The Florida Senate

BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Community Affairs Committee

BILL:	SB 1512
INTRODUCER:	Senator Bennett
SUBJECT:	Growth Management
DATE:	March 16, 2011
REVISED:	

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Wolfgang	Yeatman	CA	**Pre-meeting**
2.			MS	
3.			TR	
4.			BC	
5.				
6.				

I. Summary:

The bill:

- Creates definitions for a transit oriented development (TOD) and mobility plan.
- Revises the definition of financial feasibility.
- Sets a deadline for transmitting a comprehensive plan amendment for airport compatibility.
- Specifies the role population projections should play in land use planning (i.e., revises the needs test).
- Requires a binding interlocal agreement for population assessments.
- Requires local governments to designate long-term transportation management systems if transportation deficiencies are projected to occur within 10 years.
- Changes the term backlog to transportation deficiency.
- Revises the methodology for calculating proportionate-share and proportionate fair-share.
- Requires local governments to revise their proportionate fair-share mitigation ordinances.
- Allows for mass transit projects to extend outside a transportation deficiency area.
- Exempts transit-oriented developments from transportation impact review in the development of regional impact process.

This bill amends the following sections of the Florida Statutes: 163.3164, 163.3177, 163.3180, 163.3182, 380.06, 163.3162, 163.32465, 186.513, 186.515, 287.042, 288.975, 369.303, 420.5095, 420.9071, and 420.9076.

II. Present Situation:

Growth Management

Local Government Comprehensive Planning and Land Development Regulation Act (the Act),[1] also known as Florida's Growth Management Act, was adopted by the 1985 Legislature. Significant changes have been made to the Act since 1985 including major growth management bills in 2005 and 2009. The Act requires all of Florida's 67 counties and 413 municipalities to adopt local government comprehensive plans that guide future growth and development. "Each local government comprehensive plan must include at least two planning periods, one covering at least the first 5-year period occurring after the plan's adoption and one covering at least a 10-year period."[2] Comprehensive plans contain chapters or "elements" that address future land use, housing, transportation, water supply, drainage, potable water, natural groundwater recharge, coastal management, conservation, recreation and open space, intergovernmental coordination, capital improvements, and public schools. A key component of the Act is its "concurrency" provision that requires facilities and services to be available concurrent with the impacts of development. The state land planning agency that administers these provisions is the Department of Community Affairs (DCA).

Capital Improvements Element – Financial Feasibility

In 2005, the Legislature implemented the requirement that municipalities annually adopt a financially feasible Capital Improvements Element (CIE). The deadline for adoption of a financially feasible CIE is December 1, 2011. The purpose of the annual update is to maintain a financially feasible 5-year schedule of capital improvements. The principal is that local governments should be prepared to commit the financial resources necessary to provide the infrastructure to support planned development. Failure to update the CIE can result in penalties.

The definition of financial feasibility in s. 163.3164(32), F.S., provides the framework for the DCA to review these CIE updates. It notes that sufficient revenues must comply with one of the following criteria:

- Currently available; or
- Will be available from committed funding sources for the first 3 years; or
- Will be available from committed or planned funding sources for years 4 and 5 of a five-year capital improvement schedule for financing capital improvements.

> One reasonable approach a local government could employ to comply with this requirement is to provide projections of committed funding sources used to finance capital improvements. The revenue projections could be based on historical trends or other professionally accepted methodologies that demonstrate that adequate revenue is available to fund the projected costs of the capital improvements identified in the comprehensive plan necessary to ensure that

[1] *See* Chapter 163, Part II, F.S.
[2] Section 163.3177(5), F.S.

adopted level-of-service standards are achieved and maintained within the period covered by the five-year schedule of capital improvements.[3]

Many local governments have existing transportation concurrency deficiencies that require special attention and longer time frames to overcome. In such cases, local governments may adopt a long-term transportation concurrency management system with a planning period of up to 10 years.[4] This allows local governments time to set priorities and fund projects to reduce the backlog of transportation projects. For severe backlogs and under specific conditions, a local government may request DCA's approval for a planning period of up to 15 years.[5]

Population Projections – Needs Assessment

The needs assessment is a part of the land use planning process that provides a mechanism for local governments to determine the appropriate supply of land uses necessary to accommodate anticipated demand. The "need" issue is one of the factors to be considered in any urban sprawl analysis.[6] To determine need, the reviewer analyzes: the categories of land use and their densities or intensities of use, the estimated gross acreage needed by category, and a description of the methodology used.[7] This methodology is then submitted to DCA for review with the proposed comprehensive plan amendment. When reviewing this methodology, DCA reviews both the numerical population and policy factors.

