

LYNX Board Agenda

Board Date: 3/24/2005

Time: 1:30 PM

[View The Summary Report](#)

[View The Entire PDF Document](#)

LYNX Offices
455 N. Garland Ave.
Orlando, FL 32801

1. Call to Order & Pledge of Allegiance

2. Approval of Minutes

-  Approval of the February 24, 2005 Board Meeting Minutes (pg. 4 - 6)






3. Recognition

- Award to Albertsons' for Selling \$1 Million in Bus Passes

4. Public Comments


5. Executive Director's Report

6. Consent Agenda

- A.  Authorization to Enter into Second Amendment to Interlocal Funding Agreement with the City of Altamonte Springs, City of Maitland and the Florida Department of Transportation for the FlexBus Final Design and Engineering (pg. 7 - 14)
- B.  Comprehensive Annual Financial Report (CAFR) Fiscal Year Ending September 30, 2004 (pg. 15 - 15)
- C.  Authorization to Purchase Ten Additional Vanpool Vehicles. (pg. 16 - 17)
- D.  Comprehensive Operations Analysis (COA) (pg. 18 - 20)
- E.  Intergovernmental Coordination and Review and Public Transportation Coordination Joint Participation Agreement (JPA) (pg. 21 - 58)

- Attachment 

7. Work Session

- F.  Federal and State Legislative Update (pg. 59 - 61)
- G.  Presentation on the ORANGES Operational Test (pg. 62 - 63)


















- Presentation 


8. Other Business

Section 286.0105, Florida Statutes states that if a person decides to appeal any decision made by a board, agency, or commission with respect to any matter considered at a meeting or hearing, he will need a record of the proceedings, and that, for such purposes, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans With Disabilities Act of 1990, persons needing a special accommodation at this meeting because of a disability or physical impairment should contact Bill Hearndon (x3092) at 455 N. Garland Ave, Orlando, FL 32801 (407) 841-2279, extension 3012, not later than three business days prior to the meeting. If hearing impaired, contact LYNX at (407) 423-0787(TDD).

Information Items (For Review Purposes Only - No action required)

- H.  January 2005 Ridership Report - FINAL (pg. 64 - 67)
- Attachment  
- I.  Monthly Financial Reports (pg. 68 - 72)
- Attachment   
- J.  Procurement Activities (pg. 73 - 73)
- K.  Government Affairs & Communications Report for February 2005 (pg. 74 - 77)
- L.  HR Report and Project Summaries (pg. 78 - 79)
- M.  Planning Division Report (pg. 80 - 81)
- N.  Paratransit Operations Ridership Report (pg. 82 - 83)
- Attachment 
- O.  LYNX Central Station and New Operating Base Report (pg. 84 - 85)
- P.  Employee Travel from end of February to mid-March 2005 (pg. 86 - 87)
- Q.  Rail Updates (pg. 88 - 104)
- R.  Federal Lobbyist's Activity Report (pg. 105 - 106)

- S.  State Lobbyist's Activity Report (pg. 107 -108)

LYNX
Central Florida Regional Transportation Authority
Board of Directors Monthly Meeting

DATE: February 24, 2005

PLACE: LYNX Central Station
455 N. Garland Avenue
Suite 200
Orlando, FL 32801

DRAFT

TIME: 1:30 p.m.

MEMBERS IN ATTENDANCE:

Osceola County Commissioner, Atlee Mercer, Chair
Seminole County Chairman, Carlton Henley, Vice Chair
City of Orlando, Mayor Buddy Dyer, Secretary
Orange County, Mayor Richard T. Crotty
FDOT District 5 Secretary, George Gilhooley

ABSENT

None

1. Call to Order and Pledge of Allegiance

Chairman Mercer called the meeting to order at 1:30 p.m., and Vice Chair, Carlton Henley led the Pledge of Allegiance.

2. Approval of Minutes

Mayor Dyer moved to approve the minutes of the January 27, 2005 Board meeting, Mayor Crotty seconded, and the motion passed unanimously.

3. Public Comments

Mr. Bill Millar, President, American Public Transportation Association (APTA), acknowledged LYNX as a long-time APTA member and Ms. Watson for serving on the APTA Executive Committee. Mr. Millar presented information on APTA's (PT)2 partnership, and explained that the program is a national education and outreach initiative designed to increase support and investment in public transportation. He provided the program's goals and activities, and asked the Board to consider LYNX' participation in the partnership. He explained that for the APTA Convention & Expo to come to Orlando for their annual meeting, LYNX would need to be a participant in the program. He advised that the program's cost is based on transit property size, and LYNX' cost would be \$50,000 annually; he noted that 90% of national transit agencies are participants in the program.

Chuck Graham - Reported that MV and LYNX approved his suggestion to advertise on MV vans to help subsidize ADA funding.

Cheryl Stone – Advised the goal should be to increase fixed-route ridership and help riders to move away from paratransit service, limiting that service, and not to manage by crisis.

Torry Rodriguez – Advised he was an advocate for riders with disabilities, and spoke of fixed-route problems, noting a problem with route #30 running on time.

Karen Anderson - Advised of problems with ACCESS LYNX drivers not picking her up until very late, or not coming at all. Staff was asked to look into the problem.

Mat Roberts – Commented on legalities of paratransit riders paying twice on fixed-route and paratransit. He advised a trip on fixed-route should be free if both services are used for one trip. He reported that automated announcements were not working properly on the buses, and route information for the blind is hard to obtain.

4. Executive Director Report

Ms. Watson reported that staff developed a two-minute public safety announcement on pedestrian safety showing riders how to enter and exit the buses safely, as well as how to cross the street, noting the announcement would be run on the buses; the clip will also be run on public TV.

Ms. Watson provided ridership numbers, noting they continue to break records from last year; advised that the Marketing staff sold a \$1.1 million, sixteen-month bus advertising contract with Client Services, Inc., which made the revenue goal for this fiscal year.

Ms. Watson recapped the TDP process; reported on the legislative delegation meeting in Washington, DC and Congressman Mica's meeting at Metroplan Orlando regarding his plan for Commuter Rail, as well as the subsequent need for an expanded bus fleet to feed into that project.

5. Consent Agenda

A. Approval of LYNX Board Audit Committee Charter

B. Confirmation of the appointment of individuals to the following positions: Edward Johnson, Chief of Staff; Sylvia Mendez, Chief Administrative Officer; and J. Marsh McLawhorn as Manager of Government Relations

C. Authorization to add a 10% contingency (\$39,545) to the June, 2004 Board Approved PBX System Project utilizing the State of Florida Contract #730-650-99-1 with Avaya, Inc.

D. Authorization to Award a Contract for Request for Proposal (RFP) #05-004 Vanpool Fleet Services Contract

E. Approval of Federal Legislative Agenda

F. Authorization to issue a request for proposals for a Compensation and Classification Review

G. Authorization for Contaminated Waste Removal from New Operations Base Site

H. Adoption of LYNX Bus Stop Placement Standards and Guide

I. Authorization for Additional Funding for Security System at LYNX Central Station

Relating to Consent Item H., Commissioner Henley requested a current survey showing the percentage of bus stops in Seminole County that are not ADA accessible. It was noted that this information would be provided as an Information Item at the March Board meeting.

Motion:

Vice Chairman, Carlton Henley moved to approve the Consent Items, Mayor Dyer seconded, and the motion passed unanimously.

Relating to Consent Item E., Commissioner Henley asked the fate of BRT funding. Mr. Gilhooley commented that several earmarks are in hand, and that the project is moving forward in conjunction with the City of Altamonte Springs.

Meeting adjourned at 2:10 p.m.

Consent Agenda Item #6.A

To: LYNX Board Of Directors

From: Linda Watson
EXECUTIVE DIRECTOR
Tiffany Homler
(Technical Contact)

Phone: 407.841.2279 ext: 3017

Item Name: Authorization to Enter into Second Amendment to Interlocal Funding Agreement with the City of Altamonte Springs, City of Maitland and the Florida Department of Transportation for the FlexBus Final Design and Engineering

Date: 3/24/2005

ACTION REQUESTED

Authorization for the Executive Director to enter into the second amendment to interlocal funding agreement with the City of Altamonte Springs, the City of Maitland and Florida Department of Transportation for the North Orange/South Seminole Flexible Bus Rapid Transit System (ITS) Circulator (FlexBus) Final Design and Engineering Study.

BACKGROUND

In January 2000, LYNX partnering with Altamonte Springs, Maitland, Metroplan Orlando, FDOT, FTA, and Orange and Seminole Counties, initiated the North Orange/South Seminole ITS Enhanced Circulator Study. The purpose of the study was to assess the feasibility of establishing a special transit circulation system in a portion of the LYNX service area that includes both Bus Rapid Transit (BRT) and Intelligent Transportation Systems (ITS) elements. The transit system concept is referred to as The Flex Bus Rapid Transit System. The Flex Bus Rapid Transit System concept includes BRT elements such as rubber tire vehicles operating along special reserved bus lanes with stations about every ½ mile. ITS elements include advanced technologies to increase the effectiveness and efficiency of the transit service provided. This project received FDOT Project Development and Environmental (PD&E) and Preliminary Engineering approval in July 2004.

A First Amendment to Interlocal Funding Agreement was executed in June 2003 as the rail program was transferred from LYNX to the Florida Department of Transportation. This amendment transferred project management responsibilities from LYNX staff to FDOT staff.

This Second Amendment to Interlocal Funding Agreement will be executed to allow for the following:

1. Remove City of Maitland from project.
2. Designate funding participation by local, state and federal sources.
3. Make LYNX equal to FDOT and City of Altamonte Springs on project management team.

FISCAL IMPACT:

The Final Design and Engineering costs are proposed to be \$2.3 Million. The funding participation by all entities is currently being negotiated. No LYNX operating funds will be used for this project. The project currently has one FDOT grant for \$1.5 Million and three Federal earmarks for a total of \$4 Million.

SECOND AMENDMENT TO INTERLOCAL FUNDING AGREEMENT

THIS SECOND AMENDMENT to Interlocal Funding Agreement in Support of the Design of the North Orange/South Seminole Intelligent Transportation Systems (ITS) Enhanced Circulator is made and entered into effective this _____ day of _____, 2005 by and between THE STATE OF FLORIDA, DEPARTMENT OF TRANSPORTATION (hereinafter the “DEPARTMENT”), the CENTRAL FLORIDA REGIONAL TRANSPORTATION AUTHORITY, a body politic and corporate created pursuant to Part II, Chapter 343, Florida Statutes (hereinafter “LYNX”), the CITY OF ALTAMONTE SPRINGS, a municipal corporation created and existing under the laws of the State of Florida (hereinafter “Altamonte Springs”), the CITY OF MAITLAND, a municipal corporation created and existing under the laws of the State of Florida (hereinafter “Maitland”).

WITNESSETH

WHEREAS, LYNX, Altamonte Springs and Maitland entered into that certain Interlocal Funding Agreement in Support of the Design of the North Orange/South Seminole Intelligent Transportation Systems (ITS) Enhanced Circulator dated August 2, 2002 (hereinafter “INTERLOCAL FUNDING AGREEMENT”) and;

WHEREAS, LYNX, Altamonte Springs, Maitland and the Department of Transportation have all signed a First Amendment to Interlocal Funding Agreement dated June 27, 2003 that provides for the Department of Transportation to assume all the responsibilities of LYNX under the original Interlocal Funding Agreement and for LYNX to pass through funds to the DEPARTMENT.

NOW, THEREFORE, in consideration of the promises and the mutual covenants herein contained, the parties hereto agree as set forth below.

1. The North Orange/South Seminole Intelligent Transportation Systems (ITS) Enhanced Circulator is now known as, and subsequently referred to as, the “FlexBus”.
2. LYNX, Altamonte Springs, Maitland and the DEPARTMENT agree that Maitland will not be directly involved in the scope design, and deployment of Phase II, and that previously identified FlexBus stops located within the geographic jurisdiction of the City of Maitland shall be removed from the scope, design and deployment of Phase II.
3. The Project Management Team will consist of LYNX, Altamonte Springs and the DEPARTMENT.
4. The financial contributions by entity is as follows:
 - a. Federal
 - b. State
 - c. Local
5. Except for the changes, modifications and amendments effected by the First Amendment and this Second Amendment, the INTERLOCAL FUNDING AGREEMENT shall remain in full force and effect in strict accordance with the original terms thereof.
6. Upon receiving a written request from the City to do so, the Parties agree to transfer ownership and all rights to the civil engineering products for the Project, including though not limited to draft work products, notes relating thereto, reports, studies, support materials and plans, and final work products, notes relating thereto,

reports, studies, support materials and plans, to the City exclusively so that it may, at its sole option, complete such work products to which it takes ownership and to ultimately construct such improvements. It is further agreed that any contract related to the Project executed by one or more of the Parties shall include the ability to assign such rights and materials to the City in a manner that allows the City to conclude any unfinished work products under the existing agreements with the consultants.

IN WITNESS whereof, the parties have duly authorized this Second Amendment to the Interlocal Funding Agreement and have authorized the appropriate officers to execute and deliver this Second Amendment as of the day and year first written above.

**STATE OF FLORIDA,
DEPT. OF TRANSPORTATION**

BY: _____
George Gilhooley, P.E.
District Five, Secretary

Date: _____

LEGAL REVIEW:

Department Counsel

**CENTRAL FLORIDA REGIONAL
TRANSPORTATION AUTHORITY**

By: _____

Linda S. Watson
Chief Executive Officer

Date: _____

ATTEST:

Assistant Secretary

(Corporate Seal)

CITY OF ALTAMONTE SPRINGS

By: _____
City Manager

Date: _____

ATTEST:

By: _____
City Clerk

STATE OF FLORIDA
COUNTY OF SEMINOLE

The foregoing instrument was acknowledged before me by _____ and _____, the City Manager and City Clerk of Altamonte Springs, respectively, the _____ day of _____, 2005. Such persons are personally known to me or have produced _____ as identification.

My Commission expires:
(affix notarial seal)

Notary Public

CITY OF MAITLAND

By: _____
City Manager

Date: _____

ATTEST:

By: _____
City Clerk

STATE OF FLORIDA
COUNTY OF SEMINOLE

The foregoing instrument was acknowledged before me by _____ and _____, the City Manager and City Clerk of Altamonte Springs, respectively, the _____ day of _____, 2005. Such persons are personally known to me or have produced _____ as identification.

My Commission expires:
(affix notarial seal)

Notary Public

Consent Agenda Item #6.B

To: LYNX Board Of Directors

From: **Janice Keifer**
Acting Director of Finance and Administrative Support
Blanche Sherman
Manager of Finance, (Technical Contact)

Phone: 407.254.6166 or 407.254.6100

Item Name: Comprehensive Annual Financial Report (CAFR) Fiscal Year Ending September 30, 2004

Date: 3/24/2005

ACTION REQUESTED:

Acceptance by the LYNX Board of Directors of the results of the Fiscal Year 2003-2004 Year-End Financial Audit.

BACKGROUND:

In accordance with Chapter 11.45, Florida Statutes, the Authority is required to have an annual financial audit performed by an independent certified public accountant.

The Single Audit Act Amendments of 1996 require state or local governments that receive \$500,000 or more in a year in Federal financial assistance to have an independent audit conducted for that year in accordance with the Office of Management and Budget (OMB) Circular A-133. The State of Florida recently enacted similar legislation, the Florida Single Audit Act, related to audits of State financial assistance. Pursuant to these Acts, LYNX' independent certified public accountants, Ernst & Young LLP, have conducted the audit for fiscal year ended September 30, 2004.

An unbound draft copy of the CAFR, which includes the audit report of Ernst & Young, LLP is included. The final report will be provided to each member of the Board at the March 24, 2005 Board Meeting.

The auditors have issued an unqualified clean opinion on both financial and compliance audits. The auditor's Management Letter Comments and Management's responses are included at the end of the accompanying annual financial report. Fiscal year FY2003/2004 ended with an overall operating profit in the amount of \$733,299.

Consent Agenda Item #6.C

To: LYNX Board Of Directors

From: Peggy Gies
INTERIM DIR OF GOVT AFFAIRS
Maria Rivera
(Technical Contact)

Phone: 407.841.2279 ext: 3020

Item Name: Authorization to Purchase Ten Additional Vanpool Vans.

Date: 2/24/2005

ACTION REQUESTED:

Authorization from the Board of Directors to purchase ten (10) additional vanpool vehicles by piggybacking on a State of Florida Contract.

BACKGROUND:

LYNX currently has two funding sources to procure vans to operate the vanpool program. The primary source is from federal funds granted by the Federal Transit Administration (FTA). The secondary source is state funding solely from the Florida Department of Transportation's (FDOT) 100% funded WAGES Grant. Although the state funds are 100% funded through the WAGES Grant, those funds are contingent upon the bi-annual renewal of the grant that is budgeted through FY 2006. The vans purchased with FDOT funds must be returned upon the termination of the grant.

The agency's vanpool inventory allocated for program use includes a total of thirty-eight vehicles. Thirty-three of these vehicles are vans purchased with FTA funds and are currently used by existing vanpool groups. The remainder of the fleet includes five vehicles that are provided through the FDOT grant and will be used primarily for individuals in the WAGES program (i.e. people who are transitioning from welfare or in a low-income household status).

Since the inception of the agency's vanpool program in 1992 it was customary practice to replace vanpool vehicles when a minimum of four years of revenue service or 100,000 revenue miles were accrued. Within the past three years the agency experienced a change in this procedure and has not purchase any replacement vehicles since 2002. Also, no new vehicles have been purchased since 2000 to grow the vanpool program.

FISCAL IMPACT:

After completing a thorough analysis of the 2005 fiscal year vanpool inventory, it was determined that

LYNX Board Agenda

three additional (3) replacement vehicles will be required (since vehicles will be retired at 100,000 miles of revenue service) and a minimum of seven (7) vehicles will be necessary for new vanpool customer growth.

We are requesting Board approval for the procurement of ten (10) vans not to exceed \$250,000 (approximately \$25,000 per van). Procurement will be funded 100% by federal formula grants.

