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January 14, 2020

Members of the M-CORES Suncoast Connector, Northern Turnpike Connector
and Southwest-Central Connector Task Forces
c/o Ms. Huiwei Shen, Chief Planner
Office of Chief Planner
Florida Department of Transportation
605 Suwannee Street
Tallahassee, FL 32399-0450

Re: CS/SB 7068; Multi-Use Corridors of Regional Economic Significance Program (M-CORES)

Dear Task Force Members:

On behalf of 1000 Friends of Florida, we appreciate having the opportunity to participate on the three M-CORES Corridor Task Forces. M-CORES will have a tremendous impact on how our state grows and develops over the coming decades. As the state's leading growth management and planning not-for-profit organization, we are pleased to provide input to help identify and address planning, transportation, growth management, conservation, economic development, hurricane evacuation and other related concerns associated with these major projects.

With several task force meetings completed, we would like to bring several concerns to your attention, along with recommendations related to:

- Project need, economic feasibility and impacts
- Environmental impacts and feasibility
- Land use and hurricane evacuation impacts
- Appropriate federal, state and local review and consistency
- Alternatives analysis and no build options, and
- Consensus

Senate Bill 7068 (SB 7068) and sections 338.223 and 339.135, Florida Statutes, lay out numerous requirements applicable to planning for and evaluating the M-CORES corridors. We have analyzed these laws and identified areas where the proposed process for the task forces may fall short of statutory compliance. We would like to have the issues outlined in this

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letter added to the agendas for the upcoming task force meetings. It is imperative that FDOT provide sufficient data and time for robust task force review to ensure that these issues are appropriately addressed in the M-CORES planning process. We suggest that this letter be added as an agenda item for the next task force meeting for each corridor, to allow members to schedule when each task force will address each issue and determine what data, analysis or other background materials are needed to conduct an appropriate analysis and make recommendations as required by state law.

NEED/ECONOMIC FEASIBILITY/IMPACTS

During past meetings, members of each of the three Task Forces have raised the issue of evaluating the need for each corridor, with some facilitators and staff indicating that this topic is not within the purview of the task forces. However, as clearly indicated in lines 209-212 of SB 7068 (with formatting and emphasis added):

Each corridor task force shall evaluate the need for, and the economic and environmental impacts of, hurricane evacuation impacts of, and land use impacts of, the related corridor as identified in subsection (2).

Federal and state transportation planning requirements and wetland permitting requirements also clearly provide that project purpose and need must be established for projects of this nature. This is further reinforced in lines 286-294 of SB 7068 which indicate that:

(c)1. Projects under this section are subject to the department's delegated responsibilities under s. 334.044(34) for environmental review, consultation, or other action required under any federal environmental law applicable to review or approval of such projects. For those projects that do not receive federal aid or projects that do not require federal action, the department must perform a project evaluation that considers the following:

a. Project purpose and need; ...

Lines 269-270 of SB 7068 also address the requirement to determine economic feasibility, which is intertwined with the issue of need:

(b) Subject to the economic ... feasibility statement requirements of s. 338.223

...

A review of s. 338.223, Florida Statutes, which relates to proposed turnpike projects reveals that:

(1)(a) ... A proposed project or group of proposed projects may not be added to the turnpike system unless such project or projects are determined to be economically feasible

These provisions in SB 7068 and s. 338.223(1)(a) clearly indicate that the M-CORES task forces must undertake a comprehensive analysis of the need for the roads and, if needed, their economic feasibility. This can only be undertaken if the task force members are supplied with robust transportation planning data including toll revenue forecasts and project cost estimates, and sufficient time needed to conduct a thorough analysis of the issues. It would make a mockery of the process to provide only partial data to the task forces, with FDOT later coming out with different findings based on data not provided to the task forces.

Recommendations: FDOT shall provide task force members with appropriate data to evaluate the need for the three corridors and, for corridors determined to be needed, their economic feasibility (to determine if they meet the minimum economic feasibility requirements of Florida Statutes) and their economic impacts on the local and regional economies. Need, economic feasibility, and economic impacts must be added to the agenda for each of the three task forces, allocating sufficient time for the data and analysis to be provided, and for robust discussion of and recommendations for each.

ENVIRONMENTAL IMPACTS/FEASIBILITY

The same sections described under Need/Economic Feasibility also address the clearly stated requirement for the task forces to address environmental impacts and feasibility. Lines 209-212 of SB 7068 indicate that:

Each corridor task force shall evaluate... [the] environmental impacts of ... the related corridor as identified in subsection (2)

Lines 269-270 of SB 7068 state:

(b) Subject to the ... environmental feasibility statement requirements of s. 338.223...

Again, a review of s. 338.223 reveals that:

(1)(a) ... A proposed project or group of proposed projects may not be added to the turnpike system unless such project or projects are determined to be economically feasible and a statement of environmental feasibility has been completed for such project or projects

(c) Prior to requesting legislative approval of a proposed turnpike project, the environmental feasibility of the proposed project shall be reviewed by the Department of Environmental Protection ... After a review of the department's report and any public comments, the Department of Environmental Protection shall submit a statement of environmental feasibility to the department within 30 days after the date on which public comments are due....

