



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
"Dedicated to making Florida a better place to call home"

CHARLIE CRIST
Governor

THOMAS G. PELHAM
Secretary

February 6, 2009

Jeffrey J. Newton, Esquire
Broward County Attorney
Broward County Attorney's Office
Governmental Center, Suite 423
115 South Andrews Avenue
Fort Lauderdale, Florida 33301

Delivery by Federal Express

In Re: DOAH Case No. 08-3767GM; Comprehensive Plan Amendment
Department of Community Affairs vs. Broward County

Mr. Newton:

See the enclosed settlement agreement with attachments, which has been approved by the Department of Community Affairs.

Please have the six copies of the settlement agreement executed as originals, and return five of the documents to my attention. Also, you will need to forward to my attention 2 copies of the adopted remedial amendment. This request is in addition to the requirement as set forth in the settlement agreement at paragraph 7, page 5. Once received, I will then file both documents with the Division of Administrative Hearings.

Sincerely,

Samuel Dean Bunton
Assistant General Counsel
Department of Community Affairs
2555 Shumard Oak Blvd.
Tallahassee, Florida 32399-7018
Phone-Direct Line (850) 922-1745
Fax No. (850) 922-2679
E-Mail Address: dean.bunton@dca.state.fl.us

Enclosure: 6 copies of the Settlement Agreement with attachments

sdb

2555 SHUMARD OAK BOULEVARD TALLAHASSEE, FLORIDA 32399-2100
Phone: 850.488.8466/Suncom 278.8466 FAX: 850.921.0781/Suncom 291.0781
Internet address: <http://www.dca.state.fl.us>

**STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS**

DEPARTMENT OF COMMUNITY
AFFAIRS,

Petitioner,

v.

DOAH Case No. 08-3767GM

BROWARD COUNTY

Respondent.

_____ /

STIPULATED SETTLEMENT AGREEMENT

THIS STIPULATED SETTLEMENT AGREEMENT is entered into by and between the State of Florida, Department of Community Affairs and Broward County as a complete and final settlement of all claims raised in the above-styled proceeding.

RECITALS

WHEREAS, the State of Florida, Department of Community Affairs (DCA or Department), is the state land planning agency and has the authority to administer and enforce the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Part II, Florida Statutes; and

WHEREAS, Broward County (Local Government) is included within the "Alternative State Review Process Pilot Program" for comprehensive plan amendments as set forth in § 163.32465, Florida Statutes, and

WHEREAS, the Local Government has the duty to adopt a comprehensive plan that is "in compliance;" and

WHEREAS, "in compliance" means consistent with the requirements of § 163.3177, 163.3178, 163.3180, 163.3191, and 163.3245, Florida Statutes, the State Comprehensive Plan, the Strategic Regional Policy Plan, Rule 9J-5, Florida Administrative Code; and

WHEREAS, the Local Government's adoption of the plan amendment is considered to be a determination that it is "in compliance" pursuant to § 163.32465(6)(d), Florida Statutes.

WHEREAS, the Local Government adopted its Comprehensive Plan, by Ordinance No. 2008-33, Transportation Element Amendment 08-1-T1, on June 24, 2008; and,

WHEREAS, the Local Government Ordinance 2008-33 includes the amended Transportation Element Policies 3.41 through 3.4.4, 3.4.7 through 3.412, deleted Policy 3.413, and amended Policies 3.4.15, 3.420, 3.421, and 3.4.23, to change the names for nine of the County's Concurrency Districts from Transit Oriented Concurrency District to Transportation Concurrency Management Areas and redefined the Community Design Concurrency District as a Multimodal Transportation District; and

WHEREAS, pursuant to § 163.32465(6)(b), Florida Statutes, the Department filed a "Petition for Formal Administrative Hearing by the Florida Department of Community Affairs" (Petition), regarding Ordianance 2008-33 on July 31, 2008; and,

WHEREAS, as set forth in the Petition, the Department contends Ordinance 2008-33, the comprehensive plan Amendment is not "in compliance" because the policy revisions included changes that do not qualify as areawide level of service standards for Transportation Concurrency Management Areas, do not meet the definition requirements for level of service standards, are not supported by data and analysis, and the policies do not demonstrate they support infill development and infill. The Transportation Concurrency Management Area policies do not address mitigation for impacts to Strategic Intermodal System facilities, Strategic Intermodal System connector facilities, and Transportation Regional Incentive Program facilities. The County did not adopt a capital improvements program for each concurrency management area to maintain the established areawide level of service standards; and

WHEREAS, the Local Government disputes the allegations of the Petition regarding the Plan Amendment; and

WHEREAS, the parties wish to avoid the expense, delay, and uncertainty of lengthy litigation and to resolve this proceeding under the terms set forth herein, and agree it is in their respective mutual best interests to do so; and

WHEREAS, pursuant to Section 163.32465(6)(h), Florida Statutes, the parties to a proceeding under this section may enter into compliance agreements using the process in Section 163.3184(16), Florida Statutes; and

NOW, THEREFORE, in consideration of the mutual covenants and promises herein below set forth, and in consideration of the benefits to accrue to each of the parties, the receipt and sufficiency of which are hereby acknowledged, the parties hereby represent and agree as follows:

GENERAL PROVISIONS

1. **Definitions.** As used in this Agreement, the following words and phrases shall have the following meanings:

- a. **Act:** The Local Government Comprehensive Planning and Land Development Regulation Act, as codified in Part II, Chapter 163, Florida Statutes.
- b. **Agreement:** This Stipulated Settlement Agreement.
- c. **Comprehensive Plan:** Comprehensive plan amendment adopted by the Local Government on June 24, 2008 as Ordinance No. 2008-07.
- d. **DOAH:** The Florida Division of Administrative Hearings.
- e. **In compliance or into compliance:** The meaning set forth in Section 163.32465(6)(b), Florida Statutes and Section 163.3184(1)(b), Florida Statutes.
- f. **Petition:** The petition for administrative hearing and relief filed by the Department in this case.
- g. **Remedial Action:** A remedial Plan Amendment, submission of support document or other action described in the Statement of Intent or this agreement as an action which must be completed to bring the Plan into compliance.

h. Remedial Plan Amendment: An amendment to the plan or support document, the need for which is identified in this Agreement, including its exhibits, and which the local government must adopt to complete all remedial actions. Remedial plan amendments adopted pursuant to this Agreement must, in the opinion of the Department, be consistent with and substantially similar in concept and content to the ones identified in this Agreement or be otherwise acceptable to the Department.

i.. Support Document: The studies, inventory maps, surveys, data, inventories, listings or analyses used to develop and support the Plan or Remedial Plan Amendment.

2. Department Powers. The Department is the state land planning agency and has the authority to administer and enforce the Local Government Comprehensive Planning and Land Development Regulation Act, the power and duty to administer and enforce the Act and the right to file a Petition challenging whether the adopted Plan Amendment (Plan) is “in compliance”.

