

APPENDIX H: COMMENTS ON SWVCTS DRAFT REPORT

Comments from the City of Deltona on the Final Draft of the SWVCTS

Comment # 1: According to the scope of work, the consultant was given a notice to proceed on October 7, 2008. The scope indicated that the project was to be completed 12 months after the authorization to proceed. The technical report was intended to analyze traffic demand, LOS, system deficiencies, project ranking methodology, funding opportunities, etc.

The timing of this study coincides with significant changes to State planning law which address transportation planning oriented issues. According to the recent changes promulgated under SB 360, the City of Deltona and other Cities in the SW region of the County are considered “Dense Urban Land Areas” (DULA). The new language indicates that a DULA local government could be entirely or in part considered a TCEA. However, if the TCEA option is exercised, a local government has a two year window to develop transportation strategies to ensure mobility and related funding.

The City of Deltona would like to take advantage of, or at least explore, the legislative TCEA options. The City does have some expectation that the SWVCTS would be predicated on the most up to date information and that the SWVCTS would be used as primary support for satisfying the legislative requirements for recognizing the DULA TCEA options. However, the recent changes in Florida Law are not well reflected in the study. There is recognition that the scope was prepared and authorized before the aforementioned changes to Florida Law but the study should not have occurred in a vacuum which appears to be the case. To illustrate this point further, the scope of work indicates that the consultant would explore the use of mechanisms including TCEAs as part of preparing this study. However, no TCEA analysis has been noted.

With these issues noted, the report should be revised to address the applicable changes to Florida Law including a detailed analysis of the applicability of TCEA(s) for the SWVCTS DULAs. The intent would be to use the study as support to facilitate appropriate amendment to local government comprehensive plans pursuant to State Law.

Without the TCEA material as per the scope and an analysis performed in light of changes to State Law there is serious doubt cast on the plan, as currently drafted, constituting much value with regard to implementation. Therefore, City staff suggests that the plan needs to be reworked, probably extensively, to provide the scoped TCEA analysis with full

recognition of contemporary planning Law that was promulgated coeval with the formulation of the SWVRTS draft.

The contract award for this project is \$250,000, of which the County has presumably satisfied over 90%. City staff recommends that the County not authorize any further disbursements towards finalizing the contract until the draft is rectified to the satisfaction of the partnering local governments, including the City of Deltona.

Response # 1: A TCEA (Transportation Concurrency Exception Area) analysis was performed during the study and the results were provided to the Study Partners in spreadsheets. The TCEA analyses were updated and are specifically referenced in the SWVRTS. See Section 5, page 46. Volume-to-capacity ratios and other transportation system measures were calculated for each city for the existing (2008) condition, the 2015 and 2025 No-Build condition and for each improvement scenario (1A, 1B, 2A, 2B, 3A, and 3B). This data was summarized for DeBary, DeLand, Deltona and Orange City. These four local governments qualify as a Dense Urban Land Area (DULA) and as a TCEA. The changes in law (SB 360) require these areas to prepare a mobility plan within 2 years of designation to fund and support mobility within its jurisdiction. The SWVRTS is not to be used as the mobility plan; however, the data contained therein may be used to develop each applicable City's mobility plan.

Comment # 2: How could/should the transportation fee be reconciled with County and City impact fees?

Response # 2: The legal question of whether the SWVRTS transportation fee and the County and/or City transportation impact fee can BOTH be collected for a project has not been answered in the SWVRTS. The answer is something each jurisdiction would have to determine independently. However, it is our recommendation to suspend or terminate the collection of existing County and City transportation impact fees within the study area if the SWVRTS transportation fee is approved. This would avoid double charging for improvements, the need to calculate impact fee credits, and having an exorbitant fee within the area.

Comment # 3: What would be the geographic boundary for the suggested “transportation fee”?

Response # 3: The transportation fee boundary would be the same as the SWVRTS study boundary.

Comment # 4: Page 2 – The third sentence in the first paragraph has some syntax issues that need to be corrected.

Response # 4: Noted.

Comment # 5: Page 7 – Is there an existing intermodal center located at US 17/92 and Euclid Av in Deland?

Response # 5: Yes.

Comment # 6: Figure 3 – Distinguishing the difference between a rural and urban road is difficult.

Response # 6: *The maps will be updated to make the road categories easier to distinguish.*

Comment # 7: Figure 4 – Map needs to be updated. Improvements such as the Debary Bypass, expansion of N. Normandy, etc. are not depicted.

Response # 7: *The map will be updated.*

Comment # 8: Figure 7 – What criteria was used to determine if a sidewalk segment was “regionally significant”?

Response # 8: *The study defined regionally significant facilities on page 44. Figure 7 on page 15 was an inventory of sidewalks maintained by the County within the study area. This was the only available data at the time of the draft report. The map is updated to reflect additional data received from the VCMPO and to remove the labeling of "regionally significant".*

Comment # 9: Please be aware that a goal of the City of Deltona is the placement of a multi-modal center within its boundaries. Such a multi-modal center would be associated with the I-4 corridor and probably be located within the Activity Center. There is anticipation that such a center would be developed in phases as the need and funding arose. Suggest that the multi-modal center be recognized in the SWVRTS.

