

BOARD MANAGEMENT AND PLANNING COMMITTEE AGENDA

MONDAY, FEBRUARY 2, 2004

1:30 PM - 4:00 PM

COUNTY COMMISSION CHAMBERS

1. **ANNUAL UPDATE OF PROJECTS REVIEWED UNDER LANDSCAPE AND ARCHITECTURAL DESIGN STANDARDS**
PRESENTER: Mary Gibbs, Community Development
TIME REQUIRED: 10 Minutes

2. **CR 951 ALTERNATIVES CONSIDERATION**
PRESENTER: Don DeBerry, DOT
TIME REQUIRED: 15 Minutes

3. **EXPRESSWAY AUTHORITY FOR ADDED LANES ON I-75**
PRESENTER: David Loveland, DOT
TIME REQUIRED: 20 Minutes

BOARD COMMENTS/DISCUSSION

ADJOURN

FOR MORE INFORMATION ABOUT THIS AGENDA CONTACT THE
PUBLIC RESOURCES OFFICE - (239) 332-2737

The Management & Planning Meeting is carried live
on the following cable channels:

Comcast Cable Channel 11
Time Warner Cable Channel 16

MANAGEMENT & PLANNING COMMITTEE
AGENDA REQUEST FORM
COMMISSION DISTRICT #CW

INITIATED BY: **Mary Gibbs**
Community Development

REQUESTED BY

TITLE OF ITEM FOR THE AGENDA

Annual Update of Projects Reviewed under Landscape and Architectural Design Standards

1. DESCRIPTION AND OBJECTIVE OF THE ISSUE

Brief powerpoint presentation illustrating projects constructed under the new code.

2. PROPOSED POLICY, PROCEDURE OR PLAN OF ACTION

Staff will be evaluating some modifications in conjunction with the next round of Land Development Code Amendments

3. OPTIONS (List Advantages/Disadvantages of Each Option Listed)

Informational Item

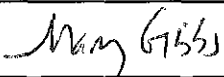

4. FINANCIAL IMPACTS/FUNDING SOURCE

N/A - Informational Item

5. STAFF RECOMMENDATIONS, AND JUSTIFICATION FOR RECOMMENDATIONS

The new code has been in place for five years. Some minor modifications may be needed.

6. MANDATED? Y N BY WHAT AUTHORITY? This is one of the Board's goals for 2003/2004.

DEPARTMENT DIRECTOR SIGNATURE	COUNTY ADMINISTRATOR SIGNATURE	MEETING DATE	TIME REQUIRED
		2/2/04	10 mins

**MANAGEMENT & PLANNING COMMITTEE
AGENDA REQUEST FORM
COMMISSION DISTRICT - ALL**

PRESENTED BY: Don DeBerry / Department of Transportation REQUESTED BY: DOT

TITLE OF ITEM FOR THE AGENDA: CR 951 alternatives consideration.

1. DESCRIPTION AND OBJECTIVE OF THE ISSUE: Discuss alignment alternatives for CR 951, receive BOCC comments regarding continuation of the study.

2. PROPOSED POLICY, PROCEDURE OR PLAN OF ACTION

Propose to continue with detailed environmental and engineering analysis and comparison of the alignments indicated in green on the attached graphic. Agree with the elimination from consideration of those alignments shown in red.

3. OPTIONS (List advantages/Disadvantages of Each Option Listed)

BOCC could request revision(s) to the set of alignments.

Allow staff to continue with the green set of alignments to the next phase of the study. This next phase will result in the preparation of a draft EIS with recommendation of a minimum of one build alternative along with the no build alternative. The draft EIS will be brought back to the BOCC in approximately 12 months for concurrence and forwarding to FDOT/FHWA for approval.