3. Negotiation of Agreement. The Department filed the Petition in this case challenging the Local Government’s adoption of the Plan Amendment. Subsequent to the filing of the Petition the parties conferred in association with the Florida Department of Transportation, and agreed to resolve the issues in the Petition through this Agreement. It is the intent of this Agreement to resolve fully all issues between the parties in this proceeding.

4. Dismissal. If the Local Government completes the Remedial Actions required by this Agreement, the Department will file a request to relinquish jurisdiction to the Florida Department of Administrative Hearings, for dismissal of this proceeding or for realignment of the parties, as appropriate under Section 163.3184(16)(f), Florida Statutes. See § 163.32465(6)(h), F.S.

5. Description of Provisions Not in Compliance and Remedial Actions; Legal Effect of Agreement. Exhibit A to this Agreement is a copy of the Petition, which identifies the provisions not in compliance. Exhibit B contains Remedial Actions needed for compliance.

Exhibits A and B are incorporated in this Agreement by this reference. This Agreement constitutes a stipulation that if the Remedial Actions are accomplished, the Plan will be in compliance.

6 Remedial Actions to be Considered for Adoption. The Local Government agrees to consider for adoption by formal action of its governing body all Remedial Actions described in Exhibit B no later than the time period provided for in this Agreement.

7 Adoption or Approval of Remedial Plan Amendments. Within 60 days after execution of this Agreement by the parties, the Local Government shall consider for adoption all Remedial Actions or Plan Amendments and amendments to the Support Documents. This may be done at a single adoption hearing. Within 10 working days after adoption of the Remedial Plan Amendment, the Local Government shall transmit 5 copies of the amendment to the Department as provided in Rule 9J-11.011(5), Florida Administrative Code. Pursuant to Section 163.32465(6)(h), Florida Statutes, "any remedial amendment adopted pursuant to a settlement agreement shall be provided to the agencies and governments listed in paragraph (4)(a)". The Local Government also shall submit one copy to any other unit of local or state government that has filed a written request with the governing body for a copy of the Remedial Plan Amendment and a copy to any party granted intervenor status in this proceeding. The Remedial Plan Amendment shall be transmitted to the Department along with a letter which describes the remedial action adopted for each part of the plan amended, including references to specific portions and pages.

8. Acknowledgment. All parties to this Agreement acknowledge that the "based upon" provisions in Section 163.3184(8), Florida Statutes, do not apply to the Remedial Plan Amendment.

9. Review of Remedial Plan Amendments.
a. In Compliance: If the adopted Remedial Actions satisfy this Agreement, the Department shall issue a cumulative Notice of Intent addressing both the Plan Amendment and the Remedial Plan Amendment as being in compliance. The Department shall file this

cumulative notice with DOAH and shall move to realign the parties or to have this proceeding dismissed, as may be appropriate.

b. Not in Compliance: If the Remedial Actions do not satisfy this Agreement, the Department shall issue a Notice of Intent to find the Plan not in compliance and shall forward the notice to DOAH for consolidation with the pending proceeding.

10. Effect of Amendment. Adoption of any Remedial Plan Amendment shall not be counted toward the frequency restrictions imposed upon plan amendments pursuant to Section 163.3187(1), Florida Statutes. See § 163.32465, F.S.

11. Purpose of this Agreement; Not Establishing Precedent. The parties enter into this Agreement in a spirit of cooperation for the purpose of avoiding costly, lengthy and unnecessary litigation and in recognition of the desire for the speedy and reasonable resolution of disputes arising out of or related to the Plan. The acceptance of proposals for purposes of this Agreement is part of a negotiated agreement affecting many factual and legal issues and is not an endorsement of, and does not establish precedent for, the use of these proposals in any other circumstances or by any other local government.

12. Approval by Governing Body. This Agreement has been approved by the Local Government's governing body at a public hearing advertised at least 10 days prior to the hearing in a newspaper of general circulation in the manner prescribed for advertisements in Section 163.3184(15)(b), Florida Statutes. See §163.32465(6)(h), F.S. This Agreement has been executed by the appropriate officer as provided in the Local Government's charter or other regulations.

13. Changes in Law. Nothing in this Agreement shall be construed to relieve either party from adhering to the law, and in the event of a change in any statute or administrative regulation inconsistent with this Agreement, the statute or regulation shall take precedence and shall be deemed incorporated in this Agreement by reference.

14. Other Persons Unaffected. Nothing in this Agreement shall be deemed to affect the rights of any person not a party to this Agreement. This Agreement is not intended to benefit any third party.

15. Attorney Fees and Costs. Each party shall bear its own costs, including attorney fees, incurred in connection with the above-captioned case and this Agreement.

16. Effective Date. This Agreement shall become effective immediately upon execution by the Department and the Local Government.

17. Filing and Continuance. This Agreement shall be filed with DOAH by the Department after execution by the parties. Upon the filing of this Agreement, the administrative proceeding in this matter shall be stayed by the Administrative Law Judge in accordance with Section 163.3184(16)(b), Florida Statutes, should an Intervenor have not participated by its (their) signature to this agreement. See § 163.32465(6)(h), F.S.

18. Retention of Right to Final Hearing. Both parties hereby retain the right to have a final hearing in this proceeding in the event of a breach of this Agreement, and nothing in this Agreement shall be deemed a waiver of such right. Any party to this Agreement may move to have this matter set for hearing if it becomes apparent that any other party whose action is required by this Agreement is not proceeding in good faith to take that action.

19. Construction of Agreement. All parties to this Agreement are deemed to have participated in its drafting. In the event of any ambiguity in the terms of this Agreement, the parties agree that such ambiguity shall be construed without regard to which of the parties drafted the provision in question.

20. Entire Agreement. This is the entire agreement between the parties and no verbal or written assurance or promise is effective or binding unless included in this document.

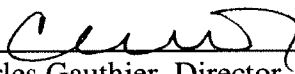
21. Governmental Discretion Unaffected. This Agreement is not intended to bind the Local Government in the exercise of governmental discretion which is exercisable in accordance with law only upon the giving of appropriate public notice and required public hearings.

22. Multiple Originals. This Agreement may be executed in any number of originals, all of which evidence one agreement, and only one of which need be produced for any purpose.

23. Captions. The captions inserted in this Agreement are for the purpose of convenience only and shall not be utilized to construe or interpret any provision of this Agreement.

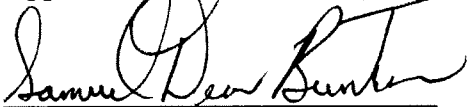
In witness whereof, the parties hereto have caused this Agreement to be executed by their undersigned officials as duly authorized.

DEPARTMENT OF COMMUNITY AFFAIRS

By: 
Charles Gauthier, Director
Division of Community Planning

2/6/09
Date

Approved as to form and legality:


Samuel Dean Bunton
Assistant General Counsel

2/6/09
Date

BROWARD COUNTY

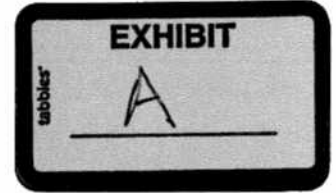
By: _____
County Manager

Date

Approved as to form and legality:

Jeffrey J. Newton, Esquire
County Attorney

Date



STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

DEPARTMENT OF COMMUNITY AFFAIRS

Petitioner,

v.