Market Factor

Residential: A market factor (also known as an allocation number or multiplier) is a numerical tool used by professional planners to determine the amount of land use supply needed to accommodate anticipated growth.[8] For residential land, a market factor is calculated by dividing the amount of dwelling unit capacity by the amount of dwelling unit demand.[9] In the past, DCA has recommended a market factor of 1.25 which means a plan allows for land uses to support 125% of the projected population.[10] The additional 25% is designed to allow for market flexibility. If the market factor goes above 1.25 it may cause the plan amendment to be subject to a heightened review to see if it meets the indicators of urban sprawl.[11]

Commercial/Industrial: Similar to residential, examining the market factor for commercial and industrial lands is a significant factor in determining need. However, case law has indicated that the need for additional commercial or industrial land may also be demonstrated by other factors such as the suitability of the property for change, locational criteria, and community desires.[12]

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[3] DEPT OF COMMUNITY AFFAIRS, CAPITAL IMPROVEMENTS ELEMENT, *available at* http://www.dca.state.fl.us/fdcp/dcp/cie/FAQ.cfm; see also DEPT. OF COMMUNITY AFFAIRS, A GUIDE TO THE ANNUAL UPDATE OF THE CAPITAL IMPROVEMENTS ELEMENT, *available at* http://www.dca.state.fl.us/fdcp/dcp/publications/Files/AnnualUpdateGuideCIE81606.pdf.
[4] Section 163.3180(9), F.S.
[5] *Id*.
[6] Rule 9J-5.006(5)(g)1, F.A.C.
[7] Rule 9J-5.006(2)(c), F.A.C. For an example of how the methodolgy is analyzed, see page 5.
[8] *The Role of Need in Comprehensive Planning*, Department of Community Affairs Presentation, June 26, 2009.
[9] *Id*.
[10] *Id*.
[11] *Sierra Club v. St. Johns County & DCA*, DOAH 01-1851GM (May 20, 2002).
[12] *O'Connell v. Martin County*, DOAH 01-4826GM (Oct. 16, 2002).

For industrial land use changes, rural communities are also provided a special exception. Section 163.3177(6)(a) F.S., states that "the amount of land designated for future planned industrial use should be based on surveys and studies that reflect the need for job creation, capital investment, and the necessity to strengthen and diversify the local economies and should not be limited solely by the projected population of the rural community."

Planning Time Horizon

The Florida Growth Management Act of 1985 requires each local government comprehensive plan to include at least two planning periods, one covering at least the first 5-year period occurring after the plan's adoption and one covering at least a ten-year period.[13] In planning for the amount of land needed for a particular land use, the local government must analyze it within the adopted planning time horizon applicable to that portion of the comprehensive plan. Other local governments have also adopted a third planning time horizon for longer range planning. These longer range planning time horizons have been extended out as far as 40 years, and DCA has approved comprehensive plan amendments that have incorporated these longer term planning time horizons.[14]

Population Projections

A key component of the needs issue is the population projection. In 1986, rulemaking required comprehensive plans to be based on resident and seasonal population estimates provided by the University of Florida, Bureau of Economic and Business Research, the Executive Office of the Governor, or generated by the local government.[15] If the local government chooses to base its plan on the figures provided by the University of Florida or the Executive Office of the Governor, medium range projections should be utilized.[16] If the local government chooses to base its plan on either low or high range projections provided by the University of Florida or the Executive Office of the Governor, a detailed description of the rationale for such a choice shall be included with such projections.[17]

Alternative Methodologies (for Population Projections)

If a local government chooses to prepare its own estimates and projections, it is required to submit estimates and projections and a description of the methodologies utilized to generate the projections and estimates to the Department of Community Affairs with its plan amendments for compliance review, unless it has submitted them for advance review. The Department will evaluate the alternative methodology to determine whether the methodology is professionally accepted. In addition, the Department is required to make available examples of methodologies for resident and seasonal population estimates and projections that it deems to be professionally acceptable. Finally, in its review of any population estimates, projections, or methodologies proposed by local governments, DCA must be guided by the Executive Office of the Governor, in particular the State Data Center.[18]

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[13] Section 163.3177(5)(a), F.S.
[14] "There is not a prohibition against analyzing more time frames than just one planning horizon." *Sierra Club & Panhandle Citizens v. DCA and Franklin County,* DOAH 05-2731GM (June 12, 2006).
[15] Rule 9J-5.005(2)(e), F.A.C.
[16] *Id.*
[17] *Id.*
[18] Rule 9J-5.005(2)(e), F.A.C.

