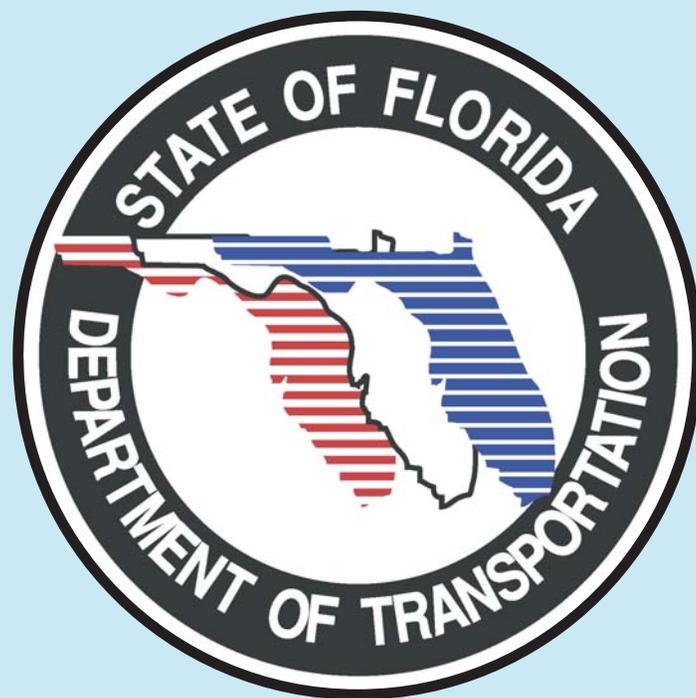


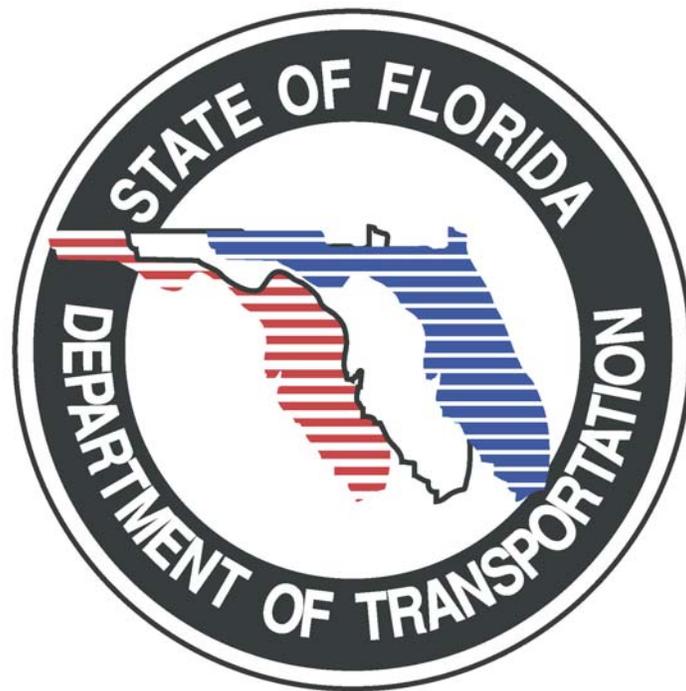
# **Working with Transportation Concurrency Management Systems**



September 2006

Presented by the Florida Department of Transportation

# **Working with Transportation Concurrency Management Systems**



Volume 1, September 2006

Presented by the Florida Department of Transportation

## What is the purpose of this guide?

The purpose of this Florida Department of Transportation (FDOT) guide is to provide information and guidance to District staff on how to review and coordinate with local governments as they develop and maintain **Transportation Concurrency Management Systems (CMS)**. The information provided in this document is consistent with the growth management legislation that was passed in 2005 (SB 360).

## What is Concurrency?

Concurrency is the growth management concept intended to ensure that the necessary public facilities are available concurrent with the impacts of development. To carry out transportation concurrency, local governments must define what constitutes an adequate level of service (LOS) and measure whether the infrastructure and service needs of a new development exceed existing capacity and/or new capacity created by any scheduled improvements in the Capital Improvements Element (CIE) of the local government comprehensive plan. Concurrency entered into Florida law in 1985, through F.S. 163.3180.

## What happens if there is not enough capacity on the road?

If adequate capacity is not available, the local government cannot permit development unless certain conditions apply as provided for in statute, such as exceptions for developments having only minor impacts, or concurrency exception areas to encourage infill and redevelopments. However, by December 1, 2006, each local government is required to adopt by ordinance a method for assessing proportionate fair-share mitigation options if adequate capacity is not available. If the developer chooses the proportionate fair-share option, they may be allowed to proceed with development.