4. FINANCIAL IMPACTS/FUNDING SOURCE

None

5. STAFF RECOMMENDATIONS, AND JUSTIFICATION FOR RECOMMENDATIONS

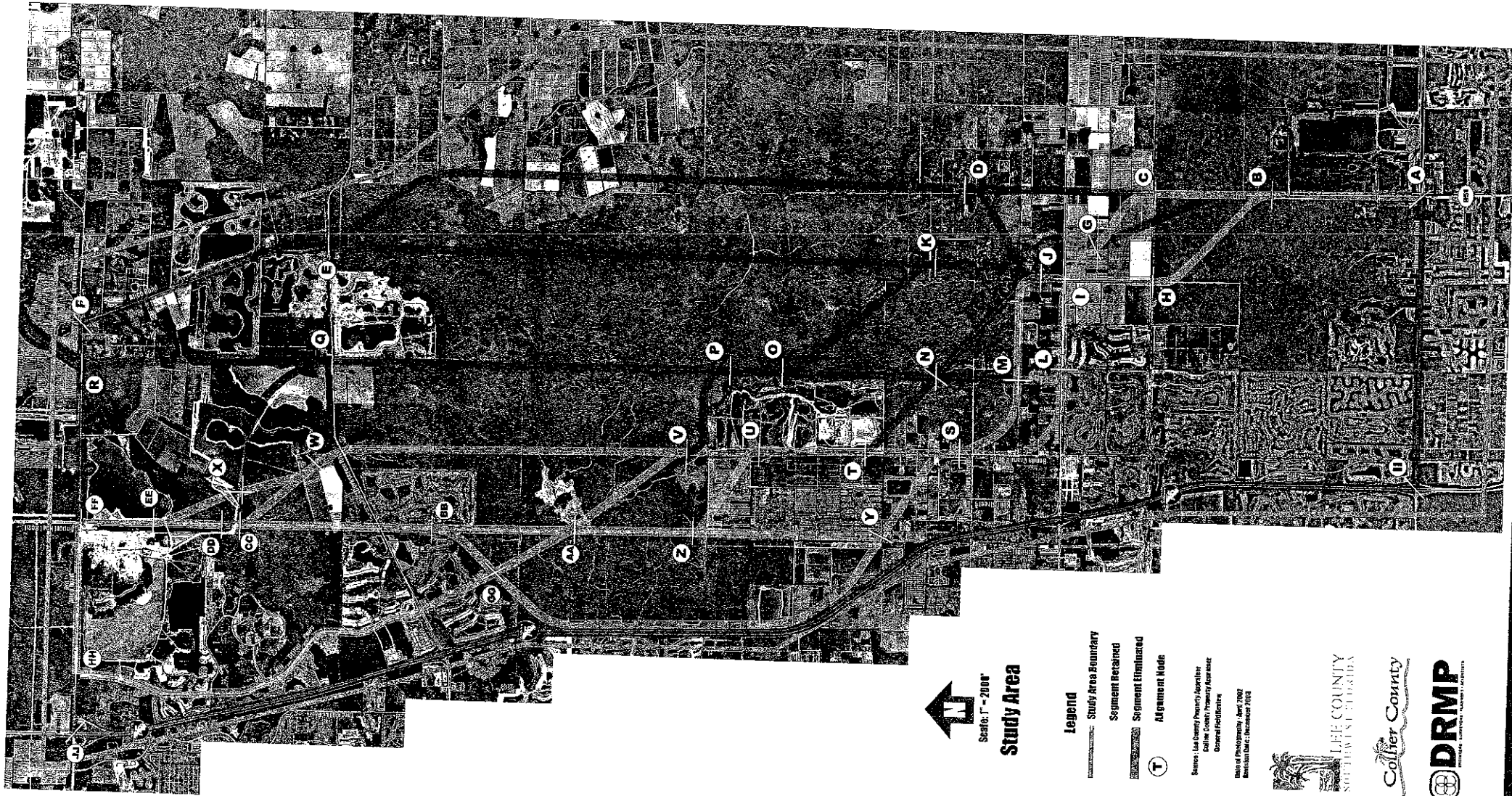
Staff recommends BOCC allow DOT to continue with the next phase of the study that will analyze the alignments shown in green.

6. Mandated: Y N X BY WHAT AUTHORITY?

<u>DEPARTMENT DIRECTOR SIGNATURE</u>	<u>COUNTY MANAGER SIGNATURE</u>	<u>MEETING DATE</u>	<u>TIME REQUIRED</u>
 1/15/04	 1.15.04	February 2	15 Min.