Transportation Concurrency

The Growth Management Act of 1985 required local governments to use a systematic process to ensure new development does not occur unless adequate transportation infrastructure is in place to support the growth. Transportation concurrency is a growth management strategy aimed at ensuring transportation facilities and services are available "concurrent" with the impacts of development. To carry out concurrency, local governments must define what constitutes an adequate level of service (LOS) for the transportation system and measure whether the service needs of a new development exceed existing capacity and scheduled improvements for that period. The Florida Department of Transportation (FDOT) is responsible for establishing level-of-service standards on the highway component of the strategic intermodal system (SIS) and for developing guidelines to be used by local governments on other roads. The SIS consists of statewide and interregionally significant transportation facilities and services and plays a critical role in moving people and goods to and from other states and nations, as well as between major economic regions in Florida.

In 1992, Transportation Concurrency Management Areas (TCMA) were authorized, allowing an area-wide LOS standard (rather than facility-specific) to promote urban infill and redevelopment and provide greater mobility in those areas through alternatives such as public transit systems. Subsequently, two additional relaxations of concurrency were authorized: Transportation Concurrency Exception Areas (TCEA) and Long-term Transportation Concurrency Management Systems. Specifically, the TCEA is intended to "reduce the adverse impact transportation concurrency may have on urban infill and redevelopment" by exempting certain areas from the concurrency requirement. Long-term Transportation Concurrency Management Systems are intended to address significant backlogs.

In 2009, Senate Bill 360, also known as the Community Renewal Act, made certain local government areas TCEAs.[19] Senate Bill 360 also requires those local governments to amend their comprehensive plans within two years of becoming a TCEA to address land use and transportation strategies to support and fund mobility within the exception area, including alternative modes of transportation (often referred to as a "mobility plan"). Several local governments have challenged the constitutionality of SB 360. The appeal is pending in the courts and the provisions of SB 360 remain in effect until the appellate court renders a decision.

The Transportation Impact Assessment Process

For the purposes of assessing the degree to which land development projects affect the transportation system, the FDOT and local governments estimate and quantify the specific transportation-related impacts of a development proposal on the surrounding transportation network. The basic process consists of the following components:

1. *Existing Conditions* of the physical characteristics of the transportation system and traffic operating conditions of roadways and intersections are identified using accepted level of

[19] These areas are municipalities that are designated as dense urban land areas and the urban service area of counties designated as dense urban land areas. Section 163.3164, F.S., defines "dense urban land area" as (1) "A municipality that has an average of at least 1,000 people per square mile of land area and a minimum total population of at least 5,000;" (2) "A county, including the municipalities located therein, which has an average of at least 1,000 people per square mile of land area; or" (3) "A county, including the municipalities located therein, which has a population of at least 1 million."

service (LOS) measurement techniques, guidelines, standards, and the latest traffic volume counts.

2. *Background traffic*, *i.e.*, the expected increase in traffic from other development, is estimated for future years. Background traffic is manually determined using a trend of historical volumes or a travel demand forecasting model.
3. The *Trip Generation* step estimates the amount of travel associated with the proposed land use. A trip is defined as "a single or one-direction vehicle movement with either the origin or destination inside the study site."[20] Due to a mix of land uses contained within a development, some trips may be made between land uses wholly within the development. This interaction is referred to as internal capture and is expressed as a rate (percentage of trips that occur within the site).
4. Once the amount of travel associated with a land use is determined in trip generation, *Trip Distribution* is performed to allocate these trips to origin and destination land uses and areas external to the site. Pass-by trips are then estimated. Pass-by trips are external to the development but are already on the transportation system (*i.e.*, not new trips on the roadway). These trips enter the site as an intermediate stop *e.g.*, stopping at the grocery store on the way home from work. Trips are then assigned to the transportation system manually or using a model.
5. Analysis of *Future Conditions* assesses the impacts of the development-generated traffic on the transportation system using the LOS guidelines and standards. If the development causes the LOS on a roadway to be unacceptable or is a significant portion of the traffic on a roadway with an existing unacceptable LOS, the effects of the traffic impacts are required to be mitigated through physical or operational improvements, travel demand management strategies, fair-share contributions, or a combination of these and other strategies.
6. Finally, if a *Mitigation Analysis* is required, it includes an improvement plan that identifies a specific phasing of projects and level of project development which may be permitted before system improvements are necessary. This plan also identifies the responsible party or agency for implementing the improvements.