DOAH Case No. _____
DCA No. 08-1ARB

BROWARD COUNTY,

Respondent.

_____ /

PETITION FOR FORMAL ADMINISTRATIVE HEARING BY
THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS

The Florida Department of Community Affairs (Department), by and through undersigned counsel, hereby files this Petition for Formal Administrative Hearing before the Division of Administrative Hearings pursuant to §§ 163.32465(6)(b), 120.569, and 120.57, Florida Statutes, and in support thereof states:

IDENTIFICATION OF PETITIONER

1. The Department is the state land planning agency and is charged with implementation of the Local Government Comprehensive Planning and Land Development Regulation Act. Fla. Stat. § 163.3164. The Department's address is 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and its file or identification number is DCA No. 08-ARB.

IDENTIFICATION OF RESPONDENT

2. Broward County (County) is the political subdivision of the State of Florida and adopted the Comprehensive Plan Amendment at issue in this case. The County's address is 115 South Andrew Avenue, Room 421, Ft. Lauderdale Florida 33301, and its file or identification

number is Ordinance Number 2008-33, Comprehensive Plan Amendment 08-1-T1, Transportation Element (Plan Amendment). Broward County is included within the "Alternative State Review Process Pilot Program" for comprehensive plan amendments. Fla. Stat. §163.32465.

NOTICE OF LOCAL GOVERNMENT ACTION

3. On March 25, 2008 the Broward County Board of County Commissioners held a public hearing in accordance with § 163.32465(4)(a), Florida Statutes, and voted to transmit the Plan Amendment to the Department for review and comment. The proposed Plan Amendment was received by the Department on April 1, 2008.
4. On May 1, 2008, the Department provided comments on the Plan Amendment to Broward County, through a Letter from Mike McDaniel, Chief, Office of Comprehensive Planning, to The Honorable Lois Wexler, Mayor, Broward County Board of County Commissioners (May, 1 2008) (on file with the Department). The South Florida Regional Planning Council and the Florida Department of Transportation also provided comments to the Respondent regarding the Plan Amendment.
5. The Amendment was adopted by the Broward County Board of County Commissioners through Ordinance 2008-33 on June 24, 2008. In accordance with § 163.32465(5), Florida Statutes, the County filed the adopted Plan Amendment with the Department on June 30, 2008.
6. The Petitioner determined the submitted adopted Plan Amendment Package was complete on June 30, 2008. This Petition is filed within thirty (30) days after the state land planning agency notified the local government that the plan amendment package is complete, as set forth in § 163.32465(6)(b), Florida Statutes.

PETITIONER'S STANDING

7. The Petitioner is the state land planning agency and has the authority to administer and enforce the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Part II, Florida Statutes (Act).

8. For plan amendments adopted under the Alternative State Review Process Pilot Program, the Department does not issue a Notice of Intent. If such an amendment is alleged to be not "in compliance," the state land planning agency may file a petition with the Division of Administrative Hearings pursuant to §§ 120.569 and 120.57, Florida Statutes, with a copy served on the affected local government, to request a formal hearing. Fla. Stat. § 163.32465(6)(b).

9. "In compliance" means consistent with the requirements of §§ 163.3177, 163.3178, 163.3180, 163.3191, and 163.3245, Florida Statutes, the State Comprehensive Plan, the Strategic Regional Policy Plan, and Rule 9J-5, Florida Administrative Code. See Fla. Stat. §§ 163.32465(6)(b); 163.3184(1)(b).

10. Petitioner challenges the County's determination that the Transportation Element Amendment (08-1-TI), which was adopted by Ordinance 2008-33 on June 24, 2008, is "in compliance".

DISPUTED ISSUES OF MATERIAL FACT

11. Broward County Ordinance Number 2008-33 amended Transportation Element Policies 3.4.1 through 3.4.4, 3.4.7 through 3.4.12, deleted Policy 3.4.13, and amended Policies 3.4.15, 3.4.20, 3.4.21, and 3.4.23, to change the names for nine of the County's Concurrency Districts from Transit Oriented Concurrency District to Transportation Concurrency Management Areas and redefined the Community Design Concurrency District as a Multimodal Transportation District.

12. Policy 3.4.2 states: "The concurrency management system shall establish the following transportation level of service (LOS) standards:

Within Transportation Concurrency Management Areas, the transportation LOS standards, for the purpose of issuing development orders and permits, are to achieve and maintain the following by FY 2013:

- (a) Northeast District – Implement Phase 3A of the Advanced Transportation Management System (ATMS) within this District; install video detection devices at signalized intersections of County roads; upgrade 150 bus stops per year, countywide; maintain average age of bus fleet at 6 years or less.
- (b) North Central District – Install video detection devices at signalized intersections of County roads; upgrade 150 bus stops per year, countywide; maintain average age of bus fleet at 6 years or less.
- (c) Central District – Implement the Advanced Transportation Management System (ATMS) within the District; install video detection devices at signalized intersections of County roads; upgrade 150 bus stops per year, countywide; maintain average age of bus fleet at 6 years or less.
- (d) Port/Airport District – Install video detection devices at signalized intersections of County roads; upgrade 150 bus stops per year, countywide; maintain average age of bus fleet at 6 years or less.
- (e) Eastern Core District – Implement the Advanced Transportation Management System (ATMS) within the District; install video detection devices at signalized intersections of County roads; upgrade 150 bus stops per year, countywide; maintain average age of bus fleet at 6 years or less.
- (f) Sawgrass District – Install video detection devices at signalized intersections of County roads; upgrade 150 bus stops per year, countywide; maintain average age of bus fleet at 6 years or less.
- (g) Southeast District – Install video detection devices at signalized intersections of County roads; upgrade 150 bus stops per year, countywide; maintain average age of bus fleet at 6 years or less.
- (h) South Central District – Install video detection devices at signalized intersections of County roads; upgrade 150 bus stops per year, countywide; maintain average age of bus fleet at 6 years or less."

13. Policy 3.4.13, which was deleted, required the following: "Prior to the approval of any application for a plat, an amendment to the restrictive note on the plat, or the placement of a restrictive note on the plat, for property within a Transit Oriented Concurrency District [renamed Transportation Concurrency Management Area], the County Commission shall make a finding that the appropriate District satisfies at least one of the following standards:

1. The District does not contain two parallel and adjacent arterial roadways, both of which have a volume/capacity ratio in excess of 1.30, which ratio is derived by comparing existing p.m. peak hour traffic volumes to LOS D peak hour capacities (LOS E for the Eastern Core District).
2. The ridership within the District on fixed route transit services has increased at least 2 percent over the previous year."