Further, lines 154-158 of SB 7068 state the goals of the corridors include:

- (j) **Protection or enhancement of wildlife corridors or environmentally sensitive areas.**
- (k) **Protection or enhancement of primary springs protection zones and farmland preservation areas designated within local comprehensive plans adopted under chapter 163.**

SB 7068 also incorporates specific environmental protection obligations for each task force as included in lines 229-238 for the Southwest-Central Florida Connector corridor:

- 7. *The Southwest-Central Florida Connector corridor task force shall:*
 - a. **Address the impacts of the construction of a project within the corridor on panther and other critical wildlife habitat and evaluate in its final report the need for acquisition of lands for state conservation or as mitigation for project construction; and**
 - b. **Evaluate wildlife crossing design features to protect panther and other critical wildlife habitat corridor connections.**

Likewise, lines 239-247 give the Suncoast Connector and Northern Turnpike Connector corridor task forces additional environmental responsibilities:

- 8. *The Suncoast Connector corridor task force and the Northern Turnpike Connector corridor task force shall evaluate design features and the need for acquisition of state conservation lands that mitigate the impact of project construction within the respective corridors on:*
 - a. **The water quality and quantity of springs, rivers, and aquifer recharge areas;**
 - b. **Agricultural land uses; and**
 - c. **Wildlife habitat.**

This mandate also clearly indicates that, at a minimum, the Suncoast and Northern Turnpike task forces should remain involved in project evaluation through the design phase in order to be able to “evaluate design features and the need for acquisition of state conservation lands that mitigate the impact of project construction....” It is simply not possible to evaluate design features and land acquisition needs in the initial phase of corridor planning.

Lines 310-315 of SB 7068 further indicate:

3. ***To the greatest extent practical, corridor configuration, project alignment, and interchange locations shall be designed so that project rights-of-way are not located within conservation lands acquired under the Florida Preservation 2000 Act as established in s. 259.101, and the Florida Forever program as established in s. 259.105.***

Recommendations: As with need and economic feasibility as described above, the task forces are clearly directed to address the issues of environmental feasibility and impacts. Federal and state requirements also require such analysis. Considerable time has been allotted to the task forces to consider and discuss these issues, but plentiful time must be allowed for meaningful evaluation and recommendation. Further, the task forces need sufficient data and time to evaluate design features and the need for acquisition of state conservation lands to provide mitigation.

LAND USE/HURRICANE EVACUATION IMPACTS

The construction of a major road system along the predominantly rural west coast of Florida will have significant and long-term land use and hurricane evacuation ramifications. Roads of this nature can stimulate the construction of convenience stores at major interchanges and suburban housing and associated development, with significant – and often costly – implications for the local governments then charged with providing infrastructure and services to support the sprawling new development. Such development also significantly impacts hurricane evacuation loads and patterns. It is clearly within the purview of the task forces to evaluate these land use and hurricane evacuation impacts. Lines 209-212 of SB 7068 indicate that:

Each corridor task force shall evaluate... hurricane evacuation impacts of, and land use impacts of the related corridor as identified in subsection (2)

However, the respective task forces can only carry out this statutory requirement if they are provided with sufficient data on current and projected population growth and associated land use and hurricane evacuation data for their study areas and for the region, including alternative projections assuming the roadways are constructed and are not constructed.

The primary land use tool in Florida is the local government comprehensive plan, which under chapter 163 must be adopted by each local government. The importance of integrating the task forces' work with these plans is indicated in lines 156-158 of SB 7068:

(k) Protection or enhancement of primary springs protection zones and farmland preservation areas designated within local comprehensive plans adopted under chapter 163.

In addition to the general requirement for consistency with local comprehensive plans as noted above, SB 7068 also indicates in lines 252-261:

10. *The department shall **provide affected local governments with a copy of the applicable task force report and project alignments. Not later than December 31, 2023, a local government that has an interchange within its jurisdiction shall review the applicable task force report and its local comprehensive plan as adopted under chapter 163.** The local government review must include consideration of whether the area in and around the interchange contains appropriate land uses and natural resource protections and **whether the comprehensive plan should be amended to provide such appropriate uses and protections.***

However, this is inconsistent with the stipulation in lines 322-324 that indicates that road construction shall begin a **full year prior** to the local governments completing its evaluation of whether the road interchanges are consistent with the local comprehensive plans:

(6) *To the maximum extent feasible, **construction of the projects shall begin no later than December 31, 2022...***

In the event the local government determines that it is not possible to integrate “appropriate land uses and natural resources protections” into the local comprehensive plan, it will be too late to make significant changes to the road system to address those problems. This is not consistent with sound planning principles.

Recommendations: The task forces must be provided with sufficient data and adequate time to review hurricane evacuation and land use impacts of the proposed corridors. Additionally, local comprehensive plans must be evaluated and amended for consistency prior to the December 31, 2022 construction start date.