Backlog

Sections 163.3180 and 163.3182, F.S., govern transportation concurrency backlogs. Section 162.3180(12)(b) and (16)(i), F.S., define backlog as "a facility or facilities on which the adopted level-of-service standard is exceeded by the existing trips, plus additional projected background trips from any source other than the development project under review that are forecast by established traffic standards, including traffic modeling, consistent with the University of Florida Bureau of Economic and Business Research medium population projections. Additional projected background trips are to be coincident with the particular stage or phase of development under review." In s. 163.3182, F.S., transportation concurrency backlog is defined as a deficiency where the existing extent of traffic volume exceeds the level-of-service standard adopted in a local government comprehensive plan for a transportation authority.[21]

[20] "Trip Generation Handbook, 2nd Edition, An ITE Recommended Practice", Institute of Transportation Engineers.
[21] Section 163.3182(1)(d), F.S.

A county or municipality with an identified transportation concurrency backlog can create a transportation concurrency backlog authority to address the backlog within an area or areas designated in the local comprehensive plan. The local government's governing board serves as the authority's membership. The authority is tasked with developing and implementing a plan to eliminate all backlogs within its jurisdiction. The plan must identify all roads designated as failing to meet concurrency requirements and include a schedule for financing and construction to eliminate the backlog within 10 years of plan adoption. The plan is not subject to the twice-per-year restrictions on comprehensive plan amendments. To fund the plan's implementation, each authority must collect and earmark, in a trust fund, tax increment funds equal to 25% of the difference between the ad valorem taxes collected in a given year and the ad valorem taxes which would have been collected using the same rate in effect when the authority is created. Upon adoption of the transportation concurrency backlog plan, all backlogs within the jurisdiction are deemed financed and fully financially feasible for purposes of calculating transportation concurrency and a landowner may proceed with development (if all other requirements are met) and no proportionate share or impact fees for backlogs may be assessed. The authority is dissolved upon completion of all backlogs.

Proportionate Fair-Share Mitigation

Proportionate fair-share mitigation is a method for mitigating the impacts of development on transportation facilities through the cooperative efforts of the public and private sectors. Proportionate fair-share mitigation can be used by a local government to determine a developer's fair-share of costs to meet concurrency. The developer's fair-share may be combined with public funds to construct future improvements; however, the improvements must be part of a plan or program adopted by the local government or FDOT. If an improvement is not part of the local government's plan or program, the developer may still enter into a binding agreement at the local government's option provided the improvement satisfies part II of ch. 163, F.S., and:

- the proposed improvement satisfies a significant benefit test; or
- the local government plans for additional contributions or payments from developers to fully mitigate transportation impacts in the area within 10 years.

The Development of Regional Impact (DRI) Process

Section 380.06, F.S., provides for state and regional review of local land use decisions regarding large developments that, because of their character, magnitude, or location, would have a substantial effect on the health, safety, or welfare of the citizens of more than one local government.[22] Regional planning councils assist the developer by coordinating multi-agency DRI review. The council's job is to assess the DRI project, incorporate input from various agencies, gather additional information and make recommendations on how the project should proceed. The DCA reviews developments of regional impact for compliance with state law and to identify the regional and state impacts of large-scale developments. The DCA makes recommendations to local governments for approving mitigating conditions, or not approving proposed developments. There are numerous exemptions from the DRI process specified in statute.

[22] Section 380.06(1), F.S.