Consent Agenda Item #6.D

To: LYNX Board Of Directors

From: **Robert Smith**
DIR OF TRANS OPS & PLANNING
Tiffany Homler
(Technical Contact)
Jennifer Clements
(Technical Contact)
Richard Solimano
(Technical Contact)

Phone: 407.841.2279 ext: 3036

Item Name: Comprehensive Operations Analysis (COA)

Date: 3/24/2005

ACTION REQUESTED:

Authorization by the Board of Directors to have the Executive Director or designee Award Contract #05-009 for a Comprehensive Operations Analysis in the amount of \$289,846 to the consultant firm of Manuel Padron & Associates, Inc. with a principal business address located at 1175 Peachtree Street, Atlanta, Georgia 30361.

BACKGROUND:

Since 1990, LYNX has experienced a rapid expansion of its transit service. In 1990 LYNX had a peak pullout of 82 buses, operated 346,000 annual revenue vehicle hours, and carried 8 million annual passenger trips. More than a decade later, LYNX service has increased to 190 peak buses, more than 930,000 annual revenue vehicle hours, and carried nearly 22 million annual passenger trips during fiscal year 2003.

Due to LYNX' expansion in size and service, and a changing Central Florida community, it is necessary to evaluate the overall fixed-route system and the passengers we serve. The COA is the tool utilized to conduct this evaluation. Every five years, LYNX should conduct a Comprehensive Operational Analysis to assess where we have been and where we need to go as a transit provider and public service agency. LYNX customers include governments, private entities, current passengers, and potential users of the system. These customers deserve a system that operates efficiently and effectively.

On October 28, 2004 the LYNX Board of Directors authorized the release and issuance of a Request for Proposal for a Comprehensive Operational Analysis. Through the COA two components of our fixed-route system, efficiency and effectiveness, can be assessed. Through review of existing bus service, route alignment changes, schedules and frequencies, and infrastructure modifications since the previous COA, an action plan for current and future service will be drafted. This analysis will provide necessary data for future expansion, solidify the foundation of bus service delivery, and provide for service enhancements. The COA will provide opportunities for staff to improve routes, gauge passenger satisfaction, and gather passenger origin and destination characteristics. The survey of LYNX passengers will also allow for an evaluation in the use of the fare media as suggested by Jeff Parker & Associates. The COA will consist of surveys, GIS-based analyses, management and line personnel input, Automated Passenger Counter data (APC), local service requests, and other quantitative and qualitative tools.

The COA will begin April of 2005; this will allow the impact of the move to LYNX Central Station (LCS) to subside and passenger travel patterns to stabilize. The project is expected to take one year to complete, ending in the spring of 2006. Periodic updates will be given to the LYNX Board of Directors and Regional Working Group.

The selection process consisted of a Determination of Responsiveness by the Source Evaluation Committee (SEC). The SEC evaluated all responsive proposals received under the solicitation.

Each proposal was reviewed and evaluated by each member of the SEC utilizing the following criteria and the assigned weight as noted:

Category A:	Professional Qualifications	20 %
Category B:	Past performance / Experience	20 %
Category C:	Approach and Project Management	30 %
Category D:	Methodology	30 %

The SEC convened on February 14 and 15, 2005. A total of five proposals were received and were evaluated by the SEC. On February 14, the first review of proposals resulted in the following:

- Manuel Padron & Associates, Inc. invited back for Oral Presentation on February 15, 2005
- TranSystems Corporation invited back for Oral Presentation on February 15, 2005
- Dovetail Consulting invited back for Oral Presentation on February 15, 2005 and declined request.
- Transportation Management & Design, Inc. – Disqualified by DBE officer {TMD submitted a DBE certification from the City of Orlando and LYNX does not accept certifications from the City of Orlando}

- Wilbur Smith Associates - Disqualified by DBE officer {Wilbur Smith did not submit a current DBE certification}

On February 15, following oral presentations, the SEC unanimously voted the firm of Manuel Padron & Associates, Inc. to be awarded the contract for the 2005 COA.

DISADVANTAGE BUSINESS ENTERPRISE (DBE) PARTICIPATION:

LYNX supports and encourages DBE firms to participate in the bidding process; it is further the policy of LYNX to promote the development and increase the participation of businesses owned and controlled by the disadvantaged. LYNX encourages DBE involvement in all phases of LYNX procurement activities. LYNX has an approved annual DBE goal of 12.25%. Manuel Padron & Associates, Inc. presented a plan to meet LYNX DBE goal with 49.57% participation with its own work force.

FISCAL IMPACT:

The last thorough COA was conducted in FY 1995 at a cost of \$250,000. Taking into account inflation and escalating professional fees, the proposed cost for the FY 2005 COA is \$289,846.00. The budget for FY 2005 allowed for a COA not to exceed \$325,000. This amount was budgeted in FY 2005 utilizing federal planning grant dollars. No local funds are being used for this project.

Consent Agenda Item #6.E

To: LYNX Board Of Directors

From: Robert Smith
DIR OF TRANS OPS & PLANNING
Tiffany Homler
(Technical Contact)
Jennifer Clements
(Technical Contact)

Phone: 407.841.2279 ext: 3036

Item Name: Intergovernmental Coordination and Review and Public Transportation Coordination Joint Participation Agreement (JPA)

Date: 3/24/2005

ACTION REQUESTED:

Board Approval of the attached Intergovernmental Coordination and Review and Public Transportation Coordination Joint Participation Agreement (JPA).

BACKGROUND:

This item is being brought to the LYNX Board at the request of METROPLAN ORLANDO, the region's Metropolitan Planning Organization. They are requesting approval and signature of the Intergovernmental Coordination and Review and Public Transportation Coordination Joint Participation Agreement. At METROPLAN ORLANDO's last federal certification review, this item was required by the U.S. DOT's Federal Highway Administration. This agreement could be an item that U.S. DOT's Federal Transit Administration might require of LYNX in future certifications as well. The agreement identifies responsibilities of cooperatively carrying out transportation planning as a condition to receipt of federal capital or operating assistance. The JPA is between public transit authorities, port authorities, aviation authorities, expressway authorities, regional planning councils, MPOs and the State.

The purpose of this JPA is to describe the means of coordination among agencies and to specify how transportation planning and programming will be part of a continuing, cooperative and comprehensive coordinated planned development of the metropolitan area. The JPA also adopts a dispute resolution process to reconcile differences between governments and agencies and private interest.

The JPA addressed how agencies will cooperate in the development of METROPLAN ORLANDO's Unified Planning Work Program, Transportation Improvement Program, Long

Range Transportation Plan and applicable corridor or subarea studies. To address the development of a process for planning coordination, forwarding recommendations, and project programming consistency through an agreement letter – Exhibit I of the JPA is an excerpt of the planning related parts of the adopted METROPLAN ORLANDO Internal Operating Procedures.

The East Central Florida Regional Planning Council is charged with handling the process for intergovernmental coordination through review and identification of inconsistencies between MPO plans and local government comprehensive plans and with dispute resolution. The dispute resolution process, attached as Exhibit II of the JPA, is the adopted chapter 29F-3 Regional Dispute Resolution Process Rule.

LYNX's legal counsel has reviewed the attached JPA and finds it acceptable.

FISCAL IMPACT:

There is no known fiscal impact at this time. It is possible that LYNX could be required, in the future, to sign this agreement as a condition of receipt of federal capital or operating assistance.

STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION
**INTERGOVERNMENTAL COORDINATION AND REVIEW
AND
PUBLIC TRANSPORTATION COORDINATION
JOINT PARTICIPATION AGREEMENT**

THIS JOINT PARTICIPATION AGREEMENT is made and entered into this ____ day of _____, 2005 by and between the FLORIDA DEPARTMENT OF TRANSPORTATION (hereinafter "Department"); the ORLANDO URBAN AREA METROPOLITAN PLANNING ORGANIZATION, d/b/a METROPLAN ORLANDO (hereinafter the "MPO" or the "Metropolitan Planning Organization"); the EAST CENTRAL FLORIDA REGIONAL PLANNING COUNCIL (herein after the "Regional Planning Council"); the CENTRAL FLORIDA REGIONAL TRANSPORTATION AUTHORITY d/b/a LYNX (hereinafter the "Transit Authority"); the GREATER ORLANDO AVIATION AUTHORITY and the SANFORD AIRPORT AUTHORITY (hereinafter the "Aviation Authorities"); and the ORLANDO-ORANGE COUNTY EXPRESSWAY AUTHORITY AND THE SEMINOLE COUNTY EXPRESSWAY AUTHORITY (hereinafter the "Expressway Authorities").

RECITALS

WHEREAS, the Federal Government, under the authority of 23 U. S. C. and any subsequent applicable amendments requires each metropolitan area, as a condition to the receipt of federal capital or operating assistance, to have a continuing, cooperative, and comprehensive transportation planning process in designated metropolitan areas to develop and implement plans and programs consistent with the comprehensively planned development of the metropolitan area;

WHEREAS, 23 U. S. C. 134 (a) and (b), and Section 339.175, Florida Statutes, provide for the creation of metropolitan planning organizations to develop transportation plans and programs for metropolitan areas;

WHEREAS, the aforementioned federal laws require that the State, the Metropolitan Planning Organization, and the operators of publicly owned transportation systems shall enter into an agreement clearly identifying the responsibilities for cooperatively carrying out such transportation planning (including corridor and subarea studies pursuant to 23 Code of Federal Regulation 450.316 and 450.318) and programming;

WHEREAS, pursuant to Section 20.23, Florida Statutes, the Department has been created by the State of Florida, and the Department has the powers and duties relating to transportation, all as outlined in Section 334.044, Florida Statutes;

WHEREAS, pursuant to 23 United States Code 134, 49 United States Code 5303, 23 Code of Federal Regulations 450.306, and Section 339.175, Florida Statutes, the Orlando Urban Area Metropolitan Planning Organization, d//b/a METROPLAN ORLANDO has been designated and its membership apportioned by the Governor of the State of Florida, with the agreement of the affected units of general purpose local government, to organize and establish the Metropolitan Planning Organization;

WHEREAS, pursuant to an interlocal agreement executed on June 7, 2000, as amended, and filed with the Clerk of the Circuit Court of Orange, Osceola, Seminole and Volusia Counties, the Orlando Urban Area Metropolitan Planning Organization, d/b/a METROPLAN ORLANDO was established;

WHEREAS, pursuant to Chapter 75-464, Laws of Florida, the Greater Orlando Aviation Authority was created and established;

WHEREAS, pursuant to Chapter 71-924, Laws of Florida, the Sanford Airport Authority was created and established;

WHEREAS, pursuant to Section 348.75 et seq., Florida Statutes, the Orlando-Orange County Expressway Authority was created and established;

WHEREAS, pursuant to Section 348.95 et seq., Florida Statutes, the Seminole County Expressway Authority was created and established;

WHEREAS, pursuant to Section 343.6 et seq., Florida Statutes, the Central Florida Regional Transportation Authority was created and established;

WHEREAS, pursuant to Section 339.175(9)(a)2., Florida Statutes, the Metropolitan Planning Organization shall execute and maintain an agreement with the metropolitan and regional intergovernmental coordination and review agencies serving the Metropolitan Area;

WHEREAS, the aforesaid agreement must describe the means by which activities will be coordinated and specify how transportation planning and programming will be part of the comprehensively planned development of the Metropolitan Area;

WHEREAS, pursuant to Section 186.505, Florida Statutes, and Rule 29F-1.01, Florida Administrative Code, the East Central Florida Regional Planning Council was established and operates with a primary purpose of intergovernmental coordination and review;

WHEREAS, pursuant to Section 186.505(24), Florida Statutes, the East Central Florida Regional Planning Council is to review plans of metropolitan planning organizations to identify inconsistencies between those agencies' plans and applicable local government comprehensive plans adopted pursuant to Chapter 163, Florida Statutes;

WHEREAS, the Regional Planning Council, pursuant to Section 186.507, Florida Statutes, is required to prepare a Strategic Regional Policy Plan, which will contain regional goals and policies that address regional transportation issues;

WHEREAS, based on the Regional Planning Council's statutory mandate to identify inconsistencies between plans of metropolitan planning organizations and applicable local government comprehensive plans, and to prepare and adopt a Strategic Regional Policy Plan, the Regional Planning Council is appropriately situated to assist in

the intergovernmental coordination of the intermodal transportation planning process;

WHEREAS, pursuant to Section 186.509, Florida Statutes, and Rule 29 F-3, Florida Administrative Code, the Regional Planning Council has adopted a conflict and dispute resolution process;

WHEREAS, the purpose of the dispute resolution process is to reconcile differences in planning and growth management issues between local governments, regional agencies, and private interests;

WHEREAS, the parties hereto have determined that the voluntary dispute resolution process is useful in the process of resolving conflicts and disputes arising in the transportation planning process;

WHEREAS, pursuant to 23 Code of Federal Regulations 450.310(b) and Section 339.175(9)(a)3., Florida Statutes, the Metropolitan Planning Organization must execute and maintain an agreement with the operators of public transportation systems, including transit systems, commuter rail systems, airports, and seaports, describing the means by which activities will be coordinated and specifying how public transit, commuter rail, aviation, and seaport planning (including corridor and subarea studies pursuant to 23 Code of Federal Regulations 450.316 and 450.318) and programming will be part of the comprehensively planned development of the Metropolitan Area;

WHEREAS, it is in the public interest that the MPO, operators of public transportation systems, including transit systems, commuter rail systems, port and aviation authorities, jointly pledge their intention to cooperatively participate in the planning and programming of transportation improvements within this Metropolitan Area;

WHEREAS, the undersigned parties have determined that this Agreement satisfies the requirements of and is consistent with 23 Code of Federal Regulations 450.306 and Section 339.175(9)(a), Florida Statutes; and

WHEREAS, the parties to this Agreement desire to participate cooperatively in the performance, on a continuing basis, of a coordinated, comprehensive transportation planning process to assure that highway facilities, mass transit, rail systems, air transportation and other facilities will be located and developed in relation to the overall plan of community development.

NOW, THEREFORE, in consideration of the mutual covenants, promises, and representation herein, the parties desiring to be legally bound, do agree as follows:

ARTICLE 1
RECITALS; DEFINITIONS

Section 1.01. Recitals. Each and all of the foregoing recitals be and the same hereby incorporated herein and acknowledged to be true and correct. Failure of any of the foregoing recitals to be true and correct shall not operate to invalidate this Agreement.

Section 1.02. Definitions. The following words when used in this Agreement (unless the context shall clearly indicate the contrary) shall have the following meanings:

Agreement means and refers to this instrument, as amended from time to time.

Corridor or Subarea Study shall mean and refer to studies involving major investment decisions or as other identified in 23 Code of Federal Regulations 450.318 and 450.318.

Department shall mean and refer to the Florida Department of Transportation, an agency of the State of Florida, created pursuant to Section 20.23, Florida Statutes.

FHWA means and refers to the Federal Highway Administration.

Long Range Transportation Plan is at a minimum a 20-year plan which: identifies transportation facilities; includes a financial plan that demonstrates how the plan can be implemented and assesses capital improvements necessary to preserve the existing metropolitan transportation system and make efficient use of existing transportation facilities; indicates proposed transportation enhancement activities; and, in ozone/carbon monoxide nonattainment areas, is coordinated with the State Implementation Plan, all as required by 23 United States Code 134(g), 23 Code of Federal Regulations 450.322, Section 339.175(6), Florida Statutes.

Metropolitan Area means and refers to the planning area as determined by agreement between the Orlando Urban Area Metropolitan Planning Organization, d/b/a METROPLAN ORLANDO, and the Governor in the urbanized areas designated by the United States Bureau of the Census as described in 23 United States Code 134(b)(1) and Section 339.175, Florida Statutes, which shall be subject to the Metropolitan Planning Organization's planning authority.

MPO means and refers to the Orlando Urban Area Metropolitan Planning Organization, d/b/a METROPLAN ORLANDO, formed pursuant to Interlocal Agreement dated June 7, 2000, as amended or superseded from time to time.

Regional Planning Council means and refers to the East Central Florida Regional Planning Council created pursuant to Section 186.505, Florida Statutes, and identified in Rule 29F-1.01, Florida Administrative Code.

Transportation Improvement Program (TIP) is the staged multi-year program of transportation improvement projects developed by a metropolitan planning organization consistent with the Long-Range Transportation Plan and developed pursuant to title 23 United States Code 134(h), 49 United States Code 5304, 23 Code of Federal Regulations 450.324 and Section 339.175, Florida Statutes.

Unified Planning Work Program is the annual program developed in cooperation with the Department and public transportation providers, that lists all planning tasks to be undertaken during a program year, with a complete description thereof and an estimated budget, all as required by 23 Code of Federal Regulations 420 and 450.314, and Section 339.175(8), Florida Statutes.

ARTICLE 2 PURPOSE

Section 2.01. Coordination with public transit operators. As set forth in Article 3 of this Agreement, the purpose of this Agreement is to provide for cooperation with the Department, METROPLAN ORLANDO, the Transit Authority, the Port Authority, the Aviation Authorities, and the Expressway Authorities in the development and preparation of the Unified Planning Work Program, the Transportation Improvement Program, the Long-Range Transportation Plan, and any applicable Corridor or Subarea Studies.

Section 2.02. Intergovernmental coordination; Regional Planning Council. As set forth in Article 4 of this Agreement, the purpose of this Agreement is to provide a process through the Regional Planning Council for intergovernmental coordination and review and identification of inconsistencies between proposed Metropolitan Planning Organization transportation plans and local government comprehensive plans adopted pursuant to Chapter 163, Florida Statutes, and approved by the Florida Department of Community Affairs.

Section 2.03. Dispute resolution. As set forth in Article 5 of this Agreement, the purpose of this Agreement is to provide a process for conflict and dispute resolution through the Regional Planning Council.

ARTICLE 3 COOPERATIVE PROCEDURES FOR PLANNING AND PROGRAMMING WITH OPERATORS OF PUBLIC TRANSPORTATION SYSTEMS

Section 3.01. Cooperation with operators of public transportation systems; coordination with local government approved comprehensive plans.

(a) The Metropolitan Planning Organization shall cooperate with the Transit Authority, Port Authority, Aviation Authorities, and the Expressway Authorities to coordinate the planning and programming of an integrated and balanced intermodal transportation system for the Metropolitan Area.

(b) The Metropolitan Planning Organization shall implement a continuing,

cooperative, and comprehensive transportation planning process that is consistent, to the maximum extent feasible, with port and aviation master plans, and public transit development plans of the units of local governments whose boundaries are within the Metropolitan Area.