APPROPRIATE FEDERAL, STATE AND LOCAL REVIEW AND CONSISTENCY

As noted above, there is an inherent inconsistency with the timeline for local comprehensive plan evaluation and amendment. Sufficient time must be allocated in the M-CORES process for other required federal, state and local planning review and processes. Again, the referenced s. 338.223 addresses the need to integrate turnpike planning with other state planning processes:

(1)(a) *Any proposed project to be constructed or acquired as part of the turnpike system and any turnpike improvement **shall be included in the tentative work program.** A proposed project or group of proposed projects may not be added to the turnpike system unless ... **such projects are determined to be consistent, to the maximum extent feasible, with approved local government comprehensive plans** of the local governments in which such projects are located....*

(b) Any proposed turnpike project or improvement shall **be developed in accordance with the Florida Transportation Plan and the work program** pursuant to s. 339.135. Turnpike projects that add capacity, alter access, affect feeder roads, or affect the operation of the local transportation system **shall be included in the transportation improvement plan of the affected metropolitan planning organization**. If such turnpike does not fall within the jurisdiction of a metropolitan planning organization, the department shall notify the affected county and provide for public hearings in accordance with s. 339.115(5)(c).

(c) Prior to requesting legislative approval of a proposed turnpike project, **the environmental feasibility of the proposed project shall be reviewed by the Department of Environmental Protection ...**

The referenced s. 339.135 includes the process to amend the tentative work program and, among other things, notes:

(b) Upon the written request by the President of the Senate and the Speaker of the House of Representatives, the department shall prepare a list of projects, from the transportation needs identified pursuant to this paragraph, that meet the following criteria:

1. **The project can be made production-ready within the 5 fiscal years following the end of the current fiscal year...**
3. **The project is included in the transportation improvement program of any metropolitan planning organization within whose boundaries the project is located in whole or in part.**
4. **The project is not inconsistent with an approved local comprehensive plan of any local government within whose boundaries the project is located in whole or in part, or, if inconsistent, is accompanied by an explanation of why the inconsistency should be undertaken.**

Additionally, lines 213 -216 of SB 7068 require:

5. Each corridor task force shall hold a public meeting in accordance with chapter 286 in each local government jurisdiction in which a project within an identified corridor is being considered.

It is not clear, given the public schedules currently posted on FDOT's M-CORES website, that every municipality within the yet-to-be-identified corridors will be provided the opportunity for a required public meeting in compliance with SB 7068.

It is clearly the intent of Florida's transportation planning process, which includes the turnpike system and hence M-CORES, that a comprehensive approach be undertaken, including that such road systems be included in both the Florida Transportation Plan and work program, be included in the transportation improvement program of appropriate metropolitan planning organizations, and be consistent with applicable approved local comprehensive plans. If they are not consistent, the transportation planning process requires an explanation of why the inconsistency should be undertaken.

Recommendations: As the process to amend the Florida Transportation Plan, work program, MPO transportation improvement program, local comprehensive plans, and other applicable federal, state and local plans each include separate timelines, public notice and other requirements, develop a flow chart showing how these requirements will be met prior to the statutory construction launch date of December 31, 2022. Also, ensure that every local government within identified corridors will have public meetings as required in SB 7068.

ALTERNATIVES ANALYSIS AND NO BUILD OPTIONS

Under federal transportation funding requirements and under federal and state wetland permitting requirements, an alternatives analysis must also be undertaken and it must include a no build option for projects of this nature. The requirement for the alternatives analysis-- even if federal aid is not used-- is reinforced for M-CORES in lines 290-295 of SB 7068:

For those projects that do not receive federal aid or projects that do not require federal action, the department must perform a project evaluation that considers the following: ...

b. An alternative analysis...

Recommendation: While not clearly within the scope of work for the respective task forces, it would be advisable to seek direction from the respective task forces in order to meet these fundamental federal, state and M-CORES requirements.

CONSENSUS

SB 7068 clearly states on lines 177-179 that:

*During the project development phase, the department shall utilize **an inclusive, consensus-building mechanism** for each proposed multi-use corridor identified in subsection (2).*

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Recommendation: Given the vast array of interests represented on the task forces – from road builders, to impacted communities, to conservation organizations – in the event there is not a consensus on every task force recommendation for each corridor, there should be the opportunity for a formal minority report or reports for each task force. Those minority report(s) should clearly identify areas on which consensus could not be reached and outline the basis for lack of consensus. In compliance with SB 7068, the minority report(s) should be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives by October 1, 2020 in tandem with the majority task force reports.

In conclusion, SB 7068 and sections 338.223 F.S. and 339.135, F.S. lay out numerous requirements applicable to planning for and evaluating the M-CORES corridors, as outlined in this letter. 1000 Friends of Florida sincerely hopes that this letter is added to the agenda for the next meeting of each of the three task forces to allow members to identify the data needed to conduct appropriate analysis and schedule when the data and analysis should be discussed prior to formulation of the final report.

We appreciate your attention to these issues and look forward to discussing them further at upcoming meetings.

Sincerely,



Susan L. Trevarthen, JD, FAICP
Chair, Board of Directors
1000 Friends of Florida