## What is a concurrency management system used for?

Local governments use Concurrency Management Systems (CMS) to monitor and maintain LOS as a result of the various impacts from approved developments. In addition, a CMS can also be used as a planning tool to estimate transportation facility needs and to update capital improvement plans. Each CMS can be slightly different, but usually consists of a spreadsheet and supporting documentation, including the procedures for maintaining the system and the requirements for applicants to submit traffic impact analyses. The basic requirement of each CMS is that it quantifies existing traffic volumes and capacities and the approved development trips for each roadway link in the local government's jurisdiction. Once each development is constructed, these trips would be added to the link volumes of the spreadsheet following the update of traffic counts as part of the normal maintenance of the CMS.

Local governments can also use the Concurrency Management System as a tool to develop the local government's Capital Improvement Plan (CIP), which identifies capacity projects necessary to achieve and maintain adequate levels of service as outlined in their comprehensive plan. As impacts from new developments are logged into the CMS, existing and future year deficiencies can be identified and addressed in the local government's CIP. For example, the local government can coordinate with FDOT to ensure that LOS standards on key corridors are maintained. This can be accomplished by looking at needs in the local government jurisdiction and determining if the deficiencies are addressed in the FDOT Work Program (WP) or a Metropolitan Planning Organization (MPO) long-range transportation plan (LRTP). If the corridor deficiency is not in the FDOT WP, it may be possible to move the project up on the list of LRTP projects so that it will be addressed sooner.

## Are there ever areas that are exempt from concurrency requirements?

**Yes.** Local governments can establish Transportation Concurrency Exception Areas (TCEA). Under limited circumstances, TCEAs allow exceptions to the transportation concurrency requirement in specifically defined urban areas. The exceptions apply to all land uses and development within the TCEA. However, local governments must specifically consider the impacts of the exception areas on the Florida Intrastate Highway System (FIHS) and the Strategic Intermodal System (SIS).

## What other transportation concurrency tools can be used by local governments?

- Local governments can also establish **Transportation Concurrency Management Areas (TCMA)** to promote infill development and redevelopment. TCMA's can be designated in a local government comprehensive plan and must be a compact geographic area with an existing network of roads where multiple, viable alternative travel paths or modes are available for common trips. A local government may establish an areawide LOS standard for a TCMA based upon analysis that justifies the areawide LOS, identifies how urban infill development or redevelopment will be promoted, and describes how mobility will be accomplished within the TCMA.



- **Long-Term Transportation Concurrency Management Systems** can be established by local governments with a planning period of up to ten years for specially designated districts or areas where significant backlogs exist. This can include interim LOS standards on certain facilities, but must rely on the local government's schedule of capital improvements for up to ten years as a basis for issuing development orders that authorize commencement of construction in these designated districts or areas. The concurrency period can also be extended to fifteen years if certain conditions apply.
- **Multimodal Transportation Districts** are areas established under a local government comprehensive plan which are delineated on the future land use map where the local comprehensive plan assigns secondary priority to vehicle mobility and primary priority to assuring a safe, comfortable, and attractive pedestrian environment, with convenient interconnection to transit. Such districts must incorporate community design features that will reduce the number of automobile trips or vehicle miles of travel, and that support an integrated, multimodal transportation system.

The areas described above must be established using sufficient data and analysis to justify the need for the area and to address its possible transportation impacts. Additionally, these areas must be approved by FDOT and the Florida Department of Community Affairs (DCA) prior to implementation.

# What are the general concurrency requirements for local governments?

For the purpose of the issuance of development orders and development permits, local governments must adopt level of service (LOS) standards for roads and transit service located within the area for which such local government has authority to issue development orders and development permits.

Each local government is required to adopt, as a component of the comprehensive plan, objectives, policies and standards for the establishment of a concurrency management system. The concurrency management system must include:

- ☑ A requirement that the local government shall maintain the adopted LOS standards for roads and transit, if applicable.
- ☑ A requirement that the local government CIE sets forth a financially feasible plan which demonstrates that the adopted LOS standards will be achieved and maintained.
- ☑ A system for monitoring and ensuring adherence to the adopted LOS standards, the schedule of capital improvements, and the availability of transportation capacity.
- ☑ Guidelines for interpreting and applying LOS standards to applications for development orders and development permits and determining when the test for concurrency must be met. The latest point in the application process for the determination of concurrency is prior to the approval of an application for a development order or permit which contains a specific plan for development, including the densities and intensities of development.



- ✓ A requirement that the local government shall adopt land development regulations which specify and implement provisions of the concurrency management system and, as a minimum, provide a program that ensures that development orders and development permits are issued in a manner that will not result in a reduction in the levels of service below the adopted LOS standards for the affected facility.

## What should an FDOT District Office be looking for in a local government concurrency management system?

As each District Office routinely coordinates with local governments, there are two key components to review:

- ✓ The local government's concurrency management system ordinance – This ordinance is good to keep on file as it should document how traffic impact studies are to be conducted and any relevant local government requirements. It should also identify which facilities are included in the system. In addition, the goals, objectives, and policies in the Comprehensive Plan that establish and implement the CMS should be reviewed either during the Evaluation and Appraisal Report (EAR) process or more often, such as annually.
- ✓ The concurrency management system monitoring procedure and documentation – The documentation should demonstrate that the LOS standards are being maintained. This information can serve as a quick reference for FDOT District staff in qualifying impacts to State or SIS facilities.