(c) As a means towards achievement of the goals in paragraphs (a) and (b) and in an effort to coordinate intermodal transportation planning and programming, the Metropolitan Planning Organization may include as part of its membership officials of agencies that administer or operate major modes or systems of transportation, including but not limited to transit operators, sponsors of major local airports, maritime ports, and rail operators. The representative of the major modes or systems of transportation may be accorded voting or non-voting advisor status. In the Metropolitan Area if authorities or agencies have been or may be created by law per F.S. 339.175 (2)(b) to perform transportation functions, and are performing transportation functions, and that are not under the jurisdiction of a general purpose local government represented on the Metropolitan Planning Organization, the Metropolitan Planning Organization shall request the Governor to designate said authority or agency as a voting member of the MPO. If the new member would alter local government representation in the Metropolitan Planning Organization, the Metropolitan Planning Organization shall propose a revised apportionment plan to the Governor to ensure voting membership on the Metropolitan Planning Organization to an official representing transportation operating agencies or authorities which have been, or may be, created by law.

(d) The Metropolitan Planning Organization shall ensure that representatives of ports, transit authorities, and airports within the Metropolitan Area are provided membership on the Metropolitan Planning Organization's Technical Advisory Committee.

Section 3.02. Preparation of transportation related plans.

(a) Although the adoption or approval of the Unified Planning Work Program, the Transportation Improvement Program, and the Long-Range Transportation Plan is the responsibility of the Metropolitan Planning Organization, METROPLAN ORLANDO, development of such plans or programs shall be viewed as a cooperative effort involving the Department, the Transit Authority, the Port Authority, Aviation Authorities, and the Expressway Authorities. In developing its plans and programs, METROPLAN ORLANDO, the Metropolitan Planning Organization, shall solicit the comments and recommendations of the parties to this Agreement in the preparation of such plans and programs.

(b) At the commencement of the process of preparing the Unified Planning Work Program, the Transportation Improvement Program, or the Long-Range Transportation Plan, or preparing other than a minor amendment thereto (as determined by the Metropolitan Planning Organization), the Metropolitan Planning Organization shall extend notice to the Department, the Transit

Authority, the Aviation Authorities, and the Expressway Authorities advising the scope of the work to be undertaken and inviting comment and participation in the development process. The MPO shall ensure that the chief operating officials of the Department, the Transit Authority, the Port Authority, Aviation Authorities, and the Expressway Authorities shall receive written formal notice of all public workshops and hearings relating to the development of such plans and programs. It is stipulated by the parties to this Agreement that the failure by METROPLAN ORLANDO, the Metropolitan Planning Organization to properly extend written or other notice shall not invalidate, or lodged as a claim to invalidate, the adoption of the aforementioned plans and programs.

(c) Local government comprehensive plans.

(1) In developing the TIP, Long-Range Transportation Plan, or a Corridor or Subarea Studies, or preparing other than a minor amendment thereto (as determined by the MPO), METROPLAN ORLANDO the Metropolitan Planning Organization, the Central Florida Regional Transportation Authority, the Greater Orlando Aviation Authority and the Sanford Airport Authority, and the Orlando-Orange County Expressway Authority shall consider for each local government in the Metro Area: (i) the comprehensive plan future land use elements; (ii) the goals, objectives, and policies of the comprehensive plans; and (iii) the zoning, of each local governments in the Metropolitan Area. Based upon the foregoing review and a consideration of other growth management factors, the MPO, the Transit Authority, Aviation Authorities, and the Expressway Authority, may provide written recommendations to local governments in the Metropolitan Area in the development, amendment, and implementation of their comprehensive plans. A copy of the recommendations may be sent to the Regional Planning Council.

(2) METROPLAN ORLANDO, the Metropolitan Planning Organization, agrees that, to the maximum extent feasible, the Long-Range Transportation Plan and the project and project phases within the Transportation Improvement Program shall be consistent with the future land use element and goals, objectives, and policies of the comprehensive plans of local government in the Metropolitan Area. If the MPO's Transportation Improvement Program is inconsistent with a local government comprehensive plan, the MPO shall so indicate, and the MPO shall present, as part of the Transportation Improvement Program, justification for including the project in the program.

(d) Multi-modal transportation agency plans.

(1) In developing the Transportation Improvement Program, Long-Range Transportation Plan, or a Corridor or Subarea Studies, or preparing other than a minor amendment thereto (as determined by the Metropolitan Planning Organization , METROPLAN ORLANDO the Metropolitan Planning Organization shall consider the affected master plans of the Central Florida

Regional Transportation Authority, the Greater Orlando Aviation Authority and the Sanford Airport Authority, and the Orlando-Orange County Expressway Authority . Based upon the foregoing review and a consideration of other transportation-related factors, METROPLAN ORLANDO, the Metropolitan Planning Organization, may from time to time and as appropriate, provide recommendations to the parties to this Agreement as well as local governments within the Metropolitan Area, for the development, amendment, and implementation of their master, development, or comprehensive plans.

(2) In developing or revising their respective master or development plans, the parties to this Agreement shall consider the draft or approved Unified Planning Work Program, Transportation Improvement Plan, Long-Range Transportation Plan, or Corridor and Subarea Studies, or amendments thereto. Based upon the foregoing review and a consideration of other transportation-related factors, the parties to this Agreement may from time to time and as appropriate, provide written recommendations to the Metropolitan Planning Organization MPO with regard to development, amendment, and implementation of the plans, programs, and studies.

(3) METROPLAN ORLANDO the Metropolitan Planning Organization agrees that, to the maximum extent feasible, the Transportation Improvement Program shall be consistent with the affected master plans and development plans of the parties to this Agreement.

(e) By "letter agreement" to be executed by METROPLAN ORLANDO, the Metropolitan Planning Organization, and the affected Transit Authority, Port Authority, Aviation Authorities, Expressway Authority and public transit providers represented by Metropolitan Planning Organization members, METROPLAN ORLANDO, the Metropolitan Planning Organization, and the affected agencies or authorities shall mutually develop a process for planning coordination, forwarding recommendations, and project programming consistency. This process shall be the same at the METROPLAN ORLANDO INTERNAL OPERATING PROCEDURES, attached hereto as Exhibit I, to be referred to as the "letter agreement". The parties to this Agreement agree, that METROPLAN ORLANDO the Metropolitan Planning Organization need only include in the Transportation Improvement Program those state-funded airport and seaport projects that directly relate to surface transportation activities. The process agreed to in the "letter agreement" (the METROPLAN ORLANDO INTERNAL OPERATING PROCEDURES) shall provide flexible deadlines for inter-agency comment on affected plans referenced in this section. Upon approval, the "letter agreement" (METROPLAN ORLANDO's Internal Operating Procedures) shall be appended to this Agreement and shall be an exhibit hereto.

ARTICLE 4
INTERGOVERNMENTAL COORDINATION AND REVIEW

Section 4.01. Coordination with Regional Planning Council. The Regional Planning Council shall perform the following tasks:

(a) Upon receipt, review the draft of the proposed Transportation Improvement Program, Long-Range Transportation Plan, Corridor and Subarea Studies, or amendments thereto, as requested by the Metropolitan Planning Organization, to identify inconsistencies between the foregoing plans and programs and applicable local government comprehensive plans adopted pursuant to Chapter 163 *et seq.*, Florida Statutes, for counties and cities within the Metropolitan Area and the adopted Strategic Regional Policy Plan.

(1) The parties hereto recognize that, pursuant to Florida law, the Long-Range Transportation Plan of METROPLAN ORLANDO, the Metropolitan Planning Organization, must be considered by cities and counties within the Metropolitan Area in the preparation, amendment, and update/revision of their comprehensive plans. Further, the Long-Range Transportation Plan and the projects and project phases within the Transportation Improvement Plan are to be consistent with the future land use element and goals, objectives, and policies of the comprehensive plans of local governments in the Metropolitan Area to the maximum extent feasible. Therefore, upon completion of its review of the draft proposal, the Regional Planning Council shall advise the Metropolitan Planning Organization and each affected county or city of its findings;

(2) Upon final adoption of the proposed Transportation Improvement Program, Long-Range Transportation Plan, Corridor and Subarea Studies, or amendments thereto, METROPLAN ORLANDO, the Metropolitan Planning Organization, may request that the East Central Florida Regional Planning Council consider adoption of regional transportation goals, objectives, and policies in the Strategic Regional Policy Plan implementing the adopted Transportation Improvement Program, Long-Range Transportation Plan, Corridor and Subarea Studies, or amendments thereto. If the proposed plan, program, or study, or amendments thereto, was the subject of previous adverse comment by the East Central Florida Regional Planning Council, the Metropolitan Planning Organization will identify the change in the final adopted plan intended to resolve the adverse comment, or alternatively, the Metropolitan Planning Organization shall identify the reason for not amending the plan as suggested by the East Central Florida Regional Planning Council.

(b) Provide the availability of the conflict and dispute resolution process as set forth in Article 5 below.

ARTICLE 5

CONFLICT AND DISPUTE RESOLUTION PROCESS

Section 5.01. Disputes and conflicts under this Agreement. This process shall apply to conflicts and disputes relating to matters subject to this Agreement, or conflicts arising from the performance of this Agreement. Except as otherwise provided in this Article 5, only representatives of the agencies with conflicts or disputes shall engage in conflict resolution.

Section 5.02. Initial resolution. The affected parties to this Agreement shall, at a minimum, ensure the attempted early resolution of conflicts relating to such matters. Early resolution shall be handled by direct discussion between the following officials:

- for the Florida Department of Transportation: by the District Director for Planning and Programs
- for METROPLAN ORLANDO, the Metropolitan Planning Organization: by the Executive Director
- for the East Central Florida Regional Planning Council: by the Executive Director
- for the Central Florida Regional Transportation Authority: by the Executive Director
- for the Greater Orlando Aviation Authority: by the Executive Director
- for the Sanford Airport Authority: by the Executive Director
- for the Orlando-Orange County Expressway Authority: by the Executive Director
- for the Seminole County Expressway Authority: by the Executive Director

Section 5.03. Resolution by senior agency official. If the conflict remains unresolved, the conflict shall be resolved by the following officials:

- for the Florida Department of Transportation: by the District Five Secretary
- for METROPLAN ORLANDO the Metropolitan Planning Organization: by the Chairman of the Board
- for the East Central Florida Regional Planning Council: by the Chairman of the Board
- for the Central Florida Regional Transportation Authority: by the Chairman of the Board
- for the Greater Orlando Aviation Authority: by the Chairman of the Board
- for the Sanford Airport Authority: by the Chairman of the Board
- for the Orlando-Orange County Expressway Authority: the Chairman of the Board
- for the Seminole County Expressway Authority: the Chairman of the Board

Section 5.04. Alternative Regional Planning Council dispute resolution. If a resolution is not possible, the parties may undertake dispute resolution pursuant to the Regional Planning Council procedure set forth in Rule 29F-3, Florida Administrative Code, attached hereto as Exhibit II. All parties to the dispute must agree to undertake this procedure before it may be invoked.

Section 5.05. Resolution by the Office of the Governor. If the conflict is not resolved through conflict resolution pursuant to Sections 5.02, 5.03, and 5.04 of this Agreement, the parties shall petition the Executive Office of the Governor for resolution of the conflict pursuant to its procedures. Resolution of the conflict by the Executive Office of the Governor shall be binding on all parties.

ARTICLE 6 MISCELLANEOUS PROVISION

Section 6.01. Constitutional or statutory duties and responsibilities of parties. This Agreement shall not be construed to authorize the delegation of the constitutional or statutory duties of any of the parties. In addition, this Agreement does not relieve any of the parties of an obligation or responsibility imposed upon them by law, except to the extent of actual and timely performance thereof by one or more of the parties to this Agreement or any legal or administrative entity created or authorized by this Agreement, in which case this performance may be offered in satisfaction of the obligation or responsibility.

Section 6.02. Amendment of Agreement. Amendments or modifications of this Agreement shall only be made by written agreement signed by all parties here to with the same formalities as the original Agreement.

Section 6.03. Duration; withdrawal procedure.

(a) Duration. This Agreement shall have a term of (5) years and shall automatically renew at the end of said (5) years for another (5) year term and every (5) years thereafter. At the end of the (5) year term and at least every (5) years thereafter, the parties hereto shall examine the terms hereof and agree to amend the provisions or reaffirm the same. However, the failure to amend or to reaffirm the terms of this Agreement shall not invalidate or otherwise terminate this Agreement.

(b) Withdrawal procedure. Any party may withdraw from this Agreement after presenting in written form a notice of intent to withdraw to the other parties to this Agreement and the MPO, at least (90) days prior to the intended date of withdrawal; provided, that prior contractual commitments made prior to withdrawal are effective and binding for their full term and amount regardless of withdrawal.

Section 6.04. Notices. All notices, demands and correspondence required or provided for under this Agreement shall be in writing and delivered in person or dispatched by certified mail, postage prepaid, return receipt requested. Notice is required to be given and shall be addressed as follows:

Executive Director
METROPLAN ORLANDO
315 E. Robinson Street, Suite 355
Orlando, Fl. 32801-1949

Executive Director
East Central Florida Regional Planning
Council
631 North Wymore Road, #100
Maitland, Florida 32751-4246

Executive Director
Greater Orlando Aviation Authority
Orlando International Airport
One Airport Blvd
Orlando, Fl 32827-4399

President/CEO
Sanford Airport Authority
One Red Cleveland Blvd, Suite 200
Sanford, Florida 32773-6844

Executive Director
Central Florida Regional Transportation Authority
455 North Garland Avenue
Orlando, Fl 32801

Executive Director
Orlando-Orange County Expressway Authority
525 S. Magnolia Avenue
Orlando, Fl 32801

Executive Director
Seminole County Expressway Authority
520 West Lake Mary Blvd. #200
Sanford, FL 32773

Secretary, District Five
Florida Department of Transportation
719 S. Woodland Blvd
Deland, FL 32720

A party may unilaterally change its address or addressee by giving notice in writing to the other parties as provided in this section. Thereafter, notices, demands and other pertinent correspondence shall be addressed and transmitted to the new address.

Section 6.05. Interpretation.

(a) Drafters of Agreement. All parties hereto were each represented by, or afforded the opportunity for representation by legal counsel, and participated in the drafting of this Agreement and in the choice of wording. Consequently, no provision hereof should be more strongly construed against any party as drafter of this Agreement.

(b) Severability. Invalidation of any one of the provisions of this Agreement or any part, clause or word hereof, or the application thereof in specific circumstances, by judgment, court order, or administrative hearing or order shall not affect any other provisions or applications in other circumstances, all of which shall remain in full force and effect; provided, that such remainder would then continue to conform to the terms and requirements of applicable law.

(c) Rules of construction. In interpreting this Agreement, the following rules of construction shall apply unless the context indicates otherwise:

- (1) The singular of any word or term includes the plural;
- (2) The masculine gender includes the feminine gender; and
- (3) The word "shall" is mandatory, and "may" is permissive.

Section 6.06. Attorney's Fees. In the event of any judicial or administrative action to enforce or interpret this Agreement by any party hereto, each party shall bear its own attorney's fees in connection with such proceeding.

Section 6.07. Agreement execution; use of counterpart signature pages. This Agreement, and any amendments hereto, may be simultaneously executed in several counterparts, each of which so executed shall be deemed to be an original, and such counterparts together shall constitute one and the same instrument.

Section 6.08. Effective date. This Agreement shall become effective upon its execution by all parties hereto.

Section 6.09. Other authority. In the event that any election, referendum, approval, permit, notice, or other proceeding or authorization is required under applicable law to enable the parties to enter into this Agreement or to undertake the provisions set forth hereunder, or to observe, assume or carry out any of the provisions of the Agreement, said parties will initiate and consummate, as provided by law, all actions necessary with respect to any such matters heretofore required.

Section 6.10. Parties not obligated to third parties. No party hereto shall be obligated or liable hereunder to any party not a signatory to this Agreement. There are no express or intended third party beneficiaries to this Agreement.

Section 6.11. Rights and remedies not waived. In no event shall the making

by the Department of any payment to the Metropolitan Planning Organization constitute or be construed as a waiver by the Department of any breach of covenant or any default which may then exist on the part of the Metropolitan Planning Organization, and the making of any such payment by the Department while any such breach or default exists shall in no way impair or prejudice any right or remedy available to the Department in respect of such breach or default.

IN WITNESS WHEREOF, the undersigned parties have executed this Joint Participation Agreement on behalf of the referenced legal entities.

Signed, Sealed, and Delivered in the presence of:

METROPLAN ORLANDO

EAST CENTRAL FLORIDA REGIONAL
PLANNING COUNCIL

BY: _____

BY:

Chairman

Chairman

ATTEST: _____

ATTEST: _____

DATE: _____

DATE: _____

THE CENTRAL FLORIDA REGIONAL
TRANSPORTATION AUTHORITY

THE GREATER ORLANDO AVIATION
AUTHORITY

BY: _____

BY: _____

Chairman

Chairman

ATTEST: _____

ATTEST: _____

DATE: _____

DATE: _____

THE SANFORD AIRPORT AUTHORITY

THE ORLANDO-ORANGE
COUNTY
EXPRESSWAY AUTHORITY

BY: _____

BY: _____

Chairman

Chairman

ATTEST: _____

ATTEST:

DATE: _____

DATE: _____

THE SEMINOLE COUNTY EXPRESSWAY
AUTHORITY

FLORIDA DEPARTMENT OF
TRANSPORTATION

BY: _____

Chairman

BY: _____
District Five Secretary

ATTEST: _____
DATE: _____

ATTEST: _____
DATE: _____

TRANSPORTATION

APPROVED AS TO FORM, LEGALITY
DEPARTMENT OF

BY: _____

ATTORNEY

DATE: _____

TITLE: _____

[Every participant identified in this Agreement shall sign and date this Agreement with the appropriate witnesses]

EXHIBIT I

VII. **OPERATING PROCEDURES**

1. METROPLAN ORLANDO shall meet at least four times a year at a time and location designated by METROPLAN ORLANDO and at such other times as the Chairman or METROPLAN ORLANDO may determine necessary.
2. Advance notification of all meetings, both regular business and special, shall be provided as required by applicable law.
3. A quorum shall consist of a majority of those members entitled to vote. A majority shall consist of one-half the voting members plus one.
4. METROPLAN ORLANDO members must be present to cast a vote. Any business transacted by METROPLAN ORLANDO must be approved by not less than a majority of the votes cast.
5. Voting shall be by voice. A roll call vote shall be held if the voice vote is other than unanimous. All other questions or procedures shall be governed by the most recent edition of Robert's Rules of Order.
6. All METROPLAN ORLANDO Board and committee meetings will be open to the public.
7. The public may obtain information or make submissions or requests concerning METROPLAN ORLANDO matters to the Office of the Executive Director, METROPLAN ORLANDO, 315 E. Robinson Street, Suite 355, Orlando, Florida 32801, or at such other location designated by METROPLAN ORLANDO.
8. The procurement of goods and services shall be conducted in accordance with applicable federal and state law and Resolution No. 05-01, Resolution Adopting the Procedures for Purchases, Sales, Services, and Contracts of METROPLAN ORLANDO, and as amended from time to time. Employees of METROPLAN ORLANDO shall be bound by the provisions of Chapter 112, Part III, Florida Statutes. Procedures for the resolution of protests arising from any contract bidding process shall be as provided in Resolution No. 05-01, Resolution Adopting the Procedures for Purchases, Sales, Services, and Contracts of METROPLAN ORLANDO, and as amended from time to time.

