



11/25/12

BikeWalkLee Overview Comments on 10/26/12 Draft Transportation Element

LPA Meeting 11/26/12

OVERVIEW

The New Reality

In order to understand what's at stake in Lee County's Comp Plan rewrite--the first major redo in 26 years--it's important to understand the multi-faceted new reality we face. The bottom-line is that the status quo is not an option. In order for Lee County to deal with this new reality and chart an economically viable path forward for our future we *must* make radical changes in the Comprehensive Plan (Comp Plan), especially in the land use and transportation elements. Changes in the transportation and land use paradigm are evolving at a rapidly accelerating pace both nationally and regionally. It is important for Lee County to reap the potential benefits and not get left behind. We are at a crossroads: suffer the negative economic consequences of a status quo approach or position ourselves to be at a competitive advantage. Luckily, with today's technology and "open source" approach to sharing best practices, Lee County can benefit from models and best practices developed by other communities across Florida and around the country with little difficulty. It is critical that our elected officials understand what is at stake in this process and embrace the change that is required.

Summary of Comments and Recommendations

To provide the big picture context in which to review the draft transportation element, this paper presents the components of this new reality, outlines what has to change, then specifically looks at the implications for Lee County's draft Transportation Element. Our specific comments on the draft are informed by two new studies--BikeWalkLee's "Moving Beyond Transportation Concurrency" November 12th report on other Florida communities and FDOT's "Expanded Transportation Performance Measures for Growth Management" Oct. 31st report.

Our summary recommendations are as follows:

1. The rescission of transportation concurrency now, as recommended by staff;
2. Deletion of automobile and proposed multi-modal LOS and replace it with goals for the LOS replacement tool, with the actual tool to be developed and incorporated into the LDC;
3. Outline a joint County and MPO collaborative process for developing transportation performance measures and a mobility plan and fee system all of which would be incorporated into 2040 LRTP (finalized by 2015); and
4. Amend the County's LDCs subsequent to the LRTP adoption to reflect additional changes to the LOS replacement tool as well as to implement the mobility fee.

5. Given the significant changes needed in this draft, we suggest that the LPA request staff to bring back a revised version of the transportation element to the LPA for a second review.

Elements of the New Reality:

1. New Economic Reality: First, there have been significant economic changes in Florida. Most disruptive has been the bust of our pre-2007 construction industry. The challenge for us is how do we make SW FL a better place to live while adjusting to new economic realities? Suburban development patterns assume affordable fuel and endless road expansion. Part of the answer lies in our need to produce compact communities that make SW FL attractive again by building on our strengths of tourism and livability. To do this we need to offer a variety of choices for living, shopping, and playing in a way that revitalizes communities and protects our open spaces. The bottom-line is that the Comp Plan amendment process must be reconfigured from the ground up if we are to produce great cities/towns/neighborhoods.

2. Transportation Funds Declining: Second, the transportation funding of the past is gone at all levels of government and it isn't coming back. Nationally, Vehicle Miles Traveled (VMT) is on a downward trend and not likely to be reversed. Coupled with that, new gas mileage requirements are accelerating the downward trend revenues from gas taxes. The tighter standards are here to stay because they mean reduced dependency on foreign oil, reduced Greenhouse Gas Emissions (GHE), and savings for consumers.

At the federal level, there is no appetite for new taxes to replenish the highway trust fund, given the major federal deficit crisis. In addition, the public is not convinced that the government is wisely spending transportation dollars--they see too much overbuilding and waste. At the state level, a similar situation exists where states, including Florida, are not willing to raise taxes to provide additional revenues for transportation projects. The new funding reality means that states and local governments must figure out how to better invest their transportation dollars to maximize the benefits from the scarce dollars; and to learn how to smartly do "less with less".

3. New demographic realities: Third, driving some of these structural changes are demographic trends that compel policymakers to plan and implement both land use and transportation differently. Here are the facts about people between 16-34 years of age:

- from 2001 to 2009, the average annual number of VMT decreased by 23 percent
- those without a driver's license increased by 5 percentage points from 2001-2009;
- walked to their designations 6% more often;
- transit usage (by miles) jumped by 40%; and
- took 24% more bike trips during this period.

Why? As we know from generational research, young people's transportation priorities and preferences differ from those of older generations. They would prefer to replace driving with alternative transportation, to live in areas that are walkable, and to free up time for texting or social media. This data has major implications for transportation planning for the future. Young people will either move to areas that have mass transit and bikable/walkable communities or they will demand less roads and more transit services.

4. Under-investment in transportation maintenance bill coming due: Fourth, According to the American Society of Civil Engineers, nearly \$6 trillion dollars will be needed *just* for maintenance of road systems already in place, \$2 trillion of which they estimate will be needed within the next 5 years. Lee County

has taken on major long-term liabilities with its explosive road capacity expansion over the past 10 years without any regard for full life cycle costs and ongoing maintenance of roads. In the past 10 years, the County has added 261 lane miles. This is more than the distance between Fort Myers and Gainesville, FL.ⁱ

5. Legislative changes provide local governments opportunity to change: Finally, we should recognize that the time is now to make changes. Luckily, local governments now have at least one new tool provided by the Florida Legislature to address this challenging situation. With the Smart Growth Act of 2011, transportation concurrency is now optional for local governments. Opting out of transportation concurrency is the first step to designing a transportation system that meets our local needs within our available resources. At the Federal level, the new transportation legislation, called MAP-21, begins the shift towards a performance measurement system for planning, prioritizing, and funding transportation projects. It will hold communities accountable for achieving quantitative performance targets. This clear new direction at the federal level, especially with its link to future funding levels based on performance, provides another incentive for Lee County to adopt a broad performance measures approach rather than its current automobile congestion management approach.

What has to change to respond to new reality?

This new reality requires the county to focus on rethinking/re-inventing its approach to transportation planning and investment. This has to occur both at the County level (Comprehensive Plan and Land Development Codes (LDCs)) and at the MPO level (2040 Long Range Transportation Plan (LRTP)). Lee County should be looking to new tools to repair and reverse our trend toward suburbanization. A mobility plan/fees are the tools that will get us there.

For this to occur, the Lee MPO needs to release itself from its current established Needs and Cost Feasible Plans that were derived from outdated models of projection using only volume and peak capacities. Lee County and the MPO also have to do away with the auto-centric Level of Service (LOS) tools that have resulted in overbuilding of roads. According to an analysis by the Lee MPO, only about 44% of the cost feasible plan and 10% of the needs plan is actually funded. Because dollars are constrained at all levels, we need a planning tool that helps policymakers make choices about the most cost-effective investments. Following examples from the 19 innovative state DOTsⁱⁱ and communities like Nashville, TN, we need to "right size" projects. By looking toward alternatives to road expansion, innovative communities have found that they can meet their mobility goals for less money.

Reforming level of service (LOS) approach is keyⁱⁱⁱ

It is clear from a review of the national literature that automobile LOS is a fundamental barrier to the paradigm shift to a 21st Century transportation vision that focuses on a balanced multi-modal transportation system to support economic opportunity and livable communities. The "poster child" of the problem is the auto LOS, which has resulted in over-designed roads to handle capacity that only occurs at the very heaviest travel periods and overestimates our need for more or wider roadways. The result--roads that are underutilized for the majority of time, making the benefits low and the costs high.

A dramatic example of this inefficient over-building comes from Lee County itself. In the recent Lee Concurrency Report adopted by the BoCC on 11/13/12, there are 342 road segments that are tracked with LOS standards. Page 2 of the report lists 15 roadway segments that do not meet the adopted County or State LOS standard based on the 2011 traffic counts. Of the remaining 327 road segments, 15 meet the LOS standard, and 312 road segments exceed the standard. This means that of our roadways,

91% are built beyond the capacity established by the standards, using a tool that by design already inherently overstates the need for road capacity.

The auto-LOS also ignores another major consideration--context. Some places are heavily congested because they are very desirable places to be. A key goal of transportation is economic development and using an auto-LOS approach of "fixing the traffic" by means of capacity expansion is counterproductive to economic development.

The good news is that replacing the current auto-LOS and its application is a change in policy that requires little or no additional funding or enforcement and may be instituted entirely within a transportation agency. Policies on infrastructure performance are not codified in state legislation, so transportation agencies have considerable flexibility to revise its benchmarks of what is an acceptable set of measures.^{iv} Relative to the challenges inherent in changing land use patterns, fixing the LOS part of the problem is easy, quick, and cost-free.

The auto-LOS approach is also used for determining the impacts of new development that a developer is required to mitigate. Adding more road capacity to accommodate new development is the most expensive approach to mitigating transportation impacts. As the Alachua County mobility report illustrates, taking a multi-modal mitigation approach results in significant cost savings for the developers (40-50%).

Reform of the current auto-LOS approach is key to Lee County's future, even more so than in other Florida jurisdictions studied. Why? Because in some jurisdictions the fact that the community is built-out, has many constrained roads, and/or policies that prevent widening roads beyond 4-lanes acts as a primary constraint to widening roads to relieve congestion. However, in Lee County, we are not built-out yet, we have few constrained roads, and we have no policy limiting the maximum number of lanes to four. As a result, the auto-LOS tool is driving an unconstrained increase in road capacity, resulting in sprawl, pushing development of greenfields in rural and suburban areas.

Resources for Revising the Transportation Element

Over the past year, BikeWalkLee has issued several public statements on issues related to the transportation element.^v Our comments have focused primarily on the following three issues that must be addressed if we are to achieve a balanced transportation system that increases walkability, multi-modal transportation choice, and compact mixed use communities. These are:

- the need to rethink transportation LOS;
- the need to develop sustainable performance criteria and measures; and
- focus on developing funding mechanisms that incentivize the right things (including mobility fee).

In addition, the following three resources are essential for this discussion:

BikeWalkLee Transportation Concurrency Paper: On November 12th, we issued a paper: ***Moving beyond Transportation Concurrency: A Path Forward for Lee County***. This paper was shared with the LPA and CSAC. This paper is based on interviews with staff in eight other counties in Florida that have rescinded transportation concurrency to learn about the process they went through, what concurrency is being replaced with, and how they're dealing with LOS standards. The four lessons we learned from other counties:

- Rescinding transportation concurrency provides local control;
- Developing a mobility plan will integrate land use & transportation planning;
- Developing a mobility fee and mobility plan will incentivize infill, TND and TOD; and
- Coordinating a new/replacement plan between MPO local jurisdictions is essential to fiscal efficiency and effective planning.

The bottom-line is that transportation concurrency should be rescinded now and replaced with an integrated multi-modal mobility plan and fee system. This must include a Level of Service (LOS) replacement methodology that would be phased in as its replacement by 2015. A mobility fee system is the best tool for incentivizing a coordinated land use and transportation system in support of the EAR's vision.

New FDOT Report: The second important paper is FDOT Report titled, "Expanded Transportation Performance Measures to Supplement Level of Service for Growth Management and Transportation Impact". Subsequent to the development of our Nov. 12th paper, FDOT issued a major report, undertaken by the University of Florida, that is directly related to this issue. The objective of this research was "to expand the local transportation practitioner's toolbox and thinking beyond vehicular-based LOS measures and recommend appropriate ones that could be used to support multi-modal growth management, site design and site impact studies. This wider range of performance measures should address the needs of all travelers and support the development of multi-modal mobility systems." This report re-enforces and expands on what we learned from our research and is consistent with our comments and recommendations.^{vi}

Significantly, the report supports the following:

- focus on automobiles is no longer feasible in light of the costs of construction and maintenance;
- focusing on solving automobile congestion is counterproductive; and
- an integrated approach is essential for achieving community transportation goals.

National Research. There is a wealth of information and recent reports at the national level dealing with tools and strategies for achieving a sustainable transportation system for the 21st century. Lee County can make use of the best practices in communities around the country as it develops its replacement approach. We have provided the links to these resources in the attached footnote.^{vii}

Comments on Lee County Draft Transportation Element

The point of these comments is that the first fundamental building block of a new transportation approach is to remove transportation concurrency. We strongly support the staff recommendation to rescind transportation concurrency now as part of the Comp Plan amendments. Once the county rescinds concurrency, it will have the ability to replace, revise, or eliminate the current automobile LOS approach.

The fundamental problem with the current draft transportation element is that it suggests creating a multi-modal LOS, which is a laudable idea. However, it does not change the current LOS standards for automobiles; instead suggests adding bike/ped/transit LOS in certain locations. This is not an integrated holistic replacement approach. Rather, it is an afterthought that has the impact of maintaining the status quo and creates a false sense of change. This is a fundamental flaw. Without a

holistic and integrated approach, there is no way to deliver on the stated intention. The only pathway to genuine change is to shift away from congestion management by removing auto-LOS .

There are many examples for how to develop a replacement tool--from ideas taken from other Florida communities about how to create a multi-modal LOS system^{viii} to ideas for replacing it with a performance measurement system.^{ix} . In addition, there are multiple national studies and examples for a performance-based approach, such as the Dukakis Policy Center "Staying on Track" report. Clearly, states and communities across the country are finding ways to replace the old auto-LOS approach so that their tools support their transportation goals. Lee County should follow these best practices.

BikeWalkLee's "Big Picture" Recommendations for the Draft Transportation Element

As a result of this discussion and our extensive research, BikeWalkLee recommends the following first steps to amending the Draft Transportation Element:

1. Rescind transportation concurrency now, as recommended by staff;
2. Delete automobile and proposed multi-modal LOS and replace it with goals for the LOS replacement tool, with the actual tool to be developed and incorporated into the LDC;
3. Outline a joint County and MPO collaborative process for developing transportation performance measures, a mobility plan and fee system, all to be incorporated into 2040 LRTP to be finalized by 2015; and
4. Once the LRTP process is completed in 2015, the County's LDC should be amended to reflect additional changes to the LOS replacement tool as well as to implement the mobility fee.

In addition to these recommendations, we propose the following:

- Remove Goal 2: Transportation Standards and Regulatory Framework, along with its Policies 2.1.1 through 2.1.8,
- Amend Goal 2 to articulate the goals for a replacement approach (some examples include goals to increase transportation accessibility, efficiency, or equity).
- Develop interim tools for transportation impacts to be incorporated into the LDCs ^xAmend the LDCs at a later date to reflect performance measures, mobility plan, and mobility fees .

Given the significant changes needed in this draft, we suggest that the LPA request staff to bring back a revised version of the transportation element to the LPA for a second review.

In addition to this set of "big picture" comments, BikeWalkLee has reviewed the element in detail, and will address those specific comments at the December 10th LPA meeting. Aside from the issues raised here, the element goes a long way towards integrating a complete streets approach in the way the county will do business in the future. We look forward to working with the LPA, CSAC, County and MPO staff as we move forward.

ⁱ A rough estimate of Lee County's unfunded maintenance liability is under development with assistance from MPO staff.

ⁱⁱ See "The Innovative DOT: A handbook of policy and practice", Sept. 2012

ⁱⁱⁱ The automobile Level of Service (LOS) standard rates individual intersections and roadway segments, and assigns a "grade" A through F. For intersections, LOS measures delay traveling through the intersection due to the presence of other automobiles. For roadway segments, LOS measures density of vehicles along the segment. Both

of these are single-location measurements, not comprehensive network performance measures. In addition, LOS is typically calculated by looking at the most congested hour of the day in the most congested month of the year. In addition, the LOS addresses only auto mobility and excludes other modes, and prioritizes the accommodation of automobiles above all else. Furthermore, LOS-planning does not necessarily improve access to destinations, the primary objective of the transportation system.

^{iv} See "The Innovative DOT" report chapter 4 for details about how to reform LOS

^v See the following resources

Nov. 12th Paper to CSAC and LPA: *Moving beyond Transportation Concurrency: A Path Forward for Lee County:*

http://bikewalklee.org/BWL_PDFs/BWL_facts/111212movingBeyondTransConcurBWL.pdf

May 30th comments on Capital Improvement Element: <http://bikewalklee.blogspot.com/2012/05/bikewalklee-comments-on-capital.html>

Jan. 23rd comments on Transportation White Paper: <http://bikewalklee.blogspot.com/2012/01/bikewalklee-comments-on-transportation.html>

June Background paper on Mobility Fees:

http://www.bikewalklee.org/BWL_PDFs/BWL_facts/MobilityfeeBWLpaperfinal120615.pdf

October 19th MPO comments on Transportation Future & Facing Fiscal Realities:

http://www.bikewalklee.org/BWL_PDFs/BWL_facts/101912mpoFuture.pdf

^{vi} This report adds a great deal of new information on the performance measures approach to replacing the current LOS system. The project identified a menu of potential performance measures (200 measures taken from a national literature search) to help agencies assess new development and land use changes from a multi-modal perspective. This report should be very helpful to Lee County as it explores a performance-based approach.

^{vii} Resources are as follows:

Northeastern University, Dukakis Center for Urban and Regional Policy, Stephanie Pollack: "A Framework and Benchmark Indicators for Achieving a Sustainable Transportation System in Greater Boston," November 19, 2012.

Smart Growth America and the State Smart Transportation Initiative: "The Innovative DOT: A handbook of policy and practice." September 2012.

Caltrans, Smart Mobility 2010, Feb. 2010.

NJDOT and PennDOT: "Smart Transportation Guidebook: Planning and Designing Highways and Streets that Support Sustainable and Livable Communities", March 2008

"Model Design Manual for Living Streets," Oct. 2011.

"Portland Looks to Move Beyond Auto-Centric LOS," Planetizen.com, August 3, 2012.

"Toward More Comprehensive Understanding of Traffic Congestion," Todd Litman, Planetizen, Sept. 13, 2012.

"Levels of Service and Travel Projections: The Wrong Tools for Planning Our Streets?" Gary Toth, PPS, Feb. 6, 2012.

"Breaking our Addiction to Highway Level of Service Standards," Gary Toth, Planning Commissioners Journal, June 3, 2010.

"The Other Half of the 'Deadly Duo'" Gary Toth, Planning Commissioners Journal, June 7, 2010.

"A world without projections," Charles Marohn, Strong Towns, Oct. 1, 2012.

"Embracing Congestion," Charles Marohn, Strong Towns, Oct. 23, 2012.

Draft paper on LOS by Chris Ganson, CA Governor's Office of Planning and Research, Nov. 14, 2012.

"Guide to Sustainable Transportation Performance Measures," EPA, August 2011.

FHWA: "Sustainable Highways Self-Evaluation Tool," December 2011.

"Driving Performance through Sustainability," Karen Butner, IBM Institute for Business Value, December 13, 2011.

Transportation for America, "Measuring Performance in the Federal Transportation Program: A Path to Progress and Accountability, March 2011.

"Highway Research Moves toward Livable Transportation Solutions," by Gary Toth, PPS, June 21, 2011.

^{viii} See Appendix C in BWL Concurrency Paper.

^{ix} See examples in the recent FDOT study referenced above.

^x By moving the details into the LDC process, it provides the ability for the county to expedite the development of the new tool rather than wait for another round of Comp Plan amendments.