14. The revisions to Policies 3.4.2.1(a) through (h) insert provisions that do not qualify as areawide level of service standards for Transportation Concurrency Management Areas. The level of service standards in Policies 3.4.2.1(a) through (h) do not meet the definition of level of service as set forth in Rule 9J-5.003(62), F.A.C.: "Level of Service means an indicator of the extent or degree of service provided by, or proposed to be provided by, a facility. Level of service shall indicate the capacity per unit of demand for each public facility." Policies 3.4.1(a) through (h), do not "establish meaningful and predictable standards for the use and development of land and provide meaningful guidelines for the content of more detailed land development and use regulations" as required by Rule 9J-5.005(6), F.A.C. In addition, the proposed standards, in conjunction with the removal of Policy 3.4.13, are inconsistent with Rule 9J-5.0055(5)(b), F.A.C., which states: "The areawide level of service standards and associated maximum service volumes must be established as policies in the comprehensive plan."

15. Without meaningful and predictable level of service standards the county cannot implement the proportionate share provisions of Policy 3.4.23.

16. The areawide level of service standards established in Policy 3.4.2 (Advanced Transportation Management System; video detection devices at signalized intersections; upgrade 150 bus stops per year; and maintain average age of the bus fleet at 6 years or less) are not supported by data and analysis that meet the requirements of Rule 9J-5.0055(5)(a)4 and 5, F.A.C. Rule 9J5-5.0055(5)(a), F.A.C., states that "Designation of each transportation concurrency management area and establishment of areawide level of service standards within such areas must be supported by data and analysis in the local government comprehensive plan support document which:

4. Demonstrate the basis for establishing the areawide level of service standards and determine existing and projected transportation service and facility requirements that will support the established areawide level of service standard.
5. Demonstrate that the established areawide level of service and other transportation services and programs will support infill development or redevelopment."

17. The County's Transportation Concurrency Management Area policies do not include a plan to mitigate impacts to Strategic Intermodal System facilities, Strategic Intermodal System connector facilities, and Transportation Regional Incentive Program facilities.

§ 163.3180(7), Florida Statutes, requires:

Prior to the designation of a concurrency management area, the Department of Transportation shall be consulted by the local government to assess the impact that the proposed concurrency management area is expected to have on the adopted level-of- service standards established for Strategic Intermodal System facilities, as defined in s. 339.64, and roadway facilities funded in accordance with s. 339.2819. Further, the local government shall, in cooperation with the Department of Transportation, develop a plan to mitigate any impacts to the Strategic Intermodal System, including, if appropriate, the development of a long-term concurrency management system pursuant to subsection (9) and s. 163.3177(3)(d)."

18. The County has not adopted a "capital improvement planning program for each concurrency management area to maintain the established areawide level of service standard" as required by Rule. 9J-5.0055(5)(c), F.A.C., and § 163.3177(3)(a)5, Florida Statutes.

INCONSISTENCY WITH CHAPTER 163, PART II, F.S.
THE GROWTH MANAGEMENT ACT

19. The Plan Amendment is inconsistent with §§ 163.3177(3) and 163.3180(7), Florida Statutes.

INCONSISTENCY WITH RULE 9J-5, F.A.C.

20. The Plan Amendment is inconsistent with Rules 9J-5.003(62), 9J-5.005(6), 9J-5.0055(5), 9J-5.019(3)(a) through (j), 9J-5.019(4)(b)1 through 4, 9J-5.019(4)(c)1 through 3, 9J-5.019(4)(c)5 through 7, and 9J-5.019(4)(c)9 through 13, F.A.C.

INCONSISTENCY WITH CHAPTER 187, F.S.
THE STATE COMPREHENSIVE PLAN

21. The Comprehensive Plan amendment is inconsistent with § 187.201, Florida Statutes as a whole, specifically including Urban and Downtown Revitalization (16) Goal (a) and Policies (b) 6, 9, 11, and 12; Public Facilities (17) Goal (a) and Policies (b) 1, 2, 3, 4, 5, 6, 7, and 9; Transportation (19) Goal (a) and Policies (b) 2, 3, 4, 7, 8, 9, 10,11, 13, and 15; and Plan Implementation (25) Policy (b)7.

**INCONSISTENCY WITH THE STRATEGIC REGIONAL
POLICY PLAN FOR SOUTH FLORIDA**

22. The comprehensive plan amendment is inconsistent with the Strategic Regional Policy Plan for South Florida as a whole, specifically including Goal 4 and Policies 4.2, 4.3, and 4.5; Goal 8 and Policies 8.1 and 8.4; Goal 20 and Policy 20.6; and Goal 21 and Policies 21.6, 21.7, 21.8, 21.9, and 21.14.

RELIEF SOUGHT BY PETIONER

23. WHEREFORE, the Department respectfully requests:
- (a) that an Administrative Law Judge be assigned to this matter and assume jurisdiction pursuant to §163.32465(6), Florida Statutes;
 - (b) that a formal hearing be conducted pursuant to §§ 120.569, 120.57, and 163.32465, Florida Statutes;
 - (c) that the Administrative Law Judge issue a Recommended Order finding the comprehensive plan amendment adopted by Broward County Ordinance Number 2008-33, not "in compliance" for the reasons stated above, and refer the matter to the Administrative Commission;
 - (d) that the Administration Commission enter an order finding the comprehensive plan amendment adopted by Broward County Ordinance Number 2008-33 not "in compliance" and require the County to rescind the ordinance or to revise it to bring it into compliance;
 - (c) that the Administration Commission specify those sanctions which may be imposed as a result of the finding of not "in compliance" if the County fails to undertake appropriate remedial actions;
 - (f) that such other relief consistent with this Petition be granted as may be fair and just.

Respectfully submitted this 31st day of July 2008, at Tallahassee, Florida.



Samuel Dean Bunton
Samuel Dean Bunton
Assistant General Counsel
Division of Community Planning
Florida Bar Number 0879207
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100
(850) 488-0410 Phone
(850) 922-2679 Fax

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished to each of the persons listed below by E-Mail attachment and U.S. Mail on this 31st day of July, 2008.



Samuel Dean Bunton
Samuel Dean Bunton

The Honorable Lois Wexler
Mayor, Broward County Board of Commissioners
115 South Andrew Avenue, Room 421
Ft. Lauderdale, Florida 33301
Phone (954) 357-7005
lwexler@broward.org

Jeffrey J. Newton, County Attorney
Office of the County Attorney
115 South Andrews Avenue
Suite 423
Ft. Lauderdale, Florida 33301
Phone (954) 357-7600
jnewton@broward.org

EXHIBIT B
PROPOSED TRANSPORTATION ELEMENT REVISIONS

On June 24, 2008, Broward County adopted Ordinance Number 2008-33. The Ordinance adopted several revisions to the Transportation Element in the Broward County Comprehensive Plan. In response to the Department of Community Affairs' petition challenging this comprehensive plan amendment, Broward County, the Florida Department of Transportation, and the Florida Department of Community Affairs coordinated in the preparation of the following remedial actions to be adopted by the County.

TRANSPORTATION LAND USE COORDINATION - CONCURRENCY

Objective 3.4. Broward County, in coordination with the Broward County Planning Council and the municipalities, shall continue to maintain and, where feasible, improve the functional relationship between the transportation system and applicable future land use maps to ensure that transportation modes and services meet the transportation needs of existing and future population densities, housing and employment patterns, and land uses.