Response # 9: *Based on approved Scenarios 2 and 3, a park-and-ride lot was included in the Southwest Activity Center and in the vicinity of I-4 for the analysis. The volumes on roads within 1/4 mile of the location were reduced 3% by 2015 and 5% by 2025 to reflect this improvement. Configuration of the park-and-ride lot could allow for transit interface with the express service currently offered by LYNX, subject to local agreement with that provider or with Votran. As the demand for services grows overtime this location could evolve further which is consistent with the City’s goal.*

Comment # 10: Figure 22 - The North Normandy/Deltona Boulevard corridor should be considered as regionally significant. Not only do these roads represent an important north/south route through the City the roads are a parallel facility to I-4.

Response # 10: A road is regionally significant if it is on the State Highway System, a designated hurricane evacuation route, or a designated truck route. Further, a collector or higher classified road that satisfies at least two of the following criteria may be considered regionally significant: provides direct access to an interstate, provides access to major traffic generators and attractors, or traverses local jurisdictional boundaries. While North Normandy Boulevard and Deltona Boulevard are classified as collectors, they do not provide direct access to I-4 and do not cross a city or county boundary.

Comment # 11: The cost estimates for improvements are astronomical and the corresponding fee structure is going to be very high. Such high fees cast some doubt on the ability to implement study recommendations.

Response # 11: The fee structure is based on the inclusion of all of the improvements identified in the multimodal improvement plan to accommodate 2025 transportation needs. It will be the option of the Study Partners, upon mutual agreement, to adopt the full fee amount or a reduced amount of this fee. This would be determined when an interlocal agreement is approved.

Comment # 12: While the quantification of the costs, however extensive, has merit, the study needs to address in more detail how alternative modes of transportation and other roadway improvements, instead of lane addition can provide a more fiscally feasible method of which to afford an acceptable level of community mobility.

Response # 12: The costs were based on all modes of transportation that were incorporated into the multimodal improvement plan and the costs were calculated per mode. The report contains information by which cost comparisons can be made for example: Tables 10 and 11 on pages 40 and 43 display estimated costs for commuter rail and estimated costs for adding lanes to I-4 respectively. CRT from DeBary to Orlando (capital) is estimated to cost \$11.8M in '09 dollars, while adding 1 lane in each direction on I-4 from the Seminole County line to Dirksen is estimated to cost \$34.3M (capital) in '09 dollars. This does not include the value derived from reducing vehicle miles traveled (vmt), the reduction in the area's carbon foot print, the potential for improved air quality, the value of reliable trip times or other benefits. Such analyses are beyond the scope of this study, but related information can be found on a number of websites such as those for SunRail, the Center for Transportation Excellence, or the Complete Streets Coalition.

Comment # 13: Transit operating costs need to be addressed.

Response # 13: Transit operating costs may be addressed by each jurisdiction in its mobility plan. Operating costs were not available from the providing agency and were not incorporated in the fee structure. Note that a recent change in law makes Volusia County eligible to levy the Charter County Surtax via referendum. This funding source can be used to cover operating and maintenance costs for transit.

Comment # 14: Page 48 – The ITE manual is referenced as methodology for trip generation. What happens if the ITE parameters change?

Response # 14: ITE Trip Generation is the accepted methodology to determining a project's trip generation. The current edition is the 8th Edition. Periodically, this manual is updated. The interlocal agreement could include a provision for revisions to the trip generation rates and equations, based on future editions of Trip Generation, which would be reflected in the calculation of the transportation fee.

Comment # 15: Page 52 – Please elaborate on how roles and responsibilities can be defined.

Response # 15: Roles and responsibilities would be defined in detail in the interlocal agreement. For example, it may be determined that the County would be responsible for adopting a change in its comprehensive plan that the other jurisdictions would then reference. The County could be the designated collector of transportation fees etc.

Comment # 16: Appendix A – Ft. Smith Boulevard between Courtland Blvd. and India Blvd. is a 3-lane facility.

Response # 16: The appropriate tables and maps will be changed to reflect this. This segment of Ft. Smith Boulevard will be coded as a 2-lane divided roadway with respect to facility type.

Comment # 17: Page 99 of Appendix – What is the Martin MPO study referenced?

Response # 17: The Martin (Martin County, Florida) Metropolitan Planning Organization completed a Park-and-Ride Lot Study in May 2007. This study provided cost estimates for the construction of park-and-ride lots which were used in the development of transportation needs. The methodology used in Martin County to develop the cost estimates was deemed appropriate for this study.

