

DRAFT—July 1, 2008
Revised

TLU-6 Factoring GHG Emissions into Transportation and Land Use Planning Processes

Policy Description

This option seeks to ensure that local and state land use and transportation planning considers the impact of land use and transportation decisions on the reduction of greenhouse gas emissions. Transportation accounts for the second largest contributor to greenhouse gas emissions in Florida, and represents approximately 40% of emissions in Florida.

Florida has a long history of local government comprehensive planning, the cornerstone of which was the enactment and amendment of the Local Government Comprehensive Planning (LGCP) and Land Development Regulation Act. Each local government is required to adopt a comprehensive plan that contains certain required elements: 1) a capital improvements element; a future land use plan; a traffic circulation element; a general sanitary sewer, solid waste, drainage, potable water, and natural groundwater aquifer recharge element; a conservation element; a recreation and open space element; a housing element; a coastal management element (where appropriate) and an intergovernmental coordination element. Local zoning codes and land development regulations must be consistent with the policies articulated in the comprehensive plan.

In addition to the comprehensive plan, Florida has adopted as the cornerstone of its growth management transportation framework a policy called concurrency. The policy is based on the premise that public facilities shall be in place concurrent with or prior to the impacts of a particular development. “Concurrency in Florida is tied to provisions in the state growth management act, requiring the adoption of level of service standards, elimination of existing service deficiencies, and provision of infrastructure to accommodate new growth reflected in the comprehensive plan. Plans and development regulations must aim at achieving and maintaining the desired level of service, and comprehensive plans are reviewed by the state for consistency between the capital improvement element and the various elements of the plan, including the future land use plan.”¹

With respect to transportation facilities, the general rule is that transportation facilities needed to serve new development shall be in place or under construction within 3 years after the local government approves a building permit or its functional equivalent that results in traffic generation. The implementation of transportation concurrency has been problematic and a number of exceptions to the general policy have been adopted by the

¹ Transportation Concurrency—Best Practices Guide, Florida Department of Community Affairs, p.6.

Florida Legislature. First, in 2005, proportionate fair share mitigation or “pay and go” option for concurrency was adopted that: “allows developments to proceed under certain circumstances, notwithstanding a failure to meet transportation concurrency, where applicants contribute their fair share of the cost of improving the transportation facility.”²The improvement must be financially feasible within a 10 year time frame and be in or added to the 5 year capital improvements element. Second, specific exceptions from the concurrency requirement are provided for certain public transportation facilities, infill or redevelopment projects, and projects whose impacts are considered insignificant or de minimis.

It is generally accepted that the implementation of the concurrency policy in Florida has had the unintended consequence of encouraging developers to build outside of existing urban cores because lack of excess transportation capacity within these areas; thereby requiring expensive transportation improvements to meet concurrency standards.

During the 2008 session of the Florida Legislature, the Legislature adopted HB 697 which was signed into law on June 17, 2008. The new law requires local governments to include in their local government comprehensive plans policies that address energy efficiency and the reduction of greenhouse gas reductions. The following elements of the comprehensive plan are amended to require:

- Future Land Use Element—includes energy-efficient land use patterns and greenhouse gas reduction strategies.
- Traffic Circulation Element—include strategies to reduce greenhouse gas reductions.
- Housing Element—address energy efficiency in design and construction of new homes.

The Energy Bill, HB 7035, requires the State Comprehensive Plan to include goals related to energy and global climate change. Also the bill provides that each Metropolitan Planning Organization is encouraged to consider strategies that integrate transportation and land use planning “to provide for sustainable development and reduce greenhouse gas emissions.”

On a broader scale, long-range visioning activities being conducted at the community and regional levels in Florida are identifying alternatives to current growth practices. Regional visioning enable communities to develop a comprehensive approach to planning for future land use, transportation, conservation, economic development, housing and other community needs. They provide an opportunity for regions to alter current growth patterns, thus modifying future transportation needs and associated energy consumption by enabling people to make fewer trips, make shorter trips, or use alternative modes.

² *Ibid*

In addition, the Department of Transportation (DOT) produces the Florida Transportation Plan (FTP), a long-range plan that identifies the goals and objectives for the next 20 years. The FTP addresses the needs of the entire state transportation system, not just those owned by DOT, and provide a vision for Florida's transportation and lays out a policy framework to achieve this vision.

A Metropolitan Planning Organization (MPO) is made up of local elected and appointed officials responsible for coordinating transportation planning in a metropolitan area of at least 50,000 people. The 26 MPOs in Florida are responsible for developing long-range transportation plans (LRTPs) and programs and setting transportation funding priorities for the metropolitan areas (s. 339.179, F.S.). DOT's five year work program is developed based on the project priorities submitted annually by the MPOs and county commissions from counties not included in MPO areas. These LRTPs are developed based upon future land use and growth assumptions contained in the LGCPs.

Policy Design Goals

6.1—By December 31, 2009, all local government comprehensive plans shall be revised to include policies and objectives that address energy efficiency and greenhouse gas reduction strategies, including:

- Policies that increase density within the urban service area;
- Policies that promote compact development and maximize internal trips within the development;
- Policies that promote transit oriented development within urban service area;
- Policies that promote affordable and workforce housing in proximity to major employment centers.
- Policies that target infrastructure investment in greenhouse gas efficient locations.

6.2—By December 31, 2009, all local governments shall adopt land development regulations that implement the amended policies that address energy efficiency and greenhouse gas reduction strategies.

6.3—By July 1, 2009, amend the Local Government Comprehensive Planning and Land Development Act to allow local governments to enact mobility fee structures as an alternative to transportation concurrency.

6.4—By December 31, 2010, amend the Florida Transportation Plan to develop goals, objectives and strategies for addressing climate change and reducing greenhouse gas emissions.

6.5—By July 1, 2010, amend the 5-year state transportation work plan to prioritize projects that reduce vehicle miles traveled and consider the greenhouse gas impact of constructing new roads.

6.6—By April 1, 2012, require Metropolitan Planning Organizations to prioritize projects that reduce vehicle miles traveled in the M.P.O. long-range transportation plan.

6.7—By July 1, 2009, require all transportation authorities to give priority to projects that reduce vehicle miles traveled and consider the greenhouse gas impact of constructing new roads.

6.8—By December 31, 2009, reduce VMT within urban service areas by 10%.

6.9—By December 31, 2015, reduce VMT within urban service areas by 15%.

6.10—By July 1, 2009, establish growth policies that provide incentives for developing regional visions that integrate transportation and land use planning to provide for sustainable growth and reduce greenhouse gas emissions.

Implementation Mechanism

In order to assist local governments in implementing the requirements of HB 697, the Department of Community Affairs should prepare model comprehensive plan policies to address the new policies required in the Future Land Use Element, Traffic Circulation Element and the Housing Element. Provisions in Florida law governing the Florida Transportation Planning Process should be amended to require consideration of the greenhouse gas reduction in the setting and prioritizing of transportation projects. Priority should be given to projects that have the result of reducing greenhouse gas emissions or encourage compact development in urban areas. Regional Transportation Authorities should be required to also consider greenhouse gas reduction in the setting of project priorities.