S:\DOCUMENT\Yellow Sheet\2004\CR951 alternative consideration--DeBerry.DOC

S:\DOCUMENT\Yellow Sheet\2004\CR951 alternative consideration--DeBerry.DOC



Scale: 1" = 200'

Study Area

- Legend**
- Study Area Boundary
 - Segment Retained
 - Segment Eliminated
 - Alignment Note

Source: Lee County Property Jurisdiction
 Collier County Property Jurisdiction
 General Relictance
 Date of Photographs: April 2002
 Revision Date: December 2008



C.R. 951 Project Development & Environment Study

**MANAGEMENT & PLANNING COMMITTEE
AGENDA REQUEST FORM
COMMISSION DISTRICT #All**

PRESENTED BY:
David Loveland, Transportation Planning Manager
Lee County DOT

REQUESTED BY:
Lee County BOCC

TITLE OF ITEM FOR THE AGENDA: EXPRESSWAY AUTHORITY FOR ADDED LANES ON I-75

1. DESCRIPTION AND OBJECTIVE OF THE ISSUE

The Board previously directed that staff explore the appropriate administrative structure to pursue the construction of additional lanes on I-75 through toll financing, emphasizing the Board's preference for local control. Since last month's Management & Planning Committee meeting, a couple of things have happened which may influence the direction the Board wants to go, namely a response from FDOT to key County questions (Attachment A), and an I-75/Expressway Authority workshop sponsored by the Southwest Florida Regional Planning Council (RPC). We are also still awaiting a determination from the State's Turnpike Enterprise on the financial feasibility of the I-75 toll project, which is not expected to be completed until May 1st. A summary of these events and the impact on certain key issues is provided on the next page, and outlines of two administrative structure options are provided as Attachments B and C.

(CONTINUED ON NEXT PAGE)

2. PROPOSED POLICY, PROCEDURE OR PLAN OF ACTION

Provide direction on desired administrative structure for pursuing added toll lanes on I-75. Selection of Option 1 includes staff direction to work with Representative Davis and the local Legislative delegation on Legislative approval. Selection of Option 2 includes staff direction to begin negotiations with Collier County on an interlocal agreement and do a more detailed evaluation of the two-County financial capacity.

3. OPTIONS (List advantages/Disadvantages of Each Option Listed)

Option 1: Pursue a Legislatively-established expressway authority as outlined in Representative Davis' bill, with a change to limit its focus to I-75 only. (More detailed description and advantages/disadvantages in Attachment B)

Option 2: Pursue a joint Lee/Collier toll enterprise through interlocal agreement. (More detailed description and advantages/disadvantages in Attachment C)

Option 3: Do nothing.

4. FINANCIAL IMPACTS/FUNDING SOURCE

Option 1: None from Counties initially, Authority may seek financial support from Counties (and others) for project later.

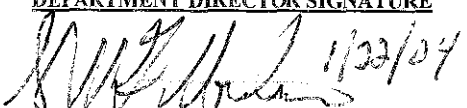
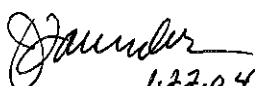
Option 2: \$1-\$2 million start-up costs, \$600-\$750 million for overall project – tolls, toll bonds, local funds, grants, partnership.

Option 3: None.

5. STAFF RECOMMENDATIONS, AND JUSTIFICATION FOR RECOMMENDATIONS

Based on the focus on the I-75 tolling project and the need for broad-based financial support, staff recommends the pursuit of Option 1.

6. Mandated: Y () N (X) **BY WHAT AUTHORITY?**

<u>DEPARTMENT DIRECTOR SIGNATURE</u>	<u>COUNTY MANAGER SIGNATURE</u>	<u>MEETING DATE</u>	<u>TIME REQUIRED</u>
 1/22/04	 1.22.04	2/2/04	20 Min.