VIII. **PROCEDURES FOR PUBLIC INVOLVEMENT PROCESS**

1. Continuing the provisions set forth in the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991, the 1998 Transportation Efficiency Act for the 21st Century (TEA-21) requires all Metropolitan Planning Organizations to establish a public involvement process in conjunction with the overall transportation planning process occurring within their respective urban areas. METROPLAN ORLANDO's public involvement policy shall ensure that the requirements and criteria established under the TEA-21 legislation are met. The TEA-21 legislation states that public involvement processes be proactive and provide complete information, timely public notice, full

access to key decisions, and opportunities for early and continuing involvement of the public in developing plans and Transportation Improvement Programs.

2. In complying with the TEA-21 public involvement requirements listed above, METROPLAN ORLANDO shall specifically implement the following procedures for Federal-aid highway and transit programs:
 - a) All meetings of METROPLAN ORLANDO, the Municipal Advisory Committee (MAC), the Transportation Technical Committee (TTC), the Citizens' Advisory Committee (CAC), the Bicycle and Pedestrian Advisory Committee (BPAC), and other Committees as may be established, shall be open to the public and opportunities for public comments shall be provided. All public meetings and hearings shall be held in locations that are accessible to people with disabilities.
 - b) METROPLAN ORLANDO's public involvement process shall provide for early and continuing involvement in the transportation planning and programming process to all segments of the community. As specifically stated in the TEA-21 legislation, these segments are freight shippers, users of public transit, citizens, providers of transportation, affected public agencies, representatives of transportation agency employees, other interested parties and segments of the community affected by transportation plans, programs, and projects. The process shall also provide for seeking out and considering the needs of those traditionally underserved by existing transportation systems, such as low income and minority households which may face challenges accessing employment and other amenities.
 - c) Prior to the adoption of the Long Range Transportation Plan, at least one public hearing on the Plan shall be held in each county within the Orlando Urbanized Area. Notices of the public hearings shall be published in the Orlando Sentinel, as well as in other local newspapers published for minority communities. The comments received from the public at these hearings shall be taken into consideration by METROPLAN ORLANDO and its subsidiary committees before the Long Range Transportation Plan is adopted.
 - d) A public hearing shall be held in conjunction with the preparation of the TIP Prioritized Project List. Any comments received from the public will be taken into consideration by METROPLAN ORLANDO and its subsidiary committees before the TIP Prioritized Project List is adopted.
 - e) Copies of both the TIP Prioritized Project List and the final adopted TIP shall be made available for review by the public at the METROPLAN ORLANDO staff offices, the local government planning departments, and public libraries in the Orlando Urbanized Area. The locations where the TIP may be reviewed shall be shown in a legal notice that shall be published in the Orlando Sentinel, as

well as in other local newspapers published for minority communities.

- f) Copies of notices of the public hearings referred to herein and notices of the plans and reports referred to herein shall be provided to all persons, including private providers of transportation who have requested to be provided with copies of such notices, proposed plans and reports.
- g) The METROPLAN ORLANDO staff shall make presentations to various groups, civic organizations, Chambers of Commerce, etc. regarding the transportation plans and programs occurring within the Orlando Urbanized Area.
- h) An annual report will be produced and distributed to provide information on transportation-related activities occurring in the Orlando Urbanized Area.
- i) From time to time, surveys may be conducted to obtain a sample of public opinions on the transportation related issues affecting the Orlando Urbanized Area, and to help METROPLAN ORLANDO determine what goals and objectives to pursue in planning for the future development of the Orlando Urbanized Area's transportation system.
- j) Periodic newsletters on transportation issues may be published and distributed by METROPLAN ORLANDO.
- k) METROPLAN ORLANDO may provide various means for the public to obtain information regarding transportation planning activities. These means may include, but not be limited to, the Internet, published advertisements, TV and radio advertisements, participation at community expositions and events, public information videos, public service announcements, display boards in public buildings, and brochures.
- l) METROPLAN ORLANDO shall also coordinate with all local governments during the development and amending of their respective comprehensive plan traffic circulation and/or mass transit elements, and shall encourage local governments to present information and receive input on state and Federal transportation projects and programs.

IX. **PROCEDURES FOR AMENDING THE LONG RANGE TRANSPORTATION PLAN AND THE TRANSPORTATION IMPROVEMENT PROGRAM (TIP)**

1. The process for amending the adopted Orlando Urbanized Area Long Range Transportation Plan is established as follows:
 - a) Amendments to the Long Range Transportation Plan may be requested for consideration by METROPLAN ORLANDO at any time.
 - b) Amendments shall be requested in writing and shall be addressed to the METROPLAN ORLANDO Executive Director.
 - c) Projects subject to the amendment request and review process:
 - (1) Any transportation project which involves a major improvement and funded either entirely or in part by Federal or State funds that are proposed to be added to or deleted from the adopted Long Range Transportation Plan shall be subject to the amendment request and review process.
 - (2) Any proposed transportation project that is of a new or prototype technology, and will impact the adopted Long Range Transportation Plan, shall be subject to the amendment request and review process.
 - (3) Any non-Federal or non-State funded proposed transportation project that has a major impact on the transportation system shall be reported to METROPLAN ORLANDO for addition into the Long Range Transportation Plan.
 - d) Who may submit an amendment request:
 - (1) Amendment requests may be initiated by either a government or quasi-government agency such as the State, a city or county or a transportation authority.
 - (2) Amendment requests originating from the private sector shall be sponsored by the local government of jurisdiction.
 - e) Who shall approve an amendment request:
 - (1) The Transportation Technical Committee shall review the requested amendment based upon a technical evaluation of its merit and shall make recommendations to METROPLAN ORLANDO.
 - (2) The Citizens' Advisory Committee shall review the requested amendment and shall make recommendations to METROPLAN ORLANDO.
 - (3) The Bicycle and Pedestrian Advisory Committee shall review the requested amendments that impact existing or proposed bicycle and pedestrian facilities and shall make recommendations to METROPLAN ORLANDO.
 - (4) The Municipal Advisory Committee shall review the requested amendment and shall make recommendations to METROPLAN ORLANDO.

- (5) The recommendations of either the Citizens' Advisory Committee and/or the Bicycle and Pedestrian Advisory Committee shall be reported to the Transportation Technical Committee.
 - (6) METROPLAN ORLANDO shall consider the recommendations of its subsidiary committees and shall exercise final approval or disapproval of the amendment request.
- f) Action upon submittal of an amendment request.
- (1) The Plans and Programs Subcommittee of the Transportation Technical Committee shall screen the amendment request to determine if there is a major impact upon the transportation system and if a detailed analysis of the project, as defined in the following paragraphs, is needed.
 - (2) Projects that have a total construction cost of less than \$4 million are to be considered a minor transportation improvement and a detailed analysis will not be required.
- g) If a detailed analysis is required, the amendment request shall describe the project and its location and shall include an analysis of the project impacts, as follows:
- (1) Traffic.
 - a. Current year and future year consistent with current adopted Long Range Transportation Plan.
 - b. Average daily traffic (ADT) and peak-hour.
 - c. Directional traffic load.
 - d. Level of Service and roadway capacity.
 - (2) Environmental and social impacts.
 - a. Minimal, moderate, or major impact on air quality.
 - b. Minimal, moderate, or major impact on wetlands displaced.
 - c. Minimal, moderate, or major impact on homes and businesses displaced.
 - d. Minimal, moderate, or major impact on public facilities.
 - (3) Compatibility with all applicable local comprehensive plans and programs.
 - a. Existing and future land use.
 - b. Capital Improvement Programs.
 - c. Traffic Circulation and Transit Elements.
 - (4) Compatibility with METROPLAN ORLANDO adopted Long Range Transportation Plan and ECFRPC Strategic Regional Plan.
 - (5) Financial impact.
 - a. Project capital cost subdivided according to preliminary engineering and design, right-of-way acquisition, and construction.
 - b. Identification of the funding source, time period and impact on other projects.

(6) Contribution to implementation of multi-modal transportation system.

- a. Potential for inclusion of future transit facilities; such as, but not limited to, light rail transit and exclusive bus lanes.
- b. Proximity to existing or proposed transit routes, transit centers and/or multi-modal facilities, and major activity centers.
- c. Inclusion of transit passenger amenities.
- d. Inclusion of bicycle and pedestrian facilities based on the following criteria:
 1. Expected facility usage.
 2. Contribution to regional bicycle and pedestrian systems.
 3. Accident reduction.
 4. Linkage with other transportation modes.
 5. Improvement to school access.
 6. Inclusion in adopted Growth Management Plans.

h) Process of Evaluation:

(1) The following checklist of evaluation criteria developed by METROPLAN ORLANDO will be utilized to evaluate each amendment request:

- a. Have the categories of information stipulated below been provided in sufficient detail?
 - (1) Traffic.
 - (2) Environmental and Social Impacts.
 - (3) Compatibility with Local Comprehensive Plans.
 - (4) Compatibility with ECFRPC Strategic Plan and METROPLAN ORLANDO currently adopted Long Range Transportation Plan.
 - (5) Financial Impact.
 - (6) Contribution to implementation of multi-modal transportation system.
- b. Has an adequately-sized impact area been identified which includes the major arterials affected?
- c. Has the applicant used officially adopted Levels of Service tables (FDOT) in preparing its report on traffic impacts?
- d. Has the applicant assumed various transportation projects which may be of benefit to its project to be funded and constructed in the immediate time period when there may be no commitments for doing so?
- e. Has the applicant used an acceptable method for measuring impacts to air quality?
- f. Will the applicant prepare a mitigation plan for environmental (wetlands, etc.) impacts?

- g. Has the applicant identified not only the project costs, but also the sources of funding?
 - h. Has the applicant provided evidence of funding commitments, both from itself and other parties if involved.
 - i. Does the project incorporate mobility improvements that address capacity or concurrency improvements?
 - j. If it is a transit project, is it compatible with the adopted Transit Development Plan or Regional Transit Systems Concept Plan?
 - k. Does the project add to the connectivity of the current transportation system, and/or enhance the movement toward a seamless transportation system?
- (2) Within 30 days of receipt of the amendment request, the Plans and Programs Subcommittee of the Transportation Technical Committee shall review the amendment request to determine if a detailed analysis is needed. Concurrently, the METROPLAN ORLANDO staff will review the request to determine if it contains sufficient information upon which to base an analysis of the project.
- a. If the METROPLAN ORLANDO staff finds that the amendment request contains insufficient information upon which to rule, the staff shall identify and request in writing from the applicant, prior to the expiration of the 30 day examination period, the additional information needed.
 - b. If the METROPLAN ORLANDO staff finds that the amendment request contains sufficient information upon which to rule, the staff shall notify the applicant in writing that the amendment request has been accepted for review.
- (3) Upon determination that the amendment request contains sufficient information upon which to rule, the METROPLAN ORLANDO staff shall distribute the amendment request copies to all members of the METROPLAN ORLANDO Board and its subsidiary committees. The METROPLAN ORLANDO staff shall initiate a justification analysis of the amendment request three months prior to formal action being requested of the Transportation Technical Committee, Citizens' Advisory Committee, Bicycle and Pedestrian Advisory Committee and Municipal Advisory Committee.
- (4) The applicant and the METROPLAN ORLANDO staff will present the amendment request and the staff justification analysis findings to the Transportation Technical Committee, Citizens' Advisory Committee, Bicycle and Pedestrian Advisory Committee and Municipal Advisory Committee, one month prior to the regularly scheduled meeting at which this

committee will present its formal recommendations to METROPLAN ORLANDO. The applicant will be advised in writing by METROPLAN ORLANDO when the amendment request has been placed on the METROPLAN ORLANDO meeting agenda. The Transportation Technical Committee, Citizens' Advisory Committee, Bicycle and Pedestrian Advisory Committee and Municipal Advisory Committee shall present their formal recommendations to METROPLAN ORLANDO within three months from the date the applicant is notified that the amendment request has been accepted for review.

- (5) The applicant and the METROPLAN ORLANDO staff also will present the amendment request and the staff justification analysis findings to METROPLAN ORLANDO, one month prior to the regularly scheduled meeting at which METROPLAN ORLANDO will take formal action on the amendment request, approving or disapproving the request. The applicant will be advised in writing by METROPLAN ORLANDO when the amendment request has been placed on the METROPLAN ORLANDO meeting agenda. METROPLAN ORLANDO shall exercise final approval or disapproval of the amendment request within three months from the date the applicant is notified that the amendment request has been accepted for review.
- (6) Upon approval of the requested amendment, the METROPLAN ORLANDO staff will initiate appropriate network changes to the Long Range Transportation Plan.
- i) The process for amending the adopted Orlando Urban Area Transportation Improvement Program (TIP) is established as follows:
 - (1) When amendments may be requested:
 - (2) Amendments involving Federal and/or State funded projects may be accomplished at any time.
 - (3) Projects funded locally are included in the TIP for information purposes and may be amended at any time by the local government or transportation agency.
- j) Amendments requesting additions, deletions or rescheduling must be requested in writing and shall be addressed to the METROPLAN ORLANDO Executive Director:
- k) Project Requirements:
 - (1) If the amendment request involves a major improvement it must also be included as part of METROPLAN ORLANDO's adopted Long Range Transportation Plan and an amendment to the Long Range Transportation Plan must be requested in accordance with this rule.
 - (2) If the amendment request involves a Transportation Systems Management (TSM) improvement, it must have had a:
 - a. Traffic Study completed, if it is a turning lane project, or

- b. Signal Warrant completed, if it is a signalization project.
- (3) Amendment requests must include the project's location, description, the reason for its addition, deletion or rescheduling, source of funds and its impact on other projects.
- l) Process for approval:
 - (1) Upon receipt of an amendment request, the METROPLAN ORLANDO staff shall include the request on the agenda of the next regularly scheduled meeting of the Transportation Technical Committee, Citizens' Advisory Committee, Bicycle and Pedestrian Advisory Committee, Municipal Advisory Committee and the METROPLAN ORLANDO Board.
 - (2) The Transportation Technical Committee, Citizens' Advisory Committee, Bicycle and Pedestrian Advisory Committee and Municipal Advisory Committee shall review the requested amendment at their next regularly scheduled meeting and shall recommend approval or disapproval to METROPLAN ORLANDO.
 - (3) Upon METROPLAN ORLANDO approval of requested amendments involving highway transportation projects, the METROPLAN ORLANDO staff will send copies of the METROPLAN ORLANDO action to FDOT for submittal to the Florida Department of Community Affairs (DCA) and the Federal Highway Administration (FHWA).
 - (4) Upon METROPLAN ORLANDO Board approval of requested amendments involving mass transit projects, the METROPLAN ORLANDO staff will send copies of the METROPLAN ORLANDO action to FDOT for submittal to the Florida Department of Community Affairs and the Federal Transit Administration (FTA).
 - (5) Upon METROPLAN ORLANDO approval of requested amendments involving mass transit projects, the METROPLAN ORLANDO staff will send copies of the METROPLAN ORLANDO action directly to all private providers of transportation in the Central Florida area who have requested to be placed on the mailing list for such copies.