Policy 3.4.1 Broward County shall be divided into Concurrency Districts, as illustrated in Map 3-13 of the Support Documents for this Element. In addition, Maps 3- through 3- depict arterials subject to the maximum service volume levels in Policy 3.4.2, and the multiple, viable alternative travel paths or modes for common trips. [Note: Map numbers to be inserted by Broward County and maps to be prepared by the County prior to adoption.] Each District shall be one of the following types:

1. ~~A Transit Oriented Concurrency District~~ Transportation Concurrency Management Area shall be a compact geographic area with an existing network of roads where multiple, viable alternative travel paths or modes are available for common trips. An areawide level of service standard shall be established for each such District, for the purpose of issuing development orders and permits, based on ~~the quality of transit services~~ how mobility will be accomplished within the District.
2. ~~A Community Design Concurrency~~ Multi-Modal Transportation District shall be an area for which 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 a District shall incorporate community design features that will reduce the number of automobile trips or vehicle miles of travel and will support an integrated, multimodal transportation system.

**EXHIBIT B
PROPOSED TRANSPORTATION ELEMENT REVISIONS**

3. A Standard Concurrency District shall be an area where roadway improvements are anticipated to be the dominant form of transportation enhancement. A roadway level of service standard shall be established for each such District, based on the peak-hour standard volumes contained in the Florida Department of Transportation Level of Service Manual.
4. Roadway facilities forming the boundary of a Concurrency District are part of that District.

Policy 3.4.2 The concurrency management system shall establish the following transportation level of service (LOS) standards:

1. ~~Within transit-oriented concurrency districts~~ Transportation Concurrency Management Areas, the transportation LOS standards, for the purpose of issuing development orders and permits, are to achieve and maintain the following by FY ~~2009~~ 2013:
 - (i) ~~(a) Overall - Increase number of bus stop shelters by 30 percent, Increase number of bus stop shelters by 25 percent from FY 2009 to FY 2013. Maintain the maximum service volumes on arterial roadways within each District, as displayed below:~~ Traffic volumes on arterial roadways in each District shall remain less than the maximum service volumes as displayed below. These volumes do not apply to Strategic Intermodal System (SIS) and Transportation Regional Incentive Program-funded roadway facilities and cannot be used in a manner that would result in interference with mainline operations on SIS roadway corridors. The County and FDOT will work together during 2009 to revise downward the volumes in this table.

Peak Hour Two Way Maximum Service Volumes*

	Eastern Core District	All Other Districts
Two-lane arterials	2,485	2,555
Four-lane arterials	5,267	5,442
Six-lane arterials	7,910	8,190
Eight-lane arterials	10,342	10,605

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*The Maximum Service Volumes are calculated from "Generalized Peak Hour Two-Way Volumes for Florida's Urbanized Areas", published by the Florida Department of Transportation, as 75% above the volumes for Class IV State Two-Way Arterials, for Level of Service E, for the Eastern Core District; and as 75% above the volumes for Class II State Two-Way Arterials, for Level of Service D, for all other Districts.

~~[Note: Headway standards apply only to non-contract BCT routes].~~

~~(a) (b) Northeast District - Achieve headways of 30 minutes or less on 90% of routes, establish at least one neighborhood transit center, and establish at least one additional community bus route.~~ Maintain headways of 30 minutes or less on 90% of routes. Establish and maintain service at one or more neighborhood transit centers. Reduce traffic signal communication failures by 50% by FY 2013. Increase peak-hour weekday fixed-route transit ridership by 17 percent from FY 2009 to FY 2013.

~~(b) (c) North Central District - Achieve headways of 30 minutes or less on 90% of routes, establish at least one neighborhood transit center, establish at least one additional community bus route, and expand coverage area to 53 percent.~~ Establish and maintain headways of 30 minutes or less on 90% of routes. Maintain service at one or more neighborhood transit centers. Increase peak-hour weekday fixed-route transit ridership by 23 percent from FY 2009 to FY 2013. Maintain the current number of community bus routes (13) through 2013.

~~(e) (d) Central District - Achieve headways of 30 minutes or less on 80% of routes, establish at least one neighborhood transit center, and establish at least two additional community bus routes.~~ Maintain headways of 30 minutes or less on 80% of routes. Establish and maintain service at one or more neighborhood transit centers. Reduce traffic signal communication failures by 50% by FY 2013. Increase peak-hour weekday fixed-route transit ridership by 19 percent from FY 2009 to FY 2013. Maintain the current number of community bus routes (24) through 2013.

~~(d) (e) Port/Airport District -~~ Establish at least one additional community bus route. Increase peak-hour weekday fixed-route transit ridership by 20 percent from FY 2009 to FY 2013. Continue to pursue the ongoing Project Development and Environment study to define

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alternatives that facilitate direct movement of people and goods between Port Everglades and Fort Lauderdale Hollywood International Airport. This study also includes an intermodal center to facilitate this connectivity along with connections to local and regional transit services, including county transit routes, Tri-Rail and potential passenger transit services on the Florida East Coast rail corridor. Implementation of these improvements would serve to ensure efficient operations within the port and airport while addressing traffic congestion on Strategic Intermodal System facilities and other roadways. The results of this study will be incorporated into the Master Plans for the Port and the Airport by FY 2013. Funding for this project has not yet been identified. Also continue to pursue, as a potential condition of proposed amendments to the Northport DRI, a by-pass roadway for Port Everglades, that would provide a connection between U.S. 1 and S.E. 17th Street. Notwithstanding the above, County has no affirmative obligation to fund or construct this bypass roadway.

~~(e) (f) Eastern Core District- Achieve headways of 30 minutes or less on 90% of routes, achieve headways of 20 minutes or less on 40% of routes, establish at least one neighborhood transit center and establish at least two additional community bus routes~~ Maintain headways of 30 minutes or less on 90% of routes, maintain headways of 20 minutes or less on 40% of routes. Establish and maintain service at one or more neighborhood transit centers. Reduce traffic signal communication failures by 50% by FY 2013. Increase peak-hour weekday fixed-route transit ridership by 19 percent from FY 2009 to FY 2013.

~~(f) (g) Sawgrass District - Achieve headways of 15 minutes or less on 50% of routes, establish at least one neighborhood transit center, and establish at least one additional community bus route~~ Maintain headways of 15 minutes or less on 50% of routes.. Establish and maintain service at one or more neighborhood transit centers. Increase peak-hour weekday fixed-route transit ridership by 22 percent from FY 2009 to FY 2013.

~~(g) (h) Southeast District - Achieve headways of 30 minutes or less on 80% of routes, establish at least one neighborhood transit center, and establish at least one additional community bus route~~ Maintain headways of 30 minutes or less on 80% of routes. Establish and maintain service at one or more neighborhood transit centers. Increase peak-hour weekday fixed-route transit ridership by 24 percent from FY 2009 to FY 2013.

