, the voting membership of any Metropolitan Planning Organization whose geographical boundaries include any county as defined in s. [125.011\(1\)](#) must include an additional voting member appointed by that city's governing body for each city with a population of 50,000 or more residents.

History.—s. 56, ch. 99-385; s. 58, ch. 2007-196.

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