Comments from the City of DeLand on the Final Draft of the SWVRTS

The City of DeLand has been reviewing the February 9, 2010 draft of the Southwest Regional Transportation Study (SWVRTS) and offers the following comments. As everyone is aware, the rules have changed for transportation since the VGMC conditioned several Comprehensive Plan amendments in 2006 to require an interlocal agreement between the City and County. The condition requires the interlocal agreement to identify review methodologies and funding strategies for needed roadway improvements. Since that time the State legislature has passed new legislation that established dense urban land areas (DULA) and transportation concurrency exception areas (TCEA) that will ultimately change how local governments prepare their Transportation Elements with the development of Mobility Plans. Although the legislation was passed, there were no details created to guide local governments in how to address the development of these mobility plans. Therefore the City will be looking to the VGMC to delay when the interlocal agreements are required until rules are promulgated by the State and the study can be updated consistent with the rules. Because we do not know the impact of the DULA's and TCEA's may have on this study; the City does not see the need to enter into an interlocal agreement that may have to be changed to address the transportation mobility plan and funding. This should be one of the recommendations of the study. This being said the City offers the following specific comments:

Comment 1: The DeLand commuter rail station is not shown or listed as a project on the map or Table 11. This station needs to be included in the report because it is actually approved rather than the proposed one west of Orange City.

Response 1: Table 11 will be updated to reflect this station. This was inadvertently omitted since there are no additional costs required to use the existing DeLand Amtrak station for commuter rail.

Comment 2: The report creates a regional road network for west Volusia and a funding source for those facilities. How will the roads not on this regional network be funded?

Response 2: Funding for roadways not on the Regionally Significant Network will be determined by the individual cities or County.

Comment 3A: Are the local gas taxes still available for local roads and maintenance?

Response 3A: Yes, this study does not recommend changes to existing funding sources.

Comment 3B: The city now gets a percentage of two of the gas taxes. Will this continue with the proposed program?

Response 3B: Study does not recommend changes to existing funding sources.

Comment 4: The funding recommendation is to adopt a transportation fee to handle all the types of transportation not just roads. Most [of the] discussion indicates that this is not an impact fee. If that is the case, why can't some of the funds be used for operation or maintenance, at least for the new facilities built with this transportation fee? For example, a bus is considered capital, but the driver, etc. is operational which can not be funded under the proposed funding process. There is no funding proposal to address the operational needs. Thus, building or buying new facilities creates a burden on local governments because the funding for maintenance is not addressed.

Response 4: Operating costs were not included in the study due to the planning level of the proposed transit improvements. Operating costs may be addressed on a local level as a part of the mobility plans.

Comment 5: If there is no longer LOS for individual facilities and only a system wide LOS, is there such thing as a failed or backlogged facility? Therefore, we should be able to use the transportation fee to fix any transportation problem not just future problems.

Response 5: Until laws are adopted specifically defining a mobility fee, it is reasonable to assume the rules currently in place for the collection and use of fees will remain in effect. Currently, transportation impact fees cannot be used to fund improvements of existing deficiencies. The method used in the study to develop the costs of improvements deducted the portion of the costs associated with existing deficiencies. The funds required to address future transportation needs are part of the multimodal improvement plan.

Comment 6: Is there any limitation to how much can be spent for non-road facilities using the transportation fee?

Response 6: The limitation is the cost of the non-road facilities included in the improvement plan for which the fee is calculated. If more non-road facilities are desired, the improvement plan and costs would need to be revised to reflect this.

Comment 7: The report also suggests this transportation fee replace the impact fee. Does this change the district boundaries?

Response 7: No, the boundaries used for impact fee collection purposes are proposed to be kept for the purposes of the transportation fee.

Comment 7A: What happens if the full amount is not collected?

Response 7A: The improvements will be funded in order of priority by mode. As fees are collected improvements in priority order will get funding. It is very likely that the funding may fall short of anticipated needs. The amount of the transportation fee collected would determine how many of the improvements are funded.

Comment 7B: This is not the time that local governments will be looking to increase development fees.

Response 7B: The decision regarding how much of the transportation fee to collect will remain with each local government entity.

Comment 8: Other than Lake Helen, the cities in this study are TCEA's. What impact does this have on the study? Will this transportation fee meet our requirements for the mobility fee and plan? Page 49 seems to indicate that this is possible.

Response 8: The fee is a method of funding the regional mobility needs. The local mobility needs of TCEA would still need to be addressed. The local jurisdiction could use the same methodology to develop a fee for additional local needs. However, the local jurisdiction could determine other means of supporting & funding mobility within its city through funding transit, sidewalks, bike lanes, etc.

Comment 9: Any recommendation on who collects and distributes the fee?

Response 9: Use existing impact fee collection/distribution structure.

Comment 10: Has the VGMC given an indication that this report complies with their resolutions? Or is it dependent upon the interlocal agreements? And can one city and the county enter into an interlocal agreement without the other cities and still comply? Is there a time limit as to when the interlocal has to be in place?

Response 10: VGMC has indicated that if the cities and the county enter into an interlocal agreement it will be satisfied. The time limit to comply is based on the VGMC resolutions issued in the jurisdiction.