1. DESCRIPTION AND OBJECTIVE OF THE ISSUE (CONTINUED)

FDOT Response

In a December 2nd letter, staff asked FDOT to respond to two key questions: 1) Is the State willing to allow tolling of the interstate by local governments serving as their own authority or would they require a County-established expressway authority under Chapter 348, F.S.?; and 2) To what extent must FDOT have a voting role or management role in such an authority? FDOT provided a written response dated January 5th (provided as Attachment A), which indicated that the Department supported the concept of tolling express lanes on I-75 and did not find any prohibition on using a locally-formed enterprise to do so. The Department also expected to have the District Secretary at least serve as a non-voting member of whatever type of governing board was established, and noted they would continue to have an active management role on the interstate and a three-party agreement would be necessary between the enterprise, FDOT and the Federal Highway Administration.

RPC I-75/Expressway Authority Workshop

The Southwest Florida Regional Planning Council, in conjunction with the Southwest Florida Chapter of the Institute of Transportation Engineers and Kimley-Horn & Associates, Inc., sponsored a workshop on January 14th at FGCU on a potential I-75 Expressway Authority. The workshop included presentations by representatives of the Tampa-Hillsborough Expressway Authority, the Orlando-Orange County Expressway Authority, Florida's Turnpike Enterprise, TEAM-Florida (organization of all the tolling entities in the state), and FDOT. Lee County DOT staff also presented the background on our local efforts, and the panelists explained what some of the existing authorities have gone through to get established and solvent, and the projects they are currently working on. The key point made during the workshop may affect how the Board views this issue, and can be summarized as follows:

- *The sheer scope of the I-75 project will require buy-in and participation from multiple entities and will not likely generate any "surplus" revenues for many years, rendering the issue of local control less significant.*

Part of the interest in having a locally-controlled toll entity was to allow any surplus toll revenues to be spent locally – however, financing a \$600-\$750 million project (as estimated in FDOT's PD&E Study) will likely be well beyond the capacity of Lee and Collier County governments alone, and will require support from other entities (grants, loans, other financial partners such as the Turnpike Enterprise). It will also be many years before the tolled improvements would actually be in place and the traffic would generate enough revenue to fully cover the debt service and operations/maintenance costs and generate surplus funds (perhaps decades). The local control issue has also been expressed as concern about the make-up of the Authority's governing board and the kinds of projects an Authority would undertake. The latter issue could be resolved by making the Authority project specific (which staff supports – other smaller-scale projects such as CR 951 Extension would be better served through inter-County cooperation efforts), and the scope of the I-75 project would probably preclude the Authority from undertaking other projects anyway. The panelists noted that gubernatorial appointees on an Authority's governing board would still be local and have the community's interests at heart, and stressed that broad-based representation was important because of the need for broad-based buy-in and financial support for a project of this magnitude. They stressed that defining the Authority's governing principles up front (such as "respect neighborhoods" or "respect the environment") was critical to determining how the Authority would operate and be perceived by the general public.

The key point was stressed in the examples provided by the workshop panelists. Both the Tampa and Orlando Authority representatives noted that it was some time after their inception and their initiation of projects before they began to experience a positive cash flow. In the Orlando case, they were formed in 1963, and they needed financial assistance from the state and local governments with some of their projects as they moved forward, and didn't achieve positive cash flow until the early 1990's. Orlando also provides an example of the difficulties in relying on agreement between adjacent counties to fully achieve regional toll facilities. For the beltway project around the east side of Orlando, the Orlando-Orange County Expressway Authority built the portion in their jurisdiction up to the Seminole County line and stopped, with the expectation that the Seminole County Expressway Authority (with a governing board made up of the County Commission) would build the remainder up to I-4. However, the Seminole County Expressway Authority did not have the financial wherewithal to complete their portion, and it ended up being done by the state's Turnpike Enterprise. At the south end of the beltway, the Orlando-Orange County Expressway Authority attempted to coordinate with Osceola County on the alignment through Osceola County, but the County couldn't agree on an alignment and the Authority routed the beltway through Orange County instead, before having the Turnpike Enterprise complete the last leg into Osceola County. The Orlando-Orange County Expressway Authority representative stressed that NIMBYism in communities and interagency political squabbles can hinder regional road development, and noted that an independent authority can sometimes make the hard decisions on a corridor that politicians don't want to make. The TEAM-FL representative used the example of the Miami-Dade Expressway Authority, made up of 8 county appointees and 5 gubernatorial appointees. The chairmanship has changed over time from one type of appointee to another but that has not changed the operation of the authority – funding availability is a more critical issue.