## How can the Districts use the local governments' concurrency management systems?

The Districts can use this information in many of the same ways local governments do. For example, by routinely reviewing the various CMS systems in the District, staff can monitor State roadway corridors to identify the current and future LOS conditions. Additionally, as comprehensive plan amendments are filed with the local governments, the Districts can use the CMS to evaluate the general LOS condition of each corridor. If a State facility is either below or near below its adopted LOS standard, the Districts can alert the DCA so that more data and analysis can be requested from the local government. In many cases the local government CMS can be a planning tool for the Districts to use to ensure that adequate LOS is and will be maintained on the State Highway System (SHS).

## Are there any differences in how a CMS is to address impacts to the FIHS/SIS or non-FIHS/SIS facilities?

**Yes,** for facilities on the SIS or Transportation Regional Incentive Program (TRIP) funded projects local governments shall adopt the LOS standards established by the Department of Transportation by rule. For other roads local governments can adopt LOS standards which are different from those established by the Department.



## Are there any provisions for existing uses that are being redeveloped?

**Yes,** for the purpose of issuing a development order or permit, a proposed urban redevelopment project located within a defined and mapped existing Urban Service Area, as established in the local government comprehensive plan, will not be subject to transportation concurrency requirements for up to 110 percent of the transportation impact generated by the previously existing development. For the purposes of this provision, a previously existing development is the actual previous built use which was occupied and active within a time period established in the local government comprehensive plan.

## What if the development generates very few trips? Are there exceptions for this?

For the purpose of issuing a development order or permit, a proposed development may be deemed to have a minimal impact (called de minimis) and may not be subject to transportation concurrency requirements only if the impact is not more than one percent of the maximum volume at the adopted LOS of the affected roadway. For example, a stand alone single-family home will always be de minimis. No impact will be de minimis if the resulting roadway volume exceeds 110 percent of the maximum volume at the adopted LOS, or if the volume would exceed the adopted LOS on a hurricane evacuation route.

## Are local governments required to have a proportionate fair-share ordinance?

**Yes,** local governments must adopt a proportionate fair-share ordinance by December 1, 2006 that can be used by developers to satisfy transportation concurrency requirements. This method can be used if transportation facilities identified as mitigation for traffic impacts are specifically identified for funding in the local government's five-year schedule of capital improvements, or the long-term concurrency management system, or if the local government commits to adding the needed mitigation to their five-year schedule of capital improvements in the next regularly scheduled update of the capital improvements element.

## What is the difference between "proportionate share" and "proportionate fair-share"?

**Proportionate share** refers to a commonly used methodology of calculating the developer payment for roadway improvement costs for impacts from a Development of Regional Impact (DRI).

**Proportionate fair-share** is a requirement as a result of the 2005 growth management legislation which does not apply to DRIs. In fact it was designed to only address impacts from sub-DRI developments in instances where the local government's CMS shows that a facility is operating, or will operate, below the adopted LOS standard. While the formulas for these two payments are similar, the number of project trips used in the calculations can differ.



Each local government is now required to have adopted a proportionate fair-share ordinance prior to December 1, 2006. To assist local governments in the development of their ordinances, FDOT developed a model proportionate fair-share ordinance which is available at:

<http://www.dot.state.fl.us/planning/gm/pfso/model-ordinance.pdf>

## Do changes in Florida Statute Chapters 163 and 380 as a result of the 2005 growth management legislation affect Developments of Regional Impact (DRIs)?

**Maybe**— Unless the developer elects otherwise in writing, the provisions of the 2005 growth management changes do not apply to any DRIs approved prior to May 6, 2005, or to any DRIs for which an application was submitted prior to May 1, 2005.

## How often should the District Office coordinate with the local government regarding the CMS?

At a minimum, the Districts should request copies of the latest CMS ordinance and documentation demonstrating compliance once a year. In some cases, it may be necessary to request more detailed information more often. For example, in a case where the local government may update the annual traffic counts mid-year, once the CMS is updated with this latest data may be a good time to request and review the CMS.

## Where can I go for more information?

For more information regarding the Florida Department of Transportation (FDOT), please visit the FDOT website at [www.dot.state.fl.us](http://www.dot.state.fl.us). If you have questions or comments concerning this document, please contact Robert Magee at (850) 414-4800.



This document is presented by the  
Florida Department of Transportation.

For more information,  
please visit the FDOT website at  
[www.dot.state.fl.us](http://www.dot.state.fl.us).

If you have questions or comments concerning this document,  
please contact Robert Magee at (850) 414-4800.