X. PROCEDURES FOR REVISING ORLANDO URBAN AREA BOUNDARY

1. The process for revising the Orlando Urban Area boundary is established as follows:
 - a) When revisions may be requested:
 - (1) METROPLAN ORLANDO may consider revisions to its urban area boundary during the 10 year interim period between each decennial census taken by the Federal Bureau of Census in order to include areas anticipated to become medium and high density residential developments within the 10 year period.
 - (2) METROPLAN ORLANDO will consider requests for revision of an established urban area boundary for comprehensive plan purposes only.
 - b) Who may submit a request for revision:
 - (1) Requests for revisions to the urban area boundary may only be initiated by the local government having primary jurisdiction over the area to be added to or deleted from the urban area boundary.
 - (2) The request for revision must have the endorsement of all other local governments within the area to be added to or deleted from the urban boundary prior to submittal to METROPLAN ORLANDO.
 - c) Revisions shall be requested in writing and shall be addressed to the METROPLAN ORLANDO Executive Director.
 - d) Process for approval of a request for revision:
 - (1) Upon receipt of a requested revision, the METROPLAN ORLANDO staff shall include the request on the agenda of the next regularly scheduled meeting of the Transportation Technical Committee (TTC) and METROPLAN ORLANDO.
 - (2) The TTC shall review the requested revision at its next regularly scheduled meeting and shall recommend the approval or disapproval to METROPLAN ORLANDO based upon a technical evaluation of its merit.
 - (3) METROPLAN ORLANDO shall consider the recommendation of TTC and shall exercise final approval or disapproval of the requested revision.
 - (4) Upon METROPLAN ORLANDO approval of the requested revision, the METROPLAN ORLANDO staff will send copies to the Florida Department of Transportation (FDOT) and the Federal Highway Administration (FHWA).
 - (5) Upon FDOT and FHWA approval of the requested revision, the FDOT and FHWA shall prepare a revised urban boundary map in Mylar original for signature by the METROPLAN ORLANDO Chairman.
2. The urban boundary of the Orlando Urbanized Area may be revised to include the following types of land area:

- a) Territory that is made up of one or more contiguous census blocks having a population density of at least 1,000 persons per square mile and that is either:
 - (1) Contiguous and directly connected by road to the existing urban area;
 - (2) Non-contiguous with the existing urban area boundary but is within 1 1/2 road miles of the existing urban boundary and connected to it by one or more census blocks that are adjacent to the connecting road. The combination of these intervening census blocks with the census blocks within the territory to be added to the existing urban boundary must have an average total population density of at least 500 persons per square mile; or
 - (3) Territory meeting the population density criterion but that is non-contiguous with the existing urban area boundary by reason of being separated by water or undevelopable territory. It must, however, be within five (5) road miles of the urban area boundary, those five (5) miles including no more than 1-1/2 miles of developable territory.
 - b) The term “undevelopable territory” is defined by the U.S. Census as including only mud flats, marshlands, steep slopes, and other terrain on which development is virtually impossible because of physical limitations. To be classified as undevelopable, the territory must not contain any existing housing or commercial structures. Military installations, parks, and forest preserves shown on the Census Bureau’s maps at the time of the decennial or special census also may be classified as undevelopable territory. The land use zoning of an area is not considered when applying this criterion.
 - c) Territory that has a population density of less than 1,000 persons per square mile provided that it either:
 - (1) Eliminates an enclave of no more than five (5) square miles in the territory surrounding it when that surrounding territory qualifies for inclusion within the urban boundary on the basis of population density (i.e., the surrounding territory would have in excess of 1,000 persons per square mile), or:
 - (2) Closes or eliminates an indentation in the urban boundary created when the contiguous territory around it qualifies on the basis of population density (i.e., 1,000 persons per square mile). However, the indentation must:
 - a. Measure no more than one (1) mile across the open end,
 - b. Have a depth at least two times greater than the distance across the open end, and
 - c. Encompass no more than five (5) square miles.
3. The local government initiating the revisions to the urban area boundary shall provide the following information to METROPLAN ORLANDO and the Transportation Technical Committee:

- a) Physical Description:
 - (1) Size of the revision area in square miles.
 - (2) Identification of the revision area boundary, generally roads, power line easements, or other easily recognizable physical features.
 - b) Demographic Characteristics:
 - (1) Population within the revision area, both permanent and temporary, and a determination whether the population density of the revision area is greater or less than the current urban area as a whole.
 - (2) Identification of the employment base size within the revision area.
 - c) Transportation System Characteristics:
 - (1) Lane miles of functional classification changes and federal system changes specified in section 6 below and identified by specific links.
 - (2) Identification of changes by specific links in Levels of Service ratings as a result of reclassification.
 - (3) Identification of existing peak-hour and daily traffic volumes on the road links.
 - (4) A comparison of the peak-hour to daily traffic volumes and a determination if they fall within the FDOT "K" factor utilized for that category of urban road facility.
 - d) Financial Considerations:
 - (1) Identification of the effect that an urban boundary expansion will have on current federal aid funds.
 - (2) Identification of the effect that an urban boundary expansion will have on current Federal Transit Act (FTA) Section 5303 and 5307 funds (because of reduced overall population density).
 - e) Other Considerations:
 - (1) Identify existing "planned" (within adopted Long Range Transportation Plan) and "programmed" (within current Transportation Improvement Program) transportation facility improvements.
 - (2) Identify if a change to existing road improvement priorities is proposed as a result of the urban boundary revisions.
4. Territory that contains a large concentration of non-residential urban land use, such as an industrial park, office complex, or major airport, may not be used solely as justification for a requested revision to the urban area boundary unless the territory also will qualify under paragraph (2)(a) or (2)(b) above.
5. Urbanized Areas, as defined by the U.S. Census, is incorporated by reference herein.
6. Revising the urban area boundary also affects the categorization of road systems. When the urban area boundary is expanded, the following changes are mandatory to the highway system as it is presently categorized:

- a) Functional classification changes.
 - (1) Rural Minor and Rural Principal Arterials become Urban Minor and Urban Principal Arterials respectively.
 - (2) Minor and Major Collectors become Urban Collectors.
- b) Federal system changes.
 - (1) Rural Federal Aid Interstate and Rural Federal Aid Primary become Urban Federal Aid Interstate and Urban Federal Aid Primary respectively.
 - (2) Federal Aid Secondary becomes Federal Aid Urban.

EXHIBIT II

CHAPTER 29F-3 — REGIONAL DISPUTE RESOLUTION PROCESS

- 29F-3.101 Purpose.
- 29F-3.102 Definitions.
- 29F-3.103 Participation.
- 29F-3.104 Costs.
- 29F-3.105 Timeframes.
- 29F-3.106 Public Notice, Records and Confidentiality.
- 29F-3.107 Pre-Initiation Meeting.
- 29F-3.108 Situation Assessment.
- 29F-3.109 Initiation of the Process by Jurisdictions.
- 29F-3.110 Requests to Initiate Submitted by Others.
- 29F-3.111 Settlement Meetings.
- 29F-3.112 Mediation.
- 29F-3.113 Advisory Decision-Making.
- 29F-3.114 Settlement Agreements and Reports.
- 29F-3.115 Other Existing Dispute Resolution Processes.

29F-3.101 — Purpose.

- (1) The purpose of this rule is to establish a voluntary regional dispute resolution process (RDRP) to reconcile differences on planning, growth management and other issues among local governments, regional agencies and private interests. The process consists of two required components: (a) process initiation (initiation and response letters); and (b) settlement meetings; and four optional components: (a) pre-initiation meeting; (b) situation assessments; (c) mediation; or (d) advisory decision-making.
- (2) The RDRP's intent is to provide a flexible process that will: clearly identify and resolve problems as early as possible; utilize the procedures in a low-to-high cost sequence; allow flexibility in the order in which the procedures are used; provide for the appropriate involvement of affected and responsible parties; and provide as much process certainty as possible.
- (3) The RDRP may be used to resolve disputes involving extra-jurisdictional impacts arising from: the intergovernmental coordination elements of local comprehensive plans required by s. 163.3177, F.S.; inconsistencies between port master plans and local comprehensive plans; the siting of community residential homes required by s. 419.001(5), F.S.; and any other matters covered by statutes that reference the RDRP.
- (4) The RDRP shall not be used to address disputes involving environmental permits or other regulatory matters unless all the parties involved agree to initiate use of the RDRP.
- (5) Use of the RDRP shall not alter a jurisdiction's, organization's, group's or individual's right to judicial or administrative determination of any issue if that entity is entitled to such a determination under statutory or common law.
- (6) Participation in the RDRP as a named party or in any other capacity does not convey or limit intervenor status or standing in any judicial or administrative proceedings.

- (7) The RDRP does not supplant local processes established for resolving intra-jurisdictional disputes and is not intended to be used by parties dissatisfied with the appropriate application of local rules and regulations within their jurisdiction.

Specific Authority 186.505 FS.

Law Implemented 186.509 FS.

History — New 12-8-99.

29F-3.102 — Definitions.

- (1) "Situation Assessment" is a procedure of information collection or "fact finding" that may involve review of documents, interviews or an assessment meeting leading to a written or verbal report identifying: the issues in dispute; the stakeholders; information needed before a decision can be made; and a recommendation for appropriate dispute resolution procedures.
- (2) "Pre-Initiation Meeting" is an informal conference with the RPC staff in order to ascertain whether the likely dispute is appropriate for the RDRP.
- (3) "Facilitation" is a procedure in which the facilitator helps the parties design and follow a meeting agenda and assists parties to communicate more effectively throughout the process. The facilitator has no authority to make or recommend a decision.
- (4) "Mediation" is a procedure in which a neutral person assists disputing parties in a negotiation process to explore their interests, develop and evaluate options, and reach a mutually acceptable agreement without prescribing a resolution. A mediator may take more control of the process than a facilitator and usually works in more complex cases where a dispute is more clearly defined.
- (5) "Advisory Decision-Making" is a procedure aimed at enhancing the effectiveness of negotiations and helping parties more realistically evaluate their negotiation positions. This procedure may include fact-finding, neutral evaluation, or advisory arbitration, or any combination of these in which a neutral party or panel listens to the facts and arguments presented by the parties and renders a non-binding advisory decision.
- (6) Jurisdiction is any local or regional public agency, including a special district, authority or school board.
- (7) "Named Party" shall be any jurisdiction, public or private organization, group or individual who is named in an initiation letter, including the initiating jurisdiction, or is admitted by the named parties to participate in settlement of a dispute pursuant to 29F-3.103. Being a "named party" in the RDRP does not convey or limit standing in any judicial or administrative proceeding.
- (8) "Representative" is an authorized agent who is given guidance by a named party to represent the named party in an RDRP case. Section 29F-3.103(5) sets forth the designation process.
- (9) "Initiation Letter" is a letter from a jurisdiction formally identifying a dispute and asking named parties to engage in this process to resolve the dispute, and, at a minimum, attend the initial settlement meeting. Section 29F-3.110 specifies what must be included in an initiation letter.
- (10) "Response Letter" formally notifies the initiator and other named parties that a party is willing to participate in the RDRP and, at a minimum, attend at least one settlement meeting.

- (11) "Settlement Agreements" are voluntarily approved by the individual or governing body authorized to bind the named party. Agreements shall take the form of memorandums of understanding, contracts, interlocal agreements or other forms mutually agreed to by the signatory parties or as required by law. A settlement may be agreed to by some or all of the named parties.

Specific Authority 186.505 FS.

Law Implemented 186.509 FS.

History — New 12-8-99.

29F-3.103 — Participation.

- (1) Named parties shall automatically be allowed to participate. Other jurisdictions, public or private organizations, groups, or individuals suggested by named parties in response letters or during RDRP meetings or submitting a petition to participate, may become named parties if agreed to by a two-thirds majority of the participating named parties, except as provided for in 29F-3.103(2). Fee allocation agreements will be amended as appropriate.
- (2) All initiation and response letters made in accordance with intergovernmental coordination elements (ICE) of local government comprehensive plans shall only list affected jurisdictions as named parties. The named parties may at the initial settlement meeting or at subsequent RDRP meetings add public or private named parties by mutual agreement of all the current named parties.
- (3) Named parties who do not respond within 21 calendar days of receipt of the initiation letter may not participate in the RDRP unless they submit a petition for participation.
- (4) Jurisdictions, public or private organizations, groups or individuals seeking to become named parties shall submit to the East Central Florida Regional Planning Council (RPC) staff a written petition to participate, including reasons for the request. Such jurisdictions, public or private organizations, groups, or individuals shall become named parties if agreed to by a two-thirds majority of the named party, prior to or during RDRP meetings.
- (5) Each of the jurisdictions, organizations, groups or individuals participating as named parties in this process shall designate a representative, in writing, or be represented by the chief executive officer. Such a representative shall have authority to act, subject to such qualifications imposed by the party as the representative may advise all other named parties in advance, and the responsibility for representing that party's interest in this process and for maintaining communications with that party throughout the process. Jurisdictions are encouraged to designate a representative to participate in the RDRP in advance of initiating or receiving a request.
- (6) Any named party may invite individuals or organizations to attend meetings under this process who can provide information and technical assistance useful in the resolution of the dispute. The parties, by agreement, or the presiding neutral shall determine when and under what circumstances such invited parties may provide input.
- (7) All communications by a named party called for in this process shall be submitted to all other named parties and the RPC staff in writing.
- (8) All named parties who agree to participate in this process commit to a good faith

effort to resolve problems or disputes.

- (9) Any named party may withdraw from participation in the RDRP at any time upon written notice to all other named parties and the RPC staff.

Specific Authority 186.505 FS.

Law Implemented 186.509 FS.

History — New 12-8-99.

29F-3.104 — Costs.

- (1) The RPC shall be compensated for situation assessments, facilitation of settlement meetings, mediation, technical assistance and other staff services based on reasonable actual costs. Outside professional neutrals shall be compensated at their standard rate or as negotiated by the parties.
- (2) The costs of administration, settlement meetings, mediation or advisory arbitration shall be split equally between the parties unless the parties mutually agree to a different allocation. The agreed upon cost allocation shall be documented in a written fee agreement.

Specific Authority 186.505 FS.

Law Implemented 186.509 FS.

History — New 12-8-99.

29F-3.105 — Timeframes.

- (1) The initial meeting of the participating parties shall be scheduled and held within 30 days of the date of receipt of the last response letter or conclusion of the 21 calendar day response period referenced in 29F-3.103(3), whichever occurs first.
- (2) Additional settlement meetings, mediation or advisory decision-making shall be completed within forty-five (45) days of the date of the conclusion of the initial settlement meeting.
- (3) Excepting the 30-day period for the initial meeting, all time frames specified or agreed to in this process may be shortened or extended by mutual agreement of the named parties.
- (4) Where necessary to allow this process to be effectively carried out, named parties should address deferring or seeking stays of judicial or administrative proceedings.
- (5) The participating parties may, by agreement, utilize procedures in the RDRP in any order.

Specific Authority 186.505 FS.

Law Implemented 186.509 FS.

History — New 12-8-99.

29F-3.106 — Public Notice, Records and Confidentiality.

- (1) Named parties should consider appropriate opportunities for public input at each step in this process, such as allowing the submittal of written or verbal comments on issues, alternative solutions and impacts of proposed agreements.
- (2) Applicable public notice, public records, and public meeting requirements shall be observed as required by Chapters 119 and 120 or other applicable Florida Statutes.
- (3) Participants in these procedures agree by their participation that no comments, meeting records, or written or verbal offers of settlement shall be entered by them as

evidence in a subsequent judicial or administrative action.

- (4) To the extent permitted by law, mediation under this process will be governed by the confidentiality provisions of applicable laws, which may include Chapter 44, F.S. Specific Authority 186.505 FS.
Law Implemented 186.509 FS.
History — New 12-8-99.

29F-3.107 — Pre-Initiation Meeting.

A jurisdiction, organization, group or individual contemplating initiation of this process may request an informal pre-initiation meeting with the RPC staff in order to ascertain whether the potential dispute would be appropriate for this process.

Specific Authority 186.505 FS.
Law Implemented 186.509 FS.
History — New 12-8-99.

29F-3.108 — Situation Assessment.

- (1) A jurisdiction, organization, group or individual may request that the RPC staff or other neutral perform a situation assessment at any time, before or after initiation of the process.
- (2) The situation assessment may involve examination of documents, interviews assessment meetings or any combination of these and shall recommend issues to be addressed, parties that may participate, appropriate resolution procedures and a proposed schedule.

Specific Authority 186.505 FS.
Law Implemented 186.509 FS.
History — New 12-8-99.

29F-3.109 — Initiation of the Process by Jurisdictions.

- (1) This process is initiated by an initiation letter from the representative of the governing body of a jurisdiction, other than the regional planning council, to the named parties as provided for in 29F-3.103 and to the RPC staff. The initiation letter must be accompanied by a resolution of the governing body authorizing initiation or by a copy of a written authorization of a representative to initiate requests to use the RDRP.
- (2) Such an initiation letter shall identify: the issues to be discussed; named parties to be involved in the RDRP; the initiating party's representative and others who will attend; and a brief history of the dispute, indicating why it is appropriate for this process.
- (3) Named parties shall send a response letter to the RPC staff and all other named parties confirming their willingness to participate in a settlement meeting within twenty-one (21) calendar days of receiving the initiation letter. This response shall include any additional issues and potential named parties the respondent wishes considered, as well as a brief history of the dispute and description of the situation from the respondent's point of view.
- (4) Upon receipt of a request, the RPC staff shall assess its interest in the case. If the RPC is a named party or sees itself as a potential party, it shall notify the named parties of the nature of its interest and ascertain whether the parties desire an outside facilitator for the initial settlement meeting.

- (5) In instances where the RPC is not a named or potential party, it may, upon its own initiative, recommend that a potential dispute is suitable for this process and transmit its recommendation to potential parties, who may, at their discretion, choose to initiate the RDRP.
- (6) The RPC staff shall schedule a meeting at the most convenient time within the thirty (30) day period provided for in 29F-3.105(1).
- (7) In the event that a dispute involves jurisdictions under two or more regional planning councils, the process adopted by the region of the initiating jurisdiction shall govern, unless the named parties agree otherwise.

Specific Authority 186.505 FS.

Law Implemented 186.509 FS.

History — New 12-8-99.

29F-3.110 — Requests to Initiate Submitted by Others.

- (1) Private interests may ask any jurisdiction to initiate the process.
- (2) Any public or private organization, group or individual may request that the RPC recommend use of this process to address a potential dispute pertaining to a development proposal that would have an impact on an adjacent local government or identified state or regional resources or facilities, in accordance with 29F-3.109(5). Such a request shall be submitted in writing and shall include the information required for an initiation letter in 29F-3.109(2).
- (3) After reviewing the information submitted by, and consulting with, the requesting organization, group or individual, the RPC staff will conduct a situation assessment and respond in writing. The situation assessment shall involve an informal review of provided documents and other information, interviews or meetings as necessary to determine the issues in dispute, the stakeholders, additional information which is needed to reach a decision and an opinion of whether the dispute meets the intent and purpose of the RDRP, as stated in 29F-3.101.
- (4) If the RPC staff determines, through the situation assessment, that the potential dispute is suitable for the process, it shall transmit that determination in writing to the potential parties, as agreed upon by the RPC and the requester. If determined to be suitable for the process, the written determination shall include a recommendation that one or more of the jurisdictions among the potential parties initiate the process. The RPC may also suggest that other processes be used. Any party may request that the staff's determination of the suitability of the dispute for this process be reviewed by the governing board of the RPC at its next regularly scheduled meeting. Such requests must be made in writing and delivered to the Executive Director of the RPC within 15 days of the date of the staff's written determination. In making its decision, the governing board shall consider the situation assessment report, and other information which may be presented, for conformity with the criteria and intent of this chapter.

Specific Authority 186.505 FS.

Law Implemented 186.509 FS.

History — New 12-8-99.

29F-3.111 — Settlement Meetings.

- (1) Settlement meetings shall, at a minimum, be attended by the named parties'

representatives designated pursuant to Section 29F-3.103(3).