Other points of interest from the workshop included a strong emphasis on electronic toll collection for the future and privatization of the staffing function. The Tampa-Hillsborough Expressway Authority is planning exclusive electronic toll collection for its reversible commuter bridge project and will be phasing out its existing toll booths, and has a total of 15 employees (with the rest contracted). The state's Turnpike Enterprise has a total of 4000 employees, with 73% privatized.

Turnpike Enterprise Feasibility Study

A major issue in discussing the structure is whether the added lanes on I-75 are going to be financially feasible as a toll project. The Turnpike Enterprise is currently evaluating the traffic and revenue projections and should have a report by May 1st. The expectation is that, if feasible, the magnitude of the project will still require significant additional resources beyond the toll revenues to make it work. Whatever kind of local authority or enterprise is created, it will likely require a partnership with other entities such as the Turnpike Enterprise to be feasible. Staff suggests that the County invite the Turnpike Enterprise representatives down for a presentation to the Board after the report is released.

Necessary Work Steps

Under either structure, significant work/studies will be required before the additional I-75 lanes can be constructed and toll revenues collected. These include:

- Execution of a three-party agreement between the authority/enterprise, FDOT and FHWA – 3-6 months
- Toll Feasibility/Traffic and Revenue Studies – 1 year
- Design (through agreement with FDOT) – 2 years
- Right-of-Way Acquisition (per Federal requirements) – 2 years
- Construction – 2 years

Once constructed, there will also be the issue of annual operations and maintenance.

There has been some hope that the project could be linked to FDOT's six-laning effort, which is currently under design south of Daniels Parkway and soon will be north of Daniels. Coordinating the design and right-of-way acquisition efforts could help save money. However, given the above time frames and the time it would take just to establish an authority or local enterprise, it may not be possible to link the two efforts.



Florida Department of Transportation

JEB BUSH
GOVERNOR

January 5, 2004

JOSE ABREU
SECRETARY

Mr. David M. Loveland
Manager, Transportation Planning
Lee County Department of Transportation
Post Office Box 398
Fort Myers, FL 33902-0398

RE: Questions Regarding Toll Lanes on I-75

Dear Mr. Loveland:

This is in response to your December 2, 2003 letter relating to potential tolling of express lanes on I-75 in Southwest Florida.

You had asked two specific questions which I have addressed below.

1. *Is the State willing to allow tolling of the interstate by local governments serving as their own authority or by a locally-established expressway authority under Chapter 348, F.S.?*

The department is supportive of the concept of tolling express lanes on the interstate. While I am not aware of any areas where the local government or a local authority is managing interstate express lanes, it does not appear to be prohibited.

2. *To what extent must FDOT have a voting role or management role in such an authority?*

If a locally established authority was to be formed per F.S. 348.003, section (2) states "The district secretary of the official department district still serve as a non-voting member of the governing body of each authority located within the district." In the scenario of a local government serving as their own authority, I would assume that we would have similar participation as with the locally established authority. In either of these scenarios, the Department would have an active management role as it is on the interstate system. This would more than likely include a three party agreement between the authority, FDOT and the Federal Highway Administration (FHWA).

RECEIVED
JAN 07 2004

District One, Southwest Area Office
2295 Victoria Avenue * Post Office Box 1030 * Fort Myers, FL 33902-1030
(239) 461-4300 * (239) 338-2353 (Fax) * MS 1-98

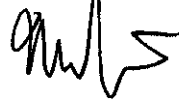
www.dot.state.fl.us

 RECYCLED PAPER

Mr. David Loveland
January 5, 2004
Page 2

We look forward to the continuing dialogue relating to this innovative concept. If I may be of further assistance please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "MGR", with a stylized flourish at the end.