~~(h) (i) South Central District - Achieve headways of 30 minutes or less on 80% of routes, establish at least one neighborhood transit center,~~

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- ~~establish at least one additional community bus route, and expand coverage area to 48 percent. Maintain headways of 30 minutes or less on 80% of routes. Establish and maintain service at two or more neighborhood transit centers. Increase peak-hour weekday fixed-route transit ridership by 22 percent from FY 2009 to FY 2013. Maintain the current number of community bus routes (10) through 2013.~~
2. Within standard concurrency districts, the transportation LOS standards, excluding Strategic Intermodal System and Transportation Regional Incentive Program-funded roadway facilities, for the purpose of issuing development orders and permits are:
- (a) Northwest District - the generalized two-way peak-hour LOS "D" standard volumes depicted on ~~Table F-1, Level of Service Manual 4-4, Quality/Level of Service Handbook,~~ Florida Department of Transportation, (2002).
 - (b) Southwest District - the generalized two-way peak-hour LOS "D" standard volumes depicted on ~~Table F-1, Level of Service Manual 4-4, Quality/Level of Service Handbook,~~ Florida Department of Transportation, (2002). ~~with the following exceptions:~~
 - ~~(1) Interstate 75, from . mile west of 184th Ave. US-27 to Collier Co. line - LOS B~~
 - ~~(2) United States 27 (State Road 25), from Miami Dade Co. Line to Pembroke Road, and from Griffin Road I-75 to Palm Beach County line - LOS B~~
3. Countywide, the level of service standards for roadways on the SIS, including connectors, and roadway facilities funded in accordance with Section 339.2819 FS, the Transportation Regional Incentive Program (TRIP), shall be as set forth in Rule 14-94, FAC, summarized below. These standards shall apply for the purpose of issuing development orders and permits.

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<u>SIS Facilities</u>		
<u>Roadway</u>	<u>Roadway Segment</u>	<u>LOS Standard*</u>
<u>SIS Corridors</u>		
<u>Florida Turnpike & Homestead Extension</u>	<u>Miami-Dade County line to Palm Beach County line</u>	<u>D</u>
<u>Interstate 95</u>	<u>Miami-Dade County line to Palm Beach County line</u>	<u>E</u>
<u>Interstate 595</u>	<u>Interstate 75 to US 1</u>	<u>D</u>
<u>Sawgrass Expressway</u>	<u>Interstate 75 to east of I-95 ramps via SW 10 Street(State Road 869)</u>	<u>D</u>
<u>Interstate 75</u>	<u>Miami-Dade County line to west of US-27</u>	<u>D</u>
<u>Interstate 75</u>	<u>West of US-27 to Collier County line</u>	<u>B</u>
<u>US 27</u>	<u>Miami-Dade County line to Interstate 75</u>	<u>D</u>
<u>US 27</u>	<u>Interstate 75 to Palm Beach County line</u>	<u>B</u>
<u>SIS Connectors</u>		
	<p><u>Port Everglades</u></p> <ul style="list-style-type: none"> • <u>I-595 east straight into entrance (Eller Drive)</u> • <u>I-95 to SR 84 to Spangler Boulevard to entrance</u> <p><u>Fort Lauderdale – Hollywood International Airport</u></p> <ul style="list-style-type: none"> • <u>SIS corridor (I-595/US-1 interchange) directly to entrance</u> • <u>I-95 to SR 84/SW 24th Street to SW 4th Avenue to Perimeter Road to air cargo entrance</u> <p><u>FEC Intermodal Terminal</u></p> <ul style="list-style-type: none"> • <u>I-95 to SR 84 to Andrews Avenue to entrance</u> <p><u>Ft. Lauderdale Greyhound Bus Terminal</u></p> <ul style="list-style-type: none"> • <u>I-95 to Broward Boulevard to NE 3rd Avenue to 3rd Street to entrance</u> <p><u>Deerfield Beach Amtrak/Tri-Rail Station</u></p> <ul style="list-style-type: none"> • <u>I-95 to Hillsboro Boulevard to entrance</u> <p><u>Ft. Lauderdale Amtrak/Tri-Rail Station</u></p> <ul style="list-style-type: none"> • <u>SIS corridor (I-95 ramps) directly to entrance</u> <p><u>Hollywood Amtrak/Tri-Rail Station</u></p> <ul style="list-style-type: none"> • <u>I-95 to Hollywood Boulevard to entrance</u> 	<u>D</u>

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	<p><u>Cypress Creek Tri-Rail Station</u></p> <ul style="list-style-type: none"> • <u>I-95 to Cypress Road to Andrews Avenue to entrance</u> <p><u>Ft. Lauderdale-Hollywood International Airport Tri-Rail Station</u></p> <ul style="list-style-type: none"> • <u>I-95 to Griffin Road to Ravenswood Road to Gulf Stream Way to entrance</u> <p><u>Pompano Beach Tri-Rail Station</u></p> <ul style="list-style-type: none"> • <u>I-95 to SR 834 (Sample Road) to 8th Avenue to entrance</u> <p><u>Sheridan Street Tri-Rail Station</u></p> <ul style="list-style-type: none"> • <u>I-95 to N 29th Avenue to entrance</u> 	
<u>TRIP-Funded Facilities</u>		
	<u>Roadway Segment</u>	<u>LOS Standard**</u>
	<p><u>Palm Avenue from Stirling Road to Griffin Road</u></p> <ul style="list-style-type: none"> • <u>Palm Avenue from Orange Drive to Sheridan Street</u> <p><u>State Road 7 from North of Hallandale Beach Boulevard to North of Fillmore Street</u></p> <ul style="list-style-type: none"> • <u>State Road 7/U.S. 441 from NE/NW 215th Street (Miami-Dade County) to Johnson Street</u> <p><u>State Road 7/U.S. 441 from South of Miami-Dade County Line to North of Hallandale Beach Boulevard</u></p> <ul style="list-style-type: none"> • <u>State Road 7/U.S. 441 from NE/NW 215th Street (Miami-Dade County) to Sheridan Street</u> <p><u>Griffin Road from SW 172nd Avenue to SW 188th Avenue</u></p> <ul style="list-style-type: none"> • <u>Griffin Road from SW 188th Avenue to Weston Road/Dykes Road</u> 	<u>D</u>
<p><u>* The level of service letter designations are defined in FDOT's 2002 Quality/Level of Service Handbook unless an alternate (as refined through identified mobility strategies) standard is agreed to in writing by FDOT, Broward County and affected local governments.</u></p>		
<p><u>** Broward County should coordinate with FDOT on the setting of the level of service standard for facilities that receive TRIP funding. The presumption is that LOS D will apply as soon as the improvement is programmed for implementation; however, an alternate standard may be adopted in TCMA's if agreed to in writing by FDOT.</u></p>		

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Policy 3.4.3. The transportation LOS standards for the purpose of long range transportation planning, are shall be:

1. For facilities within the ~~Strategic Intermodal System (SIS), inclusive of the Florida Intrastate Highway System (FIHS), the Generalized Peak Hour Two Way Level of Service Standard, established by the Florida Department of Transportation, is as follows: Strategic Intermodal System (SIS) Facilities and Transportation Regional Incentive Program-funded Facilities,~~ the LOS standards as identified in Policy 3.4.2.3.

SIS / FIHS Roadway	Roadway Segment	LOS Standard
Florida Turnpike & Homestead Extension	Miami Dade County line to Palm Beach County line	D
Interstate 95	Miami Dade County line to Palm Beach County line	E
Interstate 595	Interstate 75 to US 1	D
Sawgrass Expressway	Interstate 75 to SW 10 Street	D
Interstate 75	Miami Dade County line to west of US 27	D
Interstate 75	West of US 27 to Collier County line	B
US 27	Miami Dade County line to Interstate 75	D
US 27	Interstate 75 to Palm Beach County line	B

2. For ~~facilities not within the SIS/FIHS,~~ the LOS standard ~~shall be~~ roadways not on the SIS (including connectors), and not funded in accordance with Section 339.2819 F.S. (TRIP), the generalized two-way peak-hour LOS "E" standard volumes depicted on Table F-1, Level of Service Manual 4-4, Quality/Level of Service Handbook, Florida Department of Transportation, (2002) within the Eastern Core District, and the generalized two-way peak-hour LOS "D" standard volumes depicted on Table F-1, Level of Service Manual 4-4, Quality/Level of Service Handbook, Florida Department of Transportation, (2002) within all other Districts.

Policy 3.4.13. Prior to the approval of any application for a plat, an amendment to the restrictive note on the plat, or the placement of a restrictive note on the plat, for property within a ~~Transit Oriented Concurrence District~~ Transportation Concurrence Management Area, the County Commission shall make a finding that the appropriate District satisfies at least one of the following standards:

1. The District does not contain two parallel and adjacent arterial roadways, both of which have a volume/capacity ratio in excess of 1.30, which ratio is derived by comparing existing p.m. peak hour traffic volumes to LOS D peak hour capacities (LOS E for the Eastern Core District).

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2. The ridership within the District on fixed route transit services has increased at least 2 1/2 percent over the previous year.

Policy 3.4.23. An application for a Development of Regional Impact, as governed by Chapter 380.06, Florida Statutes, shall satisfy the regional transportation concurrency requirements of Broward County if the DRI Development Order complies with the following:

...

- 8 A development of regional impact may satisfy the transportation concurrency requirements of the County's comprehensive plan and its concurrency management system, and of s. 380.06, F.S. by payment of a proportionate-share contribution for local and regionally significant traffic impacts, if the provisions of Section 163.3180 (12), F.S. are met.

Policy 3.4.24. Broward County shall encourage the provision of pedestrian and bicycle infrastructure linking neighborhoods to the transit system.

Policy 3.4.25. By December 2011, the Planning and Redevelopment Division shall coordinate with municipalities on establishment of bicycle and pedestrian level of service standards to be used for concurrency and short/ long range planning purposes, in order to implement Policy 3.4.29.

Policy 3.4.26. By December 2011, Broward County shall establish a methodology to establish level of service standards for pedestrian and bicycle infrastructure. The methodology shall include a demand analysis for high frequency destinations or routes and include different standards for different roadway typologies. Separate standards may be defined for each concurrency district in order to implement Policy 3.4.29.

Policy 3.4.27. By December 2011, Broward County shall consult with the existing bicycle and pedestrian advisory committee for input on the prioritization of projects.

Policy 3.4.28. By June 2012, Broward County shall identify projects needed to achieve the identified pedestrian and bicycle level of service standards and define a prioritization strategy to rank projects within each concurrency district. The strategy shall include mechanisms for municipal coordination. Coordination with transit infrastructure improvement projects shall be preferred to provide a cohesive and comprehensive mobility strategy in selected corridors or areas.

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Emphasis will be placed on Transit/Housing Oriented Redevelopment (THOR) corridors or other corridors with planned premium transit (FEC and CSX corridors).

Policy 3.4.29. By December 2012, Broward County shall identify a funding strategy to implement projects identified to meet the pedestrian and bicycle level of service standards. The funding strategy may include concurrency or mobility fees, a matching program to encourage municipal participation, support from outside agencies such as the MPO or FDOT, developer contributions, or other options.

Policy 3.4.30. By December 2012, Broward County shall adopt short-term bicycle and pedestrian level of service standards to be included in the concurrency management system and long-term transit, bicycle and pedestrian standards to be evaluated similar to the long-term standards for roadways.

Policy 3.4.31. By December 2013, and each year thereafter, Broward County shall include a status of the County's progress at achieving or maintaining pedestrian and bicycle level of service standards as part of the annual Capital Improvements Element amendment. Any project reprioritizations or changes in funding status shall be identified in the annual update.

Policy 3.4.32. In conjunction with the annual update of its Capital Improvements Element, the County shall report on the status of the transportation system in relation to the LOS standards adopted in Policies 3.4.2 and 3.4.3, and identify any remedial actions needed and how and when they will be implemented. The County will coordinate with the Florida Department of Transportation on this reporting function.

COORDINATE TRANSPORTATION PLANS AND PROGRAMS

Objective 3.5. Broward County shall coordinate its transportation system with the plans and programs of any applicable Metropolitan Planning Organization, transportation authority, Florida Transportation Plan, Florida Department of Transportation's Adopted Work Program, and the Strategic Intermodal System (SIS).

~~Policy 3.5.9. Broward County agrees to work with the Florida Department of Transportation and other partners on the following ongoing and proposed activities:~~

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1. SIS Connector Studies

These studies will identify LOS deficiencies and inform consultations between the Department and local governments on actions needed to better address access to and achieve mobility along SIS connectors that are not meeting or are projected not to meet the applicable statewide LOS standard. The intent is for FDOT, Broward County and affected municipalities to review each study's findings and agree on improvements or strategies to be implemented in a coordinated fashion. For SIS connectors serving transit hubs, mitigation in the form of improved transit access and mobility or transit oriented development proximate to stations will be considered.

2. SIS Corridor Studies

FDOT, in coordination with Broward, Palm Beach and Miami Dade counties, municipalities and the SEFTC MPOs, plans to conduct studies addressing mobility on SIS corridors, starting with I-95 and its parallel transit facility (Tri-Rail). Each study will identify and evaluate LOS issues and deficiencies and recommend actions needed either to achieve the applicable statewide LOS standard or ensure mitigation of impacts through development and implementation of a comprehensive mitigation plan covering the corridor and its wider context. Examples of techniques or tools that may be considered are long-term concurrency management systems, backlog authorities, SIS proportionate fair share, improvements to parallel facilities (including transit), LOS variances, multimodal LOS standards, congestion and incident management, and demand and system management.

Policy 3.5.9 - Broward County will work with the Florida Department of Transportation (FDOT), municipalities and other partners to ensure timely completion of the following initiatives focused on identifying and addressing impacts to the Strategic Intermodal System (SIS) and roadway facilities funded under the Transportation Regional Incentive Program (TRIP) (s. 339.2819, Florida Statutes). Map 3- shows SIS and other regionally significant transportation facilities that serve Broward and adjacent counties. Map 3- highlights the facilities located in Broward County. [Note: Broward County to insert map numbers and prepare maps prior to adoption.]

- 1. SIS Connectors:** SIS roadway connectors serve the critical role of linking SIS hubs with SIS corridors and hence are subject to a statewide level of service (LOS) standard (see Policies 3.4.2 and 3.4.3). FDOT has completed a study for each SIS roadway connector in Broward County. These studies identify both LOS conditions and deficiencies and potential improvements or strategies needed to ensure access to and achieve mobility on the facilities. For SIS

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roadway connectors serving transit hubs, mitigation in the form of improved transit access and mobility or transit-oriented development proximate to stations will be considered.

The studies, as best available data and analysis, will serve as the basis for consultations among FDOT, Broward County and affected municipalities. Specific steps and time frames to be followed are listed below:

- a. By January 2009 – FDOT will distribute the studies to Broward County and affected municipalities.
- b. By February 2009 – FDOT will convene meetings with Broward County and affected municipalities to review study findings. Funding and completion dates for any follow up studies needed to refine and prioritize improvements or strategies identified in the studies for failing SIS roadway connectors will be addressed at these meetings.
- c. By April 2009 – FDOT, Broward County and affected municipalities will agree upon a coordination process for identifying and addressing impacts to SIS roadway connectors from proposed sub-DRI level developments. For each connector, the agreed-upon process shall specify:
 - The proximity of a proposed development to the connector which will result in FDOT involvement in the development review process (within at least one mile); and
 - The impact threshold of a proposed development on the connector which will trigger an FDOT review.

The process will require that any proposed sub-DRI level development in the proximity of a connector not meeting the adopted LOS standard must have mitigation for its impacts on the facility approved by FDOT prior to Broward County's issuance of a Transportation Concurrency Certificate. Impacts to connectors from DRIs will be addressed through the DRI process.
- d. By September 2009 – FDOT, Broward County and affected municipalities will agree upon mitigation measures to address each SIS connector which does not meet the adopted LOS standard. Implementation of these measures will be adopted as amendments in the appropriate programs of the participating governments. The process agreed upon under subparagraph c. above will be implemented by the participants as soon as possible after the programming of the mitigation measures, but no later than December 2009.

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- e. The process and mitigation measures will be incorporated into the County and municipal comprehensive plans in the next available amendment cycle.
- f. The County and affected municipalities will identify any other comprehensive plan commitments needed to protect the function of SIS roadway connectors. As identified, these commitments will be incorporated into the County and municipal comprehensive plans in the next available amendment cycle.
- 2. SIS Corridors:** SIS roadway corridors are critical to the movement of people and goods within regions and across the state and hence are subject to a statewide LOS standard (see Policies 3.4.2 and 3.4.3). FDOT will lead the following steps, coordinating with Broward County and affected municipalities.
- a. By January 2009 – FDOT will disseminate the best available data and analysis on the SIS roadway corridors with maps and tables denoting existing and projected traffic volumes and LOS.
- b. By April 2009 – FDOT, Broward County and affected municipalities will agree upon a coordination process for identifying and addressing impacts to SIS roadway corridors from proposed sub-DRI level developments. For each corridor, the agreed-upon process shall specify:
- The proximity of a proposed development to the corridor which will result in FDOT involvement in the development review process (within at least one mile); and
 - The impact threshold of a proposed development on the corridor which will trigger an FDOT review.
- The process will require that any proposed sub-DRI level development in the proximity of a corridor not meeting the adopted LOS standard must have mitigation for its impacts on the facility approved by FDOT prior to Broward County's issuance of a Transportation Concurrency Certificate. Impacts to corridors from DRIs will be addressed through the DRI process.
- c. The process, as well as the steps to be taken to implement it, will be incorporated into the County and municipal comprehensive plans in the next available amendment cycle. Potential mitigation will be derived from plans and studies as completed.

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- d. Broward County will participate in and assist in implementing FDOT-initiated studies addressing mobility on SIS roadway corridors. Each study will identify and evaluate LOS issues and deficiencies and recommend actions needed either to achieve the applicable adopted statewide LOS standard or ensure mitigation of impacts through development and implementation of a comprehensive mitigation plan covering the corridor and its wider context. Examples of techniques or tools that may be considered are long-term concurrency management systems, backlog authorities, SIS proportionate fair share, improvements to parallel facilities (including transit), LOS variances, multimodal LOS standards, congestion and incident management, transportation demand management, and transportation system management and operation. As a part of each study, FDOT and its partners will agree upon a strategy or combination of strategies to be implemented for that corridor, including through commitments in County and municipal comprehensive plans.
- 3. I-95 SIS Corridor: FDOT, coordinating with county, municipal, metropolitan planning organization (MPO) and other partners, is conducting a multi-county study for the I-95 corridor and its parallel transit facility (Tri-Rail) that will identify a course of action for addressing existing and projected LOS issues on the corridor. The following time line applies to this study and implementation of study results:**
- a. By May 2009 – FDOT will define the study area; compile FDOT, local government, MPO and other policies affecting the corridor; inventory studies relating to the corridor; and identify programmed and planned projects and other improvements identified as being needed on the corridor.
- b. By June 2009 – FDOT will complete an interchange analysis study for the arterials covered by the maximum service volumes set in Policy 3.4.2. This study will identify interim and long-term interchange improvements needed to keep operations on the arterials from interfering with operations on the mainline I-95 corridor.
- c. By December 2009 – FDOT, Broward County and other partners will agree on a strategy or combination of strategies to be implemented to address mobility on the corridor and within its wider context, including existing and projected LOS issues. Identification of projects and funding mechanisms will be part of this effort.

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- d. Commitments needed to ensure timely implementation of the agreed upon strategy or combination of strategies will be incorporated into the comprehensive plans for Broward County and affected municipalities in the next available amendment round.
- 4. Roadway Segments Improved with TRIP Funds:** Roadway segments with improvements funded with TRIP funds are subject to a statewide LOS standard. A LOS D standard applies in the Standard Concurrency Districts. That same LOS standard applies in the Transportation Concurrency Management Areas unless FDOT agrees to an alternate standard.
- a. By February 2009 – FDOT will convene meetings with Broward County and affected municipalities to address LOS on TRIP-funded facilities.
- b. At such time as FDOT identifies a TRIP-funded facility which is not projected to meet the adopted LOS standard after its programmed improvement is completed, or for which the programmed improvement has been completed and the adopted LOS standard is not being met, then FDOT, Broward County, affected municipalities, and other appropriate partners will establish and follow a schedule to conduct a mobility study for the corridor involved and implement the study results.
- 5. Regional Coordination:** Broward County will enhance its coordination with municipalities, adjacent counties; the Broward, Palm Beach and Miami-Dade MPOs; the South Florida Regional Transportation Authority and other partners regarding regional level transportation issues, including the need to ensure mobility on shared SIS and other regionally significant transportation facilities crossing county lines.
- 6. Transportation System Management and Operation (TSM&O):** Broward County will meet with FDOT by February 2009 to review current TSM&O projects and plans and agree upon an ongoing coordination process focused on ensuring mobility on SIS and TRIP-funded facilities.