Proportionate Share Mitigation

Section 380.06, F.S., governs the development-of-regional-impact (DRI) program and establishes the basic process for DRI review. The DRI program is a vehicle that provides state and regional review of local land use decisions regarding large developments that, because of their character, magnitude, or location, would have a substantial effect on the health, safety, or welfare of the citizens of more than one county.[23] Multi-use DRIs, *i.e.*, those containing a mix of land uses, are eligible to satisfy transportation concurrency requirements under s. 163.3180(12), F.S., when certain criteria are met. The proportionate share option under subsection (12) has been used to allow the mitigation collected from certain multiuse DRIs to be "pipelined" or used to make a single improvement that mitigates the impact of the development because this may be the best option where there are insufficient funds to improve all of the impacted roadways.

Transit Oriented Development (TOD)

The DCA and FDOT have been developing transit oriented development design guidelines to provide general parameters and strategies to local governments and agencies to promote and implement 'transit ready' development patterns.[24] On July 13, 2010, these agencies published a draft document entitled "A Framework for Transit Oriented Development in Florida." The document describes TODs as moderate to high density, mixed-use development patterns designed to maximize walking trips and access to transit. The document goes on to describe in detail the characteristics that make up an effective TOD.

III. Effect of Proposed Changes:

Throughout the bill, the term backlog is changed to "transportation deficiency" or "deficiency". Therefore, all references to deficiency mean: a facility or facilities on which the adopted level-of-service standard is exceeded by the existing trips, plus additional projected background trips from any source other than the development project under review which are forecast by established traffic standards, including traffic modeling, consistent with the University of Florida Bureau of Economic and Business Research medium population projections. Additional projected background trips are to be coincident with the particular stage or phase of development under review.

Section 1 amends s. 163.3164, F.S., to alphabetize the definitions section and to add the following definitions:

- Mobility plan means an integrated land use and transportation plan that promotes compact, mixed-use, and interconnected development served by a multimodal transportation system that includes roads, bicycle, and pedestrian facilities and, where feasible and appropriate, frequent transit and rail service in order to provide individuals with viable transportation options and to not have to rely solely on a motor vehicle for personal mobility.
- Transit-oriented development means projects in areas identified in a local government comprehensive plan which are served by existing or planned transit service as delineated

[23] Section 380.06(1), F.S.
[24] FLORIDA DEPT OF TRANSPORTATION, TRANSIT ORIENTED DEVELOPMENT, *available at* http://www.floridatod.com/docs/Products/TODGuide041409.pdf.

in the plan's capital improvements element. These areas must be compact, have moderate to high density developments, be of mixed-use character, interconnected, bicycle and pedestrian friendly, and designed to support frequent transit service operating through, collectively or separately, rail, fixed guideway, streetcar, or bus systems on dedicated facilities or available roadway connections.

The bill also amends the definition of "financial feasibility" to change the requirement that committed or planned funding sources be available for years 4 through 10 (current law requires the funding sources be available for years four and five) of the capital improvement schedule. Under the bill, the entire definition would cover a 10-year period rather than a five-year period.

Section 2 amends s. 163.3177, F.S., to clarify that a local government's schedule of capital improvements should include publicly funded federal, state, or local government projects. The bill requires a mobility plan be a part of the capital improvements element.

The bill requires each local government that is required to update or amend its comprehensive plan to address the compatibility of lands adjacent or closely proximate to an existing military installation, or lands adjacent to an airport in its future land use plan element, shall transmit the update or amendment to the state land planning agency by June 30, 2012.

The bill specifies that the future land use plan element should reflect the *resident and seasonal* population of the area. The bill explicitly states that the amount of land required to accommodate anticipated growth may not be limited solely by the projected population. At a minimum, the future land use plan must provide at least the amount of land needed for each land use category in order to accommodate anticipated growth using medium population projections for a 25-year planning period from the Bureau of Economic and Business Research (BEBR) of the University of Florida and incorporating a minimum 25 percent market factor based upon the total population of the jurisdiction. A 25 percent market factor is determined by multiplying the amount of land necessary to accommodate the total population at the end of the planning period by 125 percent. Population projections must be reconciled at the county level. Within each county, the county and each municipality shall, by December 1, 2011, enter into a binding interlocal agreement regarding the allocation of projected county population among the various local government jurisdictions. The sum of the population projections of the unincorporated county and each municipality may not be less than the BEBR medium population for the county as a whole. The interlocal agreement may be part of the statutorily required public school interlocal agreement and may serve as the required agreement if it is binding on and enforceable by each of the local governments. If a binding population allocation agreement is not reached among all of the local governments within a county by December 1, 2011, those local governments are not eligible for revenue sharing funds pursuant to ss. 206.60, 210.20, and 218.61 and chapter 212, F.S., to the extent that the funds are not pledged to pay bonds.