- (2) Settlement meetings shall be facilitated by an RPC staff member or other neutral facilitator acceptable to the parties and shall be held at a time and place acceptable to the parties.
- (3) At the settlement meeting, the parties shall: consider adding named parties, consider guidelines for participation, identify the issues to be addressed, present their concerns and constraints, explore options for a solution and seek agreement.
- (4) The parties shall submit a settlement meeting report in accordance with 29F-3.115(4) of this process.
- (5) If an agreed-upon settlement meeting is not held or a settlement meeting produces no agreement to proceed to additional settlement meetings, mediation or advisory decision-making, any party who has agreed to participate in this procedure may withdraw and, if so inclined, proceed to a joint meeting of governing bodies pursuant to Chapter 164, F.S., litigation, administrative hearing or arbitration as appropriate.

Specific Authority 186.505 FS.

Law Implemented 186.509 FS.

History — New 12-8-99.

29F-3.112 — Mediation.

- (1) If two or more named parties submit a request for mediation to the RPC, the RPC shall assist them to select and retain a mediator or the named parties may request that the RPC select a mediator.
- (2) All disputes shall be mediated by a mediator who understands Florida growth management issues, has mediation experience and is acceptable to the parties. Parties may consider mediators who are on the Florida Growth Management Conflict Resolution Consortium rosters or any other mutually acceptable mediator. Mediators shall be guided by the Standards of Professional Conduct, Florida Rules of Civil Procedure, Rule 10, Part 11, Section 020-150.
- (3) The parties shall submit a mediation report in accordance with 29F-3.115(4).

Specific Authority 186.505 FS.

Law Implemented 186.509 FS.

History — New 12-8-99.

29F-3.113 — Advisory Decision-Making.

- (1) If two or more of the named parties submit a request for advisory decision-making to the RPC, the RPC shall assist the parties to select and retain an appropriate neutral, or the parties may request that the RPC make the selection.
- (2) All disputes shall be handled by a neutral who understands Florida growth management issues, has appropriate experience and is acceptable to the parties.
- (3) The parties shall submit an advisory decision-making report in accordance with 29F-3.115(4).

Specific Authority 186.505 FS.

Law Implemented 186.509 FS.

History — New 12-8-99.

29F-3.114 — Settlement Agreements and Reports.

- (1) The form of all settlements reached through this process shall be determined by the named parties. The following are examples of acceptable formats for presenting the settlement: interlocal agreements, concurrent resolutions, memoranda of understanding, plan amendments, deed restrictions.
- (2) Agreements may be reached by two or more parties even if all of the named parties do not agree or do not sign a formal agreement.
- (3) After settlement meetings, mediation or advisory decision-making under this process, the named parties shall submit a joint report to the RPC staff which shall, at a minimum include:
 - (a) identification of the issues discussed and copies of any agreements reached;
 - (b) a list of potentially affected or involved jurisdictions, organizations, groups or individuals (including those which may not be named parties);
 - (c) a description of agreed upon next steps, if any, including measures for implementing agreements reached;
 - (d) a time frame for starting and ending informal negotiations, additional settlement meetings, mediation, advisory decision-making, joint meetings of elected bodies, administrative hearings or litigation;
 - (e) any additional RPC assistance requested;
 - (f) a written fee allocation agreement to cover the costs of agreed upon RDRP procedures. The report shall include all material any named party wishes to include.

Specific Authority 186.505 FS.
Law Implemented 186.509 FS.
History — New 12-8-99.

29F-3.115 — Other Existing Dispute Resolution Processes.

- (1) The RDRP is a voluntary opportunity for parties to negotiate a mutual agreement. It may be used before, in parallel with or after judicial or administrative proceedings.
- (2) When appropriate, parties may obtain a stay of judicial or administrative proceedings to provide time for RDRP negotiations.
- (3) Use of the RDRP shall not alter a jurisdiction's, organization's, group's or individual's right to judicial or administrative determination of any issue if that person is entitled to such a determination under statutory or common law.
- (4) Participation in the RDRP as a named party or in any other way does not convey or limit intervenor status or standing in any judicial or administrative proceedings.
- (5) In addition to the RDRP 186.509, F.S., parties may consider the applicability of other resolution processes which exist within Florida Statutes including: Intergovernmental Coordination Element, Section 163.3177(h)(1) & (2), F.S.; Port Master Plans, Section 163.3178, F.S.; Community Residential Homes, Section 419.001(5), F.S.; Cross Acceptance Negotiation Process, Section 186.505(22), F.S.; Location of Spoil Sites, Section 380.32(14), F.S.; Termination of the Development of Regional Impact Program, Section 380.27, F.S.; Administration Procedures Act, Chapter 120, F.S.; Florida Governmental Cooperation Act, Chapter 164, F.S.; Mediation Alternatives to Judicial Action, Chapter 44, F.S.

Specific Authority 186.505 FS.
Law Implemented 186.509 FS.
History — New 12-8-99.

Work Session Item #7.F

To: LYNX Board Of Directors

From: Linda Watson
EXECUTIVE DIRECTOR
J. McLawhorn
(Technical Contact)
Tracy Bridges
(Technical Contact)

Phone: 407.841.2279 ext: 3017

Item Name: Federal and State Legislative Update

Date: 3/24/2005

PURPOSE:

The purpose of this item is to inform the LYNX Board of Directors on the progress of the Federal and State Legislative Sessions.

BACKGROUND:

Federal

The first session of the 109th Congress convened on January 20, 2005, and leadership announced its desire to aggressively pursue the reauthorization of TEA-21, Surface Transportation Bill. This year, LYNX submitted appropriations requests for bus fleet expansion, facility expansion and a request for bus funding for the East Central Florida Transit Coalition.

The House bill called TEA-LU (Transportation Equity Act - Legacy for Users) was passed on Thursday, March 10 by a vote of 417-9. Most of the money will be distributed to the States through formula grants. However, the House bill allocated money directly for several thousand projects. Within this list of projects, LYNX received \$4.9 million for new buses. No funds were allocated for facility expansion.

The Senate is scheduled to mark up its version in the Environment and Public Works Committee next week and then go to conference with the House. If the earmarks survive intact in the final bill, LYNX will receive \$4.9 million over three years. The money would come directly from the trust fund and would not require any appropriations actions.

Additionally, the House bill included an authorization for the Light Rail System and the Commuter Rail System. However, no money was included for these two earmarks.

State

The Florida Legislature opened its annual regular session on March 8, 2005, and is considering several bills and appropriations that could have organizational and financial impacts on the Central Florida

Regional Transportation Authority. The bills and appropriations that LYNX is currently monitoring include:

Bill #	Sponsor	Purpose
HB 1475	Rep. Robaina	CTD reorganization
HB 1587	Rep. McInvale	CTD reorganization
SB 1168	Sen. Alexander	CTD reorganization
SB 1840	Sen. Constantine	CTD reorganization

Listed above are several bills related to the reorganization of the Commission on the Transportation Disadvantaged that have been filed by Representatives Sheri McInvale (D-Orlando) and Julio Robaina (R-Miami) and Senators J.D. Alexander (R-Lake Wales) and Lee Constantine (R-Altamonte Springs). Each one of the bills proposes a unique composition of membership of the CTD. HB 1475, provides for revision of the existing funding formula procedure in addition to membership changes. The funding proposals reflect the Miami-Dade Legislative Delegation's belief that last year's public hearings on the Medicaid funding cuts were unfair and the proposed legislation seeks to limit ACHA's role and the Commission's ability to change the formula. They will be seeking to amend the other CTD board reorganization bills throughout the session. Only SB 1168 by Alexander has been referred to committees (Transportation and Criminal Justice).

Bill #	Sponsor	Purpose
SB 2436	Sen. Siplin	Restructures LYNX Board of Directors

Senator Gary Siplin (D-Orlando) has filed SB 2436 which would increase the current LYNX membership from the current five to eleven. No companion bill has been filed in the House. Senator Siplin filed a similar bill last year, but it died because it was never heard in any committee.

Bill #	Sponsor	Purpose
SB 718	Sen. Sebesta	Establishes maximum limit on SIB loans to State Transportation Trust Fund, authorizes current year funds for future projects, etc.

SB 718 filed on January 14th by Senator Jim Sebesta, Chair of the Senate Transportation Committee is of interest to LYNX. It authorizes the FDOT to adopt rules governing leasing of property for joint public-private development, establishes maximum limits on state-funded infrastructure bank loans to State Transportation Trust Fund, revises requirements for projects intended to mitigate adverse effects of transportation projects and removes the Department of Environmental Protection from mitigation processes. SB 718 has been referred to Transportation, Environmental Preservation and Transportation & Economic Development Appropriations.

Bill #	Sponsor	Purpose
HB103	Rep. Allen, Bucher & Murzin	Repeals Florida High-Speed

		Rail Authority Act
--	--	--------------------

In December, the High-Speed Rail Authority suspended their meetings until such time as the Legislature determined the future of the Authority. Representative Bob Allen filed HB 103 to repeal the Florida High Speed Rail Authority on January 14th. HB 103 was referred to three committees: Transportation, Transportation & Economic Development Appropriations and State Infrastructure Council. House Speaker Allan Bense has publicly stated that he supports the repeal of the Authority; however, Senate President Tom Lee has said he is not ready to dismantle it.

Bill # or Appropriation	Sponsor	Purpose
Bus Funding	Rep. McInvale Sen. Constantine	\$300,000 appropriation (Member project)
HB 985	Rep. Sansom	Urges reauthorization of TEA-21
HB1051	Rep. Simmons	Proposes requirements for commuter rail projects
SB 458	Sen. Sebesta	Transportation issues shell bill
SB 460	Sen. Sebesta	Transportation issues shell bill
SB 462	Sen. Sebesta	Transportation issues shell bill
SB 1778	Transportation Committee	Requires examination of strategic planning regions

Work Session Item #7.G

To: LYNX Board Of Directors

From: Robert Smith
DIR OF TRANS OPS & PLANNING
Tiffany Homler
(Technical Contact)
Doug Jamison
(Technical Contact)

Phone: 407.841.2279 ext: 3036

Item Name: Presentation on the ORANGES Operational Test

Date: 3/24/2005

ACTION REQUESTED:

No action is requested at this time. This item is to update the Board of Directors on the completion of the Orlando Regional Alliance for Next Generation Electronic Payment Systems (ORANGES) operational test. A powerpoint presentation will accompany this item.

BACKGROUND:

In February 1999, LYNX entered into a partnership agreement with the Orlando-Orange County Expressway Authority (OOCEA) and the City of Orlando and submitted a proposal to the Federal Transit Administration in response to its Request for Proposals for an Operational Test of an Electronic Payment System for Transit Fare Collection, Parking Payment, Electronic Toll Collection and other Applications. Although a number of highly qualified agencies from across the nation submitted proposals, LYNX was the only one invited to submit a formal application to the Federal Transit Administration for this operational test.

The ORANGES operational test was implemented and deployed to determine if it was possible and feasible for the public partners to implement a shared electronic payment system across agency lines, and if so, what obstacles needed to be overcome in its development. The test system was operational in limited deployment for one year, from August 2003 through July 2004. Customers could use the system on two LYNX Links (13 and 15), three City of Orlando parking garages (Central, Library, and Market), and one OOCEA toll plaza (Holland East).

According to the Federal Transit Administration's Volpe National Transportation Center, "LYNX, the OOCEA, and City of Orlando have demonstrated that diverse and multi-modal transportation agencies in a region can work together to establish an operational regional multi-modal transportation smart card payment system." The Volpe Center found that the three agencies "established successful technical and interagency operations with a multi-modal

electronic payment system. This significant and groundbreaking achievement largely resulted from extensive and ongoing institutional collaboration efforts.” The Volpe Center’s 250-page report on the ORANGES project is available upon request.

The ORANGES project has received both national and international interest and recognition with presentations at over twenty-five conferences and meetings including the American Public Transportation Association (APTA); ITS World Congress; ITS America; International Bridge, Tunnel, and Turnpike Association (IBTTA); International Transportation Engineers (ITE); Florida Public Transportation Association; I-95 Corridor Coalition; International Parking Institute; Women’s Transportation Seminar; and others.

Staff of the three partner agencies agree that the test deployment of a regional multi-modal electronic payment system was a worthwhile effort but the timing is not right for a full-scale deployment of the system in the Central Florida market. Cross-mode usage was very minimal by the participants in the test with the largest segment represented by parking customers using the toll facility. This usage has encouraged the City of Orlando and the OOCEA to further explore using toll transponders to automatically pay fees in parking facilities. Transit users rarely used other modes during the test. The staff of the three agencies agreed that more market mass along with transit oriented parking with fee or parking connecting to high frequency transit or rail would increase the customer demand for such a multi-modal payment system.

Transit would currently see more benefit from a regional smart card based electronic payment system shared among regional transit partners, such as the I-Ride Trolley or neighboring partners. Customers expressed interest in a longer-term deployment of a shared transit smart card system on a national basis allowing interoperable usage at any transit agency. Additional functions could be the smart card based system once a critical mass of customers is reached. These can include but are not limited to alternate locations accepting payment by smart card, card based applications allowing additional use for identification purposes, customer loyalty schemes and discounts, and use by students on college campuses.

Future deployment of a smart card based electronic payment system would require scoping of a full-deployment, back office software development or purchase, and capital equipment purchase. The ORANGES project focused on the feasibility of a system deployment along with a limited test to discover and demonstrate “lessons learned” but was not scoped nor envisioned to result in a full-scale deployment of the test system.

Information Item H: Ridership Report

To: LYNX Board Of Directors

From: **Robert Smith**
DIR OF TRANS OPS & PLANNING
Tiffany Homler
(Technical Contact)
Glen Waters
(Technical Contact)
Terry Jordan
(Technical Contact)

Phone: 407.841.2279 ext: 3036

Item Name: January 2005 Ridership Report - FINAL

Date: 3/24/2005

January 2005 – FINAL

During January 2005, LYNX had a total of 2,104,963 passenger boardings. This represents an increase of 7.5% when compared to 1,958,431 boardings recorded in January 2004. Ridership for all services during January 2005 averaged 80,877 passengers per weekday, an increase of 6.1% when compared to 76,234 passengers per weekday averaged in January 2004.

Fixed route ridership totaled 2,017,364, an additional 122,794 riders above the 1,958,431 riders carried in January 2004 (or an increase of 6.5%). Comparisons of January 2005 to prior months boardings (December 2004) reflect an increase in ridership of 1.7%. Events held at the Citrus Bowl such as the Capital One Bowl football game and the Monster Truck Show accounted for 24,830 of the 26,333 passengers in the special shuttles category.

When comparing individual route ridership during January 2005 to January 2004, four routes (Links 2, 10, 14 and 16) experienced declines in ridership greater than 10%. As noted last month, Links 2, 14 and 16 were subject to realignments concurrent with the opening of LYNX Central Station, thus portions of their ridership base may have been lost to other Links. Although Link 10 continues to show monthly improvements, overall ridership remains about 6% below the previous year's average ridership of 20,552. LYNX staff will continue to work with Osceola County and City of St. Cloud staff in an effort to make improvements to on-time performance challenges as well as re-gain any lost ridership.

Route Decreases Greater Than 10%

- Link 2 – Colonialtown (-26.4%)
- Link 10 – East U.S. 192/St. Cloud (-13.6%)
- Link 14 – Princeton Street/Plymouth Apts. (-21.3%)
- Link 16 – College Park/The Meadows (-13.4%)

In contrast January 2005 produced eighteen routes (Links 7, 8, 21, 24, 37, 39, 42, 45, 46, 51, 52, 55, 300-304 and LYMMO) with increases greater than 10% when compared to January 2004. Of those eighteen routes, ten of them (Links 21, 24, 45, 46, 52 and 300-304) experienced more significant increases of 20% or greater.

Route Increases 20% or Greater

- Link 21 – Carver Shores/Tangelo Park (+20.0%)
- Link 24 – Millenia (+20.0%)
- Link 45 – Lake Mary (+33.4%)
- Link 46 – West S.R. 46/Seminole Towne Center (+28.9%)
- Link 52 – Pine Castle/Tradeport (+21.8%)
- Link 300-304 – Downtown Disney Directs (+31.4%)

ROUTE RIDERSHIP REPORT

Link No	Route	FY04 Average Monthly Ridership	Nov-04	% Change Nov 04 to Dec 04	Dec-04	% Change Dec 04 to Jan 05	Jan-05	% Change January 04 January 05	January 05 Change as Compared to FY04 Avg. Monthly Ridership
1	N Orange Ave./Altamonte Mall	18,213	22,239	-10.4%	19,916	-10.0%	17,923	-4.2%	9.35%
2	ColoniaItown	4,710	4,110	-6.8%	3,831	-10.0%	3,447	-26.4%	-26.82%
3	Lake Margaret	18,174	17,994	-7.0%	16,740	1.6%	17,011	-6.7%	-6.40%
4	S. OBT/Kissimmee	143,042	144,100	-3.0%	139,767	4.1%	145,487	1.1%	1.71%
5	S. Ferncreek Ave.	5,132	5,760	-22.9%	4,440	18.4%	5,257	8.2%	2.43%
6	Dixie Belle	19,188	20,498	-5.4%	19,401	3.3%	20,035	4.6%	4.41%
7	S. Orange Ave./Florida Mall	23,949	25,325	1.0%	25,584	3.4%	26,462	11.2%	10.49%
8	W. Oak Ridge Rd./Int'l Dr.	143,115	153,743	2.5%	157,617	0.6%	158,627	11.4%	10.84%
9	N. Orange Ave./Rosemont	29,317	31,087	-1.4%	30,649	2.1%	31,278	2.9%	6.69%
10	East U.S. 192/St. Cloud	20,552	17,947	1.9%	18,282	4.7%	19,135	-13.6%	-6.89%
11	S. Orange Ave./OIA	36,190	37,268	-7.5%	34,473	2.3%	35,251	-7.5%	-2.59%
12	Buenaventura Lks/Boggy Ck	8,667	8,777	-14.8%	7,477	13.7%	8,501	-5.5%	-1.91%
13	University of Central Florida	35,177	37,978	-6.8%	35,403	4.6%	37,022	3.1%	5.25%
14	Princeton Street	8,081	8,092	-18.2%	6,618	-1.6%	6,511	-21.3%	-19.43%
15	Curry Ford Rd./V.C.C. East	45,516	49,337	-4.8%	46,960	0.4%	47,169	2.3%	3.63%
16	College Park	12,191	11,910	-16.5%	9,947	8.9%	10,832	-13.4%	-11.14%
17	N. OBT/Apopka	51,748	53,311	-2.7%	51,866	-3.5%	50,076	-4.2%	-3.23%
18	S. Orange Ave./Kissimmee	34,941	36,467	-1.0%	36,096	-1.0%	35,718	6.3%	2.22%
19	Richmond Heights	27,450	30,301	-3.7%	29,176	0.9%	29,426	-1.9%	7.20%
20	Malibu/Pine Hills	59,676	65,275	-0.3%	65,049	3.0%	67,023	8.1%	12.31%
200	Volusia Express	328	295	-2.0%	289	4.5%	302	-2.3%	-7.90%
21	Carver Shores/Tangelo Park	70,050	77,029	3.2%	79,481	6.3%	84,484	20.0%	20.60%
22	Richmond Estates	27,153	29,878	-7.9%	27,514	4.4%	28,733	1.9%	5.82%
23	Winter Park/Forest City	26,778	27,583	-7.6%	25,474	7.1%	27,287	5.0%	1.90%
24	Millenia	7,745	9,140	-1.7%	8,986	0.7%	9,046	20.0%	16.80%
25	Silver Star Rd.	69,482	75,198	-0.3%	74,999	-0.9%	74,316	3.0%	6.96%
26	Poinciana	14,163	15,318	-6.2%	14,364	-1.5%	14,143	-6.3%	-0.14%
27	Plant Street/Oakland	7,480	8,082	-2.2%	7,905	-1.5%	7,786	-0.3%	4.09%
28	E. Colonial Dr./Azalea Park	40,434	43,389	1.2%	43,920	-1.8%	43,128	8.0%	6.66%
29	E. Colonial Dr./Goldenrod	39,373	44,354	-2.4%	43,277	-1.0%	42,824	9.7%	8.76%
30	Colonial Dr. Crosstown	48,215	54,128	-3.6%	52,175	0.7%	52,543	5.5%	8.98%
300-304	Downtown Disney Direct	13,425	15,243	-4.4%	14,576	13.0%	16,467	31.4%	22.66%
Lymmo	Lymmo	86,301	91,349	1.2%	92,433	6.9%	98,789	14.5%	14.47%
32	Union Park/Bithlo	4,221	4,364	2.8%	4,485	-1.3%	4,428	8.0%	4.89%
33	Midway/Sanford Airport	822	2,003	16.7%	2,338	-21.6%	1,834	N/A	N/A
34	Sanford/Midway	7,707	7,176	2.0%	7,317	0.0%	7,316	-2.6%	-5.07%
36	Lake Richmond	23,946	26,310	-3.4%	25,421	3.0%	26,189	6.6%	9.37%
37	Park Promenade Plaza/Florida Mall	51,921	57,410	0.8%	57,888	2.9%	59,586	19.5%	14.76%
38	Downtown Orlando/Int'l Dr.	13,718	14,323	-5.2%	13,573	14.2%	15,496	9.1%	12.96%
39	Fern Park/Sanford	56,655	61,328	-1.5%	60,401	7.3%	64,797	11.6%	14.37%
40	Americana/Universal Orlando	36,384	35,186	-5.9%	33,105	6.8%	35,357	1.9%	-2.82%
41	S.R. 436 Crosstown	117,584	125,439	1.2%	126,943	-0.4%	126,424	7.2%	7.52%
42	International Dr./OIA	65,827	71,687	5.8%	75,812	-1.1%	74,944	14.5%	13.85%
43	Central Florida Pkwy.	11,127	12,333	6.4%	13,121	-1.2%	12,967	3.5%	16.53%
44	Clarcona/Zellwood	16,955	18,864	-0.9%	18,697	0.9%	18,872	8.1%	11.30%
45	Lake Mary	2,582	3,604	-2.5%	3,513	-9.5%	3,181	33.4%	23.21%
46	W. S.R. 46/Seminole Towne Ctr	9,814	10,705	10.0%	11,777	0.8%	11,871	28.9%	20.96%
47	Oviedo	3,970	3,584	2.3%	3,668	6.9%	3,922	-3.3%	-1.21%
48	W. Colonial Dr./Park Promenade	45,110	47,196	-2.8%	45,897	9.0%	50,037	9.2%	10.92%
49	W. Colonial Dr./Pine Hills	46,402	52,162	-8.9%	47,545	1.1%	48,084	0.6%	3.62%
50	Downtown Orlando/Magic Kingdom	34,962	33,878	2.7%	34,790	-10.7%	31,055	-1.0%	-11.17%
51	Conway/OIA	31,191	34,540	1.6%	35,078	-1.3%	34,633	10.9%	11.03%
52	Pine Castle/Tradeport	5,798	6,265	-0.3%	6,249	-1.3%	6,168	21.8%	6.39%
53	Story Road/Tildenville	8,318	9,578	-12.0%	8,432	-1.3%	8,322	-3.6%	0.05%
54	Old Winter Garden Rd.	13,986	15,643	-4.4%	14,956	-3.0%	14,505	1.7%	3.71%
55	W. U.S. 192/Orange Lake	26,477	25,760	4.2%	26,838	4.2%	27,952	16.2%	5.57%
56	W. U.S. 192/Magic Kingdom	28,315	26,632	12.4%	29,930	-4.2%	28,658	6.4%	1.21%
57	John Young Pkwy.	14,036	15,882	-2.4%	15,494	-3.2%	14,999	4.2%	6.86%
Unknown	Farebox Errors	17,556	17,674	-6.9%	16,462	-16.6%	13,728	15.8%	-21.80%
Total		1,891,341	2,012,031	-1.4%	1,984,415	1.7%	2,017,364	6.5%	6.7%

LYNX AVERAGE DAILY RIDERSHIP JANUARY 2005 - FINAL

FY 2005

Service Mode	Day	Oct-04	Nov-04	Dec-04	Jan-05	Feb-05	Mar-05	Apr-05	May-05	Jun-05	Jul-05	Aug-05	Sep-05	AVG DAILY FOR YEAR
LYMMO	Wkday	3,908	3,978	3,713	4,182									3,945
	Sat	732	1054	1357	1,623									1,192
	Sun	609	717	591	745									666
25% of Votran (all other Links)	Wkday	16	14	13	14									14
	Wkday	77,294	75,616	70,045	74,058									74,253
	Sat	51,126	48,411	49,800	49,483									49,705
	Sun	29,606	27,075	25,636	27,472									27,447
Total Fixed Route	Wkday	81,218	79,608	73,771	78,254									78,213
	Sat	51,858	49,465	51,157	51,106									50,897
	Sun	30,215	27,792	26,227	28,217									28,113
Access LYNX	Wkday	2,142	2,009	1,927	2,040									2,030
	Sat	754	756	639	656									701
	Sun	312	332	438	360									361
VanPlan	Wkday	647	711	613	583									639
	Sat	136	176	172	105									147
	Sun	101	109	161	119									123
TOTAL LYNX SERVICES	Wkday	84,007	82,328	76,311	80,877									80,881
	Sat	52,748	50,397	51,968	51,867									51,745
	Sun	30,628	28,233	26,826	28,696									28,596

% CHANGE FROM FY 2004 TO FY 2005

Service Mode	Day	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	YEAR
LYMMO	Wkday	-6.6%	-0.5%	6.9%	10.2%									3.9%
	Sat	-10.6%	20.2%	60.0%	94.6%									42.9%
	Sun	-5.0%	57.6%	37.4%	54.6%									38.1%
25% of Votran (all other Links)	Wkday	2.7%	20.1%	-6.6%	-2.3%									-3.7%
	Wkday	8.3%	9.5%	5.7%	6.0%									6.3%
	Sat	12.1%	7.0%	10.4%	12.3%									12.8%
	Sun	18.3%	14.4%	14.3%	14.2%									14.1%
Total Fixed Route	Wkday	7.5%	8.9%	5.8%	6.2%									6.2%
	Sat	11.7%	7.3%	11.3%	13.8%									13.3%
	Sun	17.8%	15.2%	14.7%	15.0%									14.5%
Access LYNX	Wkday	8.8%	8.5%	10.0%	9.0%									8.4%
	Sat	11.2%	3.7%	-4.5%	-1.5%									5.3%
	Sun	17.7%	5.7%	2.3%	30.4%									30.6%
VanPlan	Wkday	-24.1%	-4.9%	-7.0%	-16.5%									-8.5%
	Sat	41.7%	66.0%	7.5%	-13.9%									20.7%
	Sun	62.9%	47.3%	96.3%	36.8%									40.8%
TOTAL LYNX SERVICES	Wkday	7.2%	8.8%	5.8%	6.1%									6.1%
	Sat	11.8%	7.3%	11.1%	13.5%									13.2%
	Sun	17.9%	15.2%	14.8%	15.2%									14.8%

FY 2004

Service Mode	Day	Oct-03	Nov-03	Dec-03	Jan-04	Feb-04	Mar-04	Apr-04	May-04	Jun-04	Jul-04	Aug-04	Sep-04	AVG DAILY FOR YEAR
LYMMO	Wkday	4,183	3,999	3,472	3,796	3,870	3,859	3,685	4,064	3,897	3,590	3,354	3,446	3,768
	Sat	819	877	848	834	760	991	814	765	735	703	523	590	772
	Sun	641	455	430	482	587	800	487	609	493	523	402	498	534
25% of Votran (all other Links)	Wkday	15	12	13	15	15	17	14	16	19	15	16	13	15
	Wkday	71,358	69,064	66,263	69,853	71,552	70,035	69,495	71,094	71,220	68,022	69,248	69,993	69,766
	Sat	45,599	45,236	45,115	44,072	45,711	46,551	46,272	46,150	50,160	49,308	35,529	44,577	45,357
	Sun	25,016	23,663	22,432	24,064	25,322	26,043	25,791	26,102	27,618	27,292	26,445	31,894	25,974
Total Fixed Route	Wkday	75,556	73,075	69,748	73,664	75,437	73,911	73,194	75,174	75,136	71,627	72,618	73,452	73,549
	Sat	46,418	46,113	45,963	44,906	46,471	47,542	47,086	46,915	50,895	50,011	36,052	45,167	46,128
	Sun	25,657	24,118	22,862	24,546	25,909	26,843	26,278	26,711	28,111	27,815	26,847	32,392	26,507
Access LYNX	Wkday	1,968	1,851	1,752	1,872	2,044	2,101	2,126	2,082	2,184	2,085	1,898	1,618	1,965
	Sat	678	729	669	666	676	737	758	810	750	767	566	534	695
	Sun	265	314	428	276	343	309	321	303	325	319	311	308	319
VanPlan	Wkday	852	748	659	698	783	610	571	548	618	613	641	547	657
	Sat	96	106	160	122	148	130	118	80	136	104	124	130	121
	Sun	62	74	82	87	116	95	85	93	79	132	133	116	96
TOTAL LYNX SERVICES	Wkday	78,376	75,674	72,159	76,234	78,264	76,622	75,891	77,804	77,938	74,325	75,157	75,617	76,172
	Sat	47,192	46,948	46,792	45,694	47,295	48,409	47,962	47,805	51,781	50,882	36,742	45,831	46,944
	Sun	25,984	24,506	23,372	24,909	26,368	27,247	26,684	27,107	28,515	28,266	27,291	32,816	26,922

Information Item I: Financial Reports

To: LYNX Board Of Directors

From: **Janice Keifer**
Acting Director of Finance and Administrative Support
Blanche Sherman
Manager of Finance, (Technical Contact)

Phone: 407.254.6100 or 407.254.6100

Item Name: Monthly Financial Reports

Date: 3/24/2005

For your review, please find attached the Monthly Financial Reports for the four months ending January 31, 2005. The Monthly Financial Reports for the five months ending February 28, 2005 will be provided as handouts at the March 24, 2005 Board Meeting.

EXECUTIVE SUMMARY REPORT

For the Four Months ending January 31, 2005

LYNX' Operating Statement indicates total revenue earned year-to-date in the amount of \$27,398,481 and total expenses incurred year-to-date in the amount of \$27,313,604 resulting in an operating profit in the amount of \$84,877 for the four months ending January 31, 2005. The Fixed Route Services resulted in an operating profit in the amount of \$141,405 for the four months of operations. ACCESS LYNX' operations resulted in an operating loss in the amount \$(56,528) for the four months of the fiscal year.

The positive results relate to lower than anticipated cost for LYNX' Fixed Route Services due to *cyclical* trends. However, this month's negative activity relates to increases in pension contributions, fuel expenses, tires and tube repairs and contract maintenance expenses. In addition, expenses for the LCS move and other related miscellaneous expenses continue to incur as LYNX finalizes the ELC lease and sub-lease requirements. Overall, expenses will begin to smooth out as the year progresses.

In regard to the ACCESS LYNX program, slight increases in trips will need to stabilize in order to be consistent with planned expenses. LYNX staff is closely monitoring this program to ensure compliance related to service performance and contract administration is meeting expected objectives.

REPORT ON FINANCIAL OPERATIONS

Four Months Ending January 31, 2005

Summary

For the period October 1, through January 31, 2005, revenues totaled \$27,398,481 and expenses totaled \$27,313,604 which indicates an excess in the amount of \$84,877 for the four months of the fiscal year. Listed below are significant facts regarding operations for the four months of FY 2004-2005:

Revenues

Customer Fares - These fares are generated from fixed route bus operations and the ACCESS LYNX paratransit operations. Revenue is earned through either fares collected directly from customers at the time of boarding or through prepayment by customers participating in various pass and ticket programs offered by LYNX. Revenue earned year-to-date represent 32.97% of the annual budgeted amount, which is slightly below the amount anticipated. In addition, customer fares increased \$569,414 or 11.93% as compared to the same period last year. This is primarily due to the increase in ridership year-over-year.

Contract Services - These are public transportation services provided by LYNX (MV Transportation) as part of both the fixed route operations and the ACCESS LYNX paratransit operations. Contract services provided as part of the fixed route operation are based on a mutually agreed upon service area and related customer fares for each entity. Other entities contracting with LYNX to provide service are billed on a cost per hour basis for each hour or portion of an hour of service provided. Contract services provided as part of the ACCESS LYNX paratransit operations are provided on a cost per trip basis. Revenue earned year-to-date represent 34.13% of the annual budgeted amount, which is above the amount anticipated.

Interest and Other Income - These are revenues earned from interest on cash balances and displaying advertising materials on the outside of buses and other non-transportation type revenue. Revenue earned year-to-date represent 26.91% of the annual budgeted, which is above the amount anticipated. This is due to lower amounts for Miscellaneous Revenue year-to-date than planned.

Operating Assistance - These revenues consist of funds received from the Federal government, the State of Florida, and local governmental entities located within jurisdictions currently served by LYNX. Revenue earned year-to-date represents 30.09% of the annual budgeted amount, which is below the amount expected. Revenue earned year-to-date indicates an increase in the amount of \$336,440 or 2.12% as compared to the same period last year.

Fund Balance - These funds are undesignated excess dollars from prior years that are recorded as deferred revenues until needed to support current year operating expenses. Such funds are included in the budget to support the current year reserves and other operating expenses.

Expenses

Labor - These are expenses incurred for the pay and allowances due employees in exchange for the labor services they render on behalf of the transit system. Expenses incurred year-to-date represent 32.93% of the annual budgeted amount, which is slightly below the target for the *four months* of this fiscal year.

Fringe Benefits - These are expenses in the form of payments or accruals to others on behalf of an employee and payments or accruals direct to an employee arising from something other than performance. Expenses incurred year-to-date represent 33.19% of the annual budgeted amount, which is basically consistent with the targeted amount budgeted year-to-date.

Professional Services - These are expenses incurred in the form of labor and other work provided by outside organizations for fees and related expenses. Expenses incurred year-to-date represent 11.10% of the annual budgeted amount. Expenses such as other professional fees pertaining to planning projects are lower than anticipated for the *four months* of the fiscal year. In addition, expenses for legal fees, contract maintenance, security services, media and various promotional and production expenses are less than budgeted. This line item reflects only invoices paid to date, because LYNX does not accrue these expenses on a monthly basis.

Materials and Supplies - These are expenses incurred for the purchase of tangible products obtained from outside suppliers or manufactured internally. Expenses incurred year-to-date represent 41.27% of the annual budgeted amount, which is higher than the amount anticipated for *four months* of the fiscal year due to significant increases in fuel prices.

Utilities and Taxes - These are expenses incurred for utilities and for taxes levied by federal, state, and local governments. Expenses incurred year-to-date represent 31.39% of the annual budgeted amount, which is lower than anticipated.

Casualty and Liability Insurance Costs - These are expenses incurred that include cost elements covering protection of the system from loss through insurance programs and compensation of others for their losses due to acts for which the transit system is liable. Expenses incurred year-to-date represent 25.43% of the annual budgeted amount.

Purchased Transportation Services - These are expenses incurred in the form of payments or accruals to other transit systems for providing transportation service. Expenses incurred year-to-date represent 34.49% of the annual budgeted amount, which is above the amount anticipated for the *four months* of the fiscal year.

Leases and Miscellaneous Expenses - These are expenses incurred for vehicle and facility leases and other miscellaneous expenses. Expenses incurred year-to-date represent 26.95% of the annual budgeted amount, primarily due to significantly lower than anticipated miscellaneous expenses.

Interest Expense - These are expenses incurred for amounts charged on general long-term debt. The interest expense relates to the leasing of vehicles for LYNX' Road Rangers Program. Expenses incurred year-to-date represent 10.93% of the annual budgeted amount.

Reserves - The reserves are established as a percentage of the total budgeted operating expenses for the current fiscal year. Such reserves provide a contingency for unanticipated expenses.

LYNX

**OPERATING STATEMENT
FOUR MONTHS ENDING JANUARY 31, 2005**

	CURRENT MONTH INCURRED	YEAR TO DATE INCURRED	ANNUAL BUDGET	VARIANCE (OVER) OR UNDER	PERCENTAGE OF BUDGET
REVENUES:					
Customer Fares	\$ 1,312,241	\$ 5,340,790	\$ 16,201,286	\$ 10,860,496	32.97%
Contract Services	1,355,957	5,346,395	15,663,060	10,316,665	34.13%
Interest and Other Income	98,653	537,064	1,996,154	1,459,090	26.90%
Operating Assistance:					
Federal	971,785	3,563,443	12,278,039	8,714,596	29.02%
State	639,506	3,093,420	11,370,068	8,276,648	27.21%
Local	2,379,343	9,517,369	30,112,106	20,594,737	31.61%
Fund Balance	-	-	150,000	150,000	-
TOTAL REVENUES	<u>6,757,484</u>	<u>27,398,481</u>	<u>87,770,713</u>	<u>60,372,232</u>	<u>31.22%</u>
EXPENSES:					
Salaries and Wages	2,667,175	10,740,294	32,615,708	21,875,414	32.93%
Fringe Benefits	1,575,847	5,780,873	17,419,487	11,638,614	33.19%
Professional Services	371,721	1,188,060	10,702,670	9,514,610	11.10%
Materials and Supplies	979,870	3,663,518	8,876,100	5,212,582	41.27%
Utilities and Taxes	123,845	326,126	1,039,067	712,941	31.39%
Casualty and Liability Insurance	48,741	376,621	1,481,157	1,104,536	25.43%
Purchased Transportation Services	1,172,311	4,695,205	13,612,586	8,917,381	34.49%
Leases and Misc. Expenses	123,202	541,222	2,008,518	1,467,296	26.95%
Interest Expense	516	1,685	15,420	13,735	10.93%
Reserves	-	-	0	0	-
TOTAL EXPENSES	<u>7,063,228</u>	<u>27,313,604</u>	<u>87,770,713</u>	<u>60,457,109</u>	<u>31.12%</u>
EXCESS (DEFICIT) OF REVENUES OVER EXPENSES	<u>\$ (305,744)</u>	<u>\$ 84,877</u>	<u>\$ -</u>		
FOUR MONTHS BENCHMARK PERCENTAGE					<u>33.33%</u>

Information Item J: Finance and Administrative Support Report

To: LYNX Board Of Directors

From: **Janice Keifer**
Interim Director Of Finance And Administrative Support
Karen Kenning
(Technical Contact)
Patrick Grimison
(Technical Contact)

Phone: 407.841.2279 ext: 3129

Item Name: Procurement Activities

Date: 3/24/2005

A. PROCUREMENT ACTIVITIES

The Finance and Administrative Support Department’s responsibilities include procurement of goods and services through a competitive process. The report below lists all current Bids and RFPs with their release date and opening date.

RFP/IFB Number	Description	Date Issued	Opening Date	SEC Meeting Date
RFP 05-002	General Engineer Consultant Arch & Eng.	April	May	June
RFP 05-003	General Engineer Consultant Transportation	April	May	June
RFP 05-004	Vanpool Services	January	February	February
RFP 05-008	Legal Counsel HR	February	March	March
RFP 05-006	Occupational Health Services	December	January	February
RFP 05-009	Comprehensive Operations Analysis	January	February	March
RFP 05-025	Compensation Analysis Study	March	April	April
05-026	7/12 – Passenger Van Pools Procurement	March	April	None

Information Item K: Government Affairs and Communications Report

To: LYNX Board Of Directors

From: Peggy Gies
 INTERIM DIR OF GOVT AFFAIRS
 Tracy Bridges
 (Technical Contact)

Phone: 407.841.2279 ext: 3020

Item Name: Government Affairs & Communications Report for February 2005

Date: 3/24/2005

BUS ADVERTISING / SALES

	LYNX Contracts	Culver Contracts	Fiscal YTD Contracts
Advertising Sales Revenue	\$ 58,808	\$ 8,750	\$ 245,390
Admin Fee to Culver Amherst @ 40%	\$ 0	\$ 3,500	\$ 30,872
Net Revenue to Lynx Per Agreement	\$ 58,808	\$ 5,250	\$ 214,518

BUSINESS RELATIONS

Commuter Choice and WAGES Transportation Programs

Activity	CCP Performance	WAGES Performance	
Carpool/Vanpool and WAGES Inquiries	Phone: 120 Internet: 16	Phone: 125 Internet: 42	
Carpool/Vanpool/WAGES Transit Letters & Matches	Letters: 26 Matches: 6	Letters: 5 Matches: 4	
Number of Approved WAGES Participants		108	<u>YTD Participants</u> 209
Number of Participants Receiving WAGES benefit(s)		197	<u>YTD Participants</u> 510
Number of Commuter Choice Vanpool Participants	704		<u>Total Revenue Miles YTD</u> 295,142
Vanpools	New: 0 Returned: 0	New: 3 Returned: 0	<u>Current Vans In Service</u> 34
Pending Vanpool Interest	Disney Orange Lake Resort Correct Craft OUC Orange Co. Corrections Lockheed Martin	Quest – Group Homes (7) Ripple Effect (1)	
Number of Employers Contacted	45	15	
Number of Employees Contacted	1,435	0	
Employer Program Presentations	Walt Disney World High Tech Institute Greater Orlando Aviation	Walt Disney World Washington Mutual Mid-Florida Tech	

	Authority Lakeside Alternatives OCWEN Financial AT&T Florida Technical College ORHS Sanford Police Chase Quest Energy Air	Wells Fargo Home Mortgage City of Orlando Seminole County	
Employee Vanpool Presentations	Universal Studios Health Fair - 500 Sanford/Seminole Business Expo - 250	N/A	<u>Total Participants</u> 750
Other Business Presentations/Meetings	So Social Power Luncheon - 30 EDC Program Orientation - 70 CFEC Breakfast - 88	Community Transportation Workshop - 100 Link 33 Promotion - 20 <ul style="list-style-type: none"> • Sanford Housing Authority • Goodwill Industries • Health Center 	<u>Total Participants</u> 308

Bus Pass Consignment

Albertson's, Inc. closed four of its supermarkets in the LYNX service area, reducing the number of locations to nineteen. As a result of the store closings Albertson's becomes LYNX' second largest consignor, but remains our top seller with regard to total pass sales.

Central Florida Dream Center cancelled its consignment agreement with LYNX due to low pass sales at their location. LYNX now has seventy retail consignment locations throughout its service area.

A letter from the Business Relations Department was mailed to each of our bus pass consignors notifying them of the March 20, 2005 fare increase. Employers who provide bus passes at their location on a non-consignment basis were also notified of the increase.

Business Relations Events

CFEC Breakfast

LYNX hosted the February breakfast meeting for the Central Florida Employment Council. The meeting was attended by over eighty individuals and included a presentation by LYNX on our transportation benefit programs and tours of our facility. Attendees were provided with information on LYNX transportation benefits and WAGES program.

Sanford/Seminole Business & Community Expo

Business Relations participated in its first business and community expo in Seminole County sponsored by the Sanford/Seminole Chamber of Commerce. We provided information on commuter assistance, WAGES and other LYNX services. Business Relations provided information and provided a promotional incentive to increase awareness and encourage ridership on the Link 33.

Step Up Florida

LYNX participated in the Step Up Florida event to promote LYNX bus service, commuter assistance, and the Wages program. Various employees gave some of their free time to participate in the walk to promote wellness and the fun games and activities that took place.

Universal Studios Employee Fair

LYNX participated in the Universal Studios Employee Health Fair where we provided information and materials to their employees about our Commuter Assistance, WAGES programs and other services. We were able to register several Universal employees for carpool matching.

Community Transportation Workshop

A workshop was held on February 25 to empower agency partners and employers to authorize WAGES participant applications and provide bus pass benefits directly to clients. This new process will leverage technology (WIRKS online system) to streamline efficiencies by reducing paperwork and client wait time. The workshop was well received by more than 90 agencies and employers who attended. All attendees who completed an evaluation form (45) indicated that the workshop was helpful to them. Verbatim comments include:

- Very well organized, informative information on the electronic application support.
- I appreciate the work you are doing. Good job on the new system. It will certainly make life easier.
- Awesome! Way to go LYNX! Extremely streamlined, informative and empowering. Thanks!
- This workshop answered a lot of questions. It gave us an opportunity to be an agency-partner.
- Awesome hands-on with the new system on how to use the module pages.
- As an advocate for the homeless, your partnership with our agency is truly an inspirational relationship with our community.
- This workshop was great. There should be another one that touches on every program LYNX offers.
- Glad I came. I didn't realize LYNX had so many services.
- The workshop was very well presented. All speakers were knowledgeable.

MARKETING

Jobs Opened/Completed

Jobs Opened	Jobs Completed	Jobs opened FYTD	Jobs completed FYTD
9	12	66	59

Media Report

Television	Spots	Value
WB 18	2	\$730.00

Radio	Spots	Value
WOMX 105.1	62	\$5,000
WOCL 105.9	74	\$8,480
WJHM JAMZ 102	45	\$5,628

LYNX Board Agenda

Cable	Spots	Value
Central Florida Interconnect (Bright House)	207	\$3,185

Website Usage

Average Hits per Day	40,178
Average Users per Day	1,867
Average Hits per User	21.51
Average Time Spent on Site	10 min. 21 sec.
Approximate Visits per User	2.54

Total Page Hits	298,176
Total User Visits	52,302
Total Unique IP (visits)	20,504

Marketing Activities

Advisory Boards

It was a stellar month for our public advisory boards; the Citizens Advisory Committee (CAC) had an opportunity to tour our South Street facility where members saw the “grind” of public transit and the wear and tear of 40 million passenger miles. The Transit Advisory Committee (TAC) voiced its concerns and had some participation from fixed-route riders.

Bike Donation Program

Also, the bike donation program was a success with four agencies participating in this month’s giveaway. The Salvation Army, Goodwill, BETA Center, and Children First-Central Florida Foundation were pleased to receive the bikes, which will be used to assist their clients.

Maitland Rotary

LYNX CEO Linda Watson made a presentation to approximately 35 members of the Maitland Rotary on February 8th. She discussed the explosive ridership growth LYNX has been experiencing this fiscal year, the changes that have taken place since assuming control of the agency nine months ago, and the organization’s goals for the future.

MEDIA RELATIONS

Twenty-nine pages of print/web articles, which are included in the pocket of the Board package for your review, ran during the month of February.

Information Item L: Human Resources Report

To: LYNX Board Of Directors

From: Sylvia Mendez
DIR OF HUMAN RESOURCES
Ricci Vidal
(Technical Contact)

Phone: 407.841.2279 ext: 3129

Item Name: HR Report and Project Summaries

Date: 3/24/2005

Project Summaries

Equal Employment Opportunity Program Review

The Federal Transit Administration (FTA) has completed a review of the LYNX Equal Opportunity Program Update submitted on January 19, 2005. This submission is required pursuant to FTA Circular 4704.1, "Equal Employment Opportunity Program Guidelines for Grant Recipients, dated July 26, 1988. The purpose of the program is to insure the promotion of equal opportunity for all persons employed or seeking employment. Based on this review, the program was approved as of January 19, 2005 and will expire on January 17, 2007.

HR Report February 2005					Overall	Bargaining Unit	Admin.				
Retention											
Staffing Level (Actual/Budgeted # Employees)					97.7%	98.5%	95.2%				
Voluntary Terminations					10	7	3				
Involuntary Terminations					2	2	0				
Hiring											
Positions Filled					10	9	1				
Average Days to Hire					69.8	60.9	150				
Training & Development											
Employees Attending Orientation					17	11	6				
Employees Attending Other Training					29	4	25				
Leave Status											
FMLA	Submitted Paperwork				9	6	3				
	Currently On Intermittently (up to 1 year)				41	30	11				
	Currently On FMLA				13	9	4				
	Returned From FMLA				5	5	0				
Work Comp	Submitted Paperwork				13	10	3				
	Currently On Workers' Compensation				2	2	0				
	Returned From Workers' Compensation				13	10	3				
Grievances											
LYNX	Submitted				4	4	0				
	Pending				3	1	2				
	Resolved				0	0	0				
EEOC	Submitted				1	0	1				
	Pending (average resolution is 18 months)				1	1	0				
	Resolved				0	0	0				
LYNX Demographics Summary											
	Race					Gender		Total	Total	Minority	Female
	W	B	H	A	AI	F	M		Minority	%	%
Director	7	0	1	0	0	6	2	8	1	13%	75%
Manager	16	5	1	1	0	7	16	23	7	30%	30%
Supervisor	10	3	3	0	0	9	7	16	6	38%	56%
Supervisor (BU)	22	9	13	4	0	4	44	48	26	54%	8%
Other Admin.	57	34	25	5	0	66	55	121	64	53%	55%
Maintenance (BU)	57	27	61	9	2	4	152	156	99	63%	3%
Bus Op. (BU)	152	172	206	11	2	109	434	543	391	72%	20%
Total	321	250	310	30	4	205	710	915	594	65%	22%

W-White / B-Black / H- Hispanic / A- Asian/Pacific / AI-American Indian / F-Female / M-Male

Information Item M: Planning Division Report

To: LYNX Board Of Directors

From: **Robert Smith**
DIR OF TRANS OPS & PLANNING
Tiffany Homler
(Technical Contact)
Jennifer Clements
(Technical Contact)
Glen Waters
(Technical Contact)

Phone: 407.841.2279 ext: 3036

Item Name: Planning Division Report

Date: 3/24/2005

The project updates listed below provide an overview of current planning efforts at LYNX. Projects may be added or deleted pending activities scheduled.

STRATEGIC PLANNING

Cost Allocation Study – Information request

Staff has provided data at the request of the consultants on the Cost Allocation Study. This study is sponsored by Orange County, whose consultants are the Sharon Greene and Associates team. The data has primarily been in the form of Geographic Information Systems (GIS), spreadsheets, and reports generated by LYNX or LYNX consultants. The information relates to customer amenities, such as shelters and stops; service levels, such as miles and hours; and ridership. Origin-destination data from previous studies was also provided, along with several previous studies related to both bus and rail.

Customer Amenities

Staff is working with the Town of Eatonville to coordinate inclusion of three (3) passenger shelters with their Kennedy Boulevard Streetscape project. This project will extend from Gabriel Avenue to Calhoun Avenue along Kennedy Boulevard. Staff reviewed the concept approximately one year ago and provided comments regarding LYNX shelter and bus stop placements. The Town of Eatonville held the groundbreaking for this project on February 25, 2005 with LYNX staff in attendance. Construction will take approximately 8-12 months, during which time the Town of Eatonville has indicated there will be no detouring of Kennedy Boulevard. The current streetscape plans show three (3) 10' X 10' LYNX shelters, which would replace two (2) old Columbia-style shelters. The Town of Eatonville is to provide a copy of the current streetscape plans so staff can determine if the passenger shelters are located

appropriately. LYNX provided a standard Shelter License Agreement for the Town of Eatonville to review.

Bicycle lockers at the LYNX Central Station have garnered some interest. An initial soft opening on the bicycle locker rentals was rolled out February 1, as previous interest in the program was high and it was anticipated that lockers would rent out quickly. To date, there have been approximately 10-15 requests for information. Most requests were for storage of items other than bicycles. Staff will work with Marketing on an expanded roll-out of this program to encourage additional participation.

SERVICE PLANNING & SCHEDULING

Ocoee High School

Staff is working with Ocoee Mayor Scott Vandergrift and City of Ocoee staff to determine a means of providing regular fixed-route service to the new Ocoee High School. The school is located near the intersection of Ocoee-Apopka Road and West Road. However, the closest LYNX route is approximately one mile away at Clarcona-Ocoee Road and West Road. The school opens in August 2005 and will draw students from the Clarcona, Ocoee, West Oaks and Laurel Hills communities to name a few.

Service Review and Budget Preparation

In preparation of the FY 2006 Budget Cycle, staff has been meeting with the Budget and Planning staffs of each of our funding partners to review and discuss route performance, customer requests and any new or modified service initiatives. These meetings will occur throughout the month of March and will help LYNX prepare a budget that addresses the needs of our riders while remaining cognizant of our funding partners' fiscal capabilities.

Information Item N: ACCESS LYNX Operations Report

To: LYNX Board Of Directors

From: Robert Smith
DIR OF TRANS OPS & PLANNING
Bill Hearndon
(Technical Contact)

Phone: 407.841.2279 ext: 3036

Item Name: Paratransit Operations Ridership Report

Date: 3/24/2005

There were 54,478 trips booked in February 2005. Of the 54,478 trips scheduled to operate, 9,470 (17.38%) were cancelled and 1,809 (3.32%) were classified as “no-shows.” The number of trips provided by Paratransit Operations in February 2005 was 43,199 (79.30%), serving 46,140 passenger trips. The total number of passenger trips provided by the coordinated system for the fiscal year to date is 240,630. These trips were provided for customers who are elderly, transportation disadvantaged, or disabled.

MONTHLY PARATRANSIT STATISTICAL BREAKDOWNS

	Category	February 2004	March 2004	April 2004	May 2004	June 2004	July 2004	August 2004	September 2004	October 2004	November 2004	December 2004	January 2005	February 2005
Commendations & Concerns	Commendations	22	32	12	36	12	19	3	2	3	6	18	11	9
	Customer Service	17	17	9	11	4	7	9	4	12	11	24	23	14
	Discourtesy	0	0	0	0	0	0	0	0	0	0	0	0	0
	Drivers and Driving	67	84	45	59	59	66	60	50	57	39	28	49	40
	Equipment	2	1	0	2	4	3	4	2	6	1	3	3	3
	Passenger	0	0	0	0	0	0	0	0	0	0	0	0	0
	Risk Management	6	0	2	2	1	2	2	1	2	1	3	1	1
	Scheduling	18	13	17	13	10	9	4	3	14	5	5	14	13
	Other	3	0	4	3	3	4	2	1	1	2	2	3	4
	Timeliness	98	100	77	84	63	67	114	87	170	127	93	153	247
	Total Concerns	211	215	154	174	144	158	195	148	262	186	158	246	322
	Total Reservations Accepted	51,421	59,610	56,827	56,430	57,756	58,065	56,239	53,630	57,012	57,534	60,287	56,565	54,478
	Concerns per 1,000 Trips *	4.10	3.61	2.71	3.08	2.49	2.72	3.47	2.76	4.60	3.23	2.62	4.35	5.91
Trip Status	No-Shows	2,430	3,028	2,816	2,353	2,256	2,024	2,283	2,214	2,300	2,025	2,190	1,908	1,809
	Cancellations & Sub. Changes	6,951	7,875	7,905	8,137	8,230	8,990	11,769	15,219	8,354	10,433	13,186	10,184	9,470
	Completed Trips	42,040	48,