Michael G. Rippe
Director, Southwest Area Office

MGR\lss

Cc: Ricky A. Langley, FDOT
Mike Williams, FDOT
Debbie Hunt, FDOT

ATTACHMENT B

OPTION 1 LEGISLATIVELY-CREATED EXPRESSWAY AUTHORITY TO BUILD/MANAGE TOLL LANES ON I-75

Establishment Process

- Bill to create Southwest Florida Expressway Authority already drafted, would need to be revised to be I75 specific
- May need clear and unanimous support from Lee and Collier Commissions to convince Legislative delegation to support
- Would also need to act quickly to get in Legislative pipeline
- If approved by Legislature and Governor, Authority could be established after July 1st

Make-Up of Board (Two-County Version of Rep. Davis' Bill)

- 1 Lee County Commissioner (as selected by the Lee BOCC)
- 1 Lee County resident appointed by the Lee BOCC
- 1 Lee County resident appointed by the Governor
- 1 Collier County Commissioner (as selected by the Collier BOCC)
- 1 Collier County resident appointed by the Collier BOCC
- 1 Collier County resident appointed by the Governor
- FDOT District One Secretary (as Voting Member)

Local Control

- Majority of governing board members to be appointed by Lee and Collier County Commissions (4 of 7)– two other will be residents of Lee and Collier Counties
- Bill requires any proposed project of Authority to be in long-range plans of Lee and/or Collier Counties (not an issue if limited to I-75)
- Bill requires approval of affected County Commission for any project within its jurisdiction before the Authority can proceed with it
- Bill specifically precludes involvement of Authority in CR 951 Extension (again, not an issue if limited to I75)
- Bill includes sunset provision if Authority not active within 12 years

Funding

- Bill proposed \$2.5 million state appropriation to cover start-up costs
- Likely that financing \$600-\$750 million project too much for Southwest Florida Expressway Authority, probably will need to pursue joint venture with Turnpike Enterprise or other parties

ADVANTAGES:

- Will require less County staff time than Option 2– staffing responsibility would fall to Authority (could use consultants)
- No local funding involved for start-up
- Full range of state funding options for expressway authorities available
- More broad-based representation on governing board could help ensure broad-based support for financing efforts

DISADVANTAGES:

- Local control not as complete as Option 2 in terms of decision-making or board make-up
- All bonding has to be approved by Legislature
- Probably would take longer to set up than Option 2

ATTACHMENT C

OPTION 2 LOCALLY-CREATED ENTITY TO BUILD/MANAGE TOLL LANES ON I-75

Establishment Process

- Can be created by interlocal agreement between Lee and Collier Counties – 2-3 months
- Possible name - “Lee/Collier Toll Enterprise”
- Set up to strictly address toll facilities that affect both counties – added lanes on I-75, possible CR 951 Extension

Make-Up of Board

- Members of Lee County Commission
- Members of Collier County Commission
- FDOT District One Secretary (as Non-Voting Member) (*FDOT Direction*)

Staffing

- Some County staff time will be required to set up enterprise, conduct initial meetings
- Work load becomes more significant as move forward on I-75 project, requiring project management, legal and financial staff
- Could hire consultants to serve as staff, with County project management (i.e., Tampa-Hillsborough Expressway Authority)

Funding

- Both counties will need to contribute funding to cover initial staff efforts - \$1-\$2 million total
- May be able to pursue TFRTF or SIB loan opportunities – but need guaranteed source of repayment
- Likely that financing \$600-\$750 million project too much for Lee/Collier Toll Enterprise, probably will need to pursue joint venture with Turnpike Enterprise or other parties

ADVANTAGES:

- Most direct local control option – local elected officials make decisions, control revenues (if no partners)
- Can probably be formed fairly quickly
- Counties free to pursue bonding options without Legislative approval

DISADVANTAGES:

- Will require more County staff time than Option 1, possibly additional staff
- Will require joint County funding for start-up
- Requires continuing, cooperative effort by two Counties to be effective – have had differences in past
- May not be able to tap into all the same financial tools as state-recognized authority
- Local control emphasis lost to some degree if have to form partnerships to fund project
- May be difficult to get support from other entities if viewed as too parochial
- Large debt burden to the Counties
- Limits County’s ability to do other (smaller) toll projects