Section 3 amends provisions in s. 163.3180, F.S., relating to long-term transportation concurrency management systems. It requires local governments to designate long-term transportation management systems if transportation deficiencies are projected to occur within 10 years. This differs from current law in that currently these long-term management systems are optional for areas where transportation deficiencies actually exist.

The bill modifies the definition of proportionate-share and proportionate fair-share contribution. When a developer places trips on a road the amount of trips is currently applied in the following manner:
((Development Trips – Available Capacity)/(Service Volume Increase)) × Cost of Roadway Segment Improvement.

The bill would remove from this calculation impacts to any road that is already transportation deficient. The responsibility for improvements to rectify the existing deficiency is the responsibility of the local government. The calculation would be repeated using theoretical traffic capacity that would be available if the local government added the new improvement necessary to correct the deficiency. If the trips from the proposed development rendered the needed road deficient then the new development would be responsible for paying for its impacts on those theoretical improvements that would be significantly and adversely affected.

Due to the modifications the bill makes on the calculation of proportionate share and proportionate fair-share, the bill moves the deadline for adopting an ordinance for assessing proportionate fair-share mitigation to December, 1, 2011.

Section 4 amends s. 163.3182, F.S., to change the term backlog to deficiency. The bill then revises the definition of transportation deficiency to include areas where the *projected* traffic volume exceeds the level of service standard adopted in a local government comprehensive plan for a transportation facility.

The bill would revise language relating to the schedule for financing and construction of projects that will eliminate deficiencies as part of a transportation deficiency plan. Specifically, the bill language states that if mass transit is selected as all or part of the system solution, the improvements and service may extend outside the transportation deficiency areas to the planned terminus of the improvement as long as the improvement provides capacity enhancements to a larger intermodal system.

Section 5 amends s. 380.06, F.S., to create an exemption for DRI transportation impacts within any transit-oriented development adopted into the comprehensive plan. The exemption does not apply within areas of critical state concern, the Wekiva Study Area, or within 2 miles of the boundary of the Everglades Protection Area.

Sections 6-15 amend ss. 163.3162, 163.32465, 186.513, 186.515, 287.042, 288.975, 369.303, 420.5059, 420.9071, and 420.9076, F.S., to conform cross references.

Section 16 provides an effective date.

Other Potential Implications:
The bill requires financial commitment and planning for areas where a transportation deficiency is projected to occur. This is a significant commitment of resources for roads where the level of service has not yet failed and a departure from the way things are currently done. The efficacy of this approach will depend heavily on how accurate these projections turn out to be. It may be a positive way of planning for future transportation needs or it may be an allocation of resources for an anticipated problem that never occurs.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, Section 18(a) of the Florida Constitution states that no county or municipality shall be bound by any general law requiring such county or municipality to spend funds or to take an action requiring the expenditure of funds unless the Legislature has determined that such law fulfills an important state interest and it meets one of these exceptions:

- The Legislature appropriates funds or provides a funding source not available for such county or municipality on February 1, 1989;
- The expenditure is required to comply with a law that applies to all persons similarly situated, including the state and local governments; or
- The law is required to comply with a federal requirement.

Subsection (d) provides a number of exemptions. If none of the constitutional exceptions or exemptions apply, and if the bill becomes law, cities and counties are not bound by the law unless the Legislature has determined that the bill fulfills an important state interest and approves the bill by a two-thirds vote of the membership of each house. This bill requires local governments to have a 10-year financially feasible CIE, a long-term concurrency management plan for projected deficiencies, adopt a mobility plan containing specifically defined requirements into the CIE, and adopt/revise proportionate fair-share calculations. Therefore, it is likely a mandate and will require a two-thirds vote and a finding of important state interest.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill requires local governments to commit financial resources to fix roadways when the level of service for the roadway is projected to fall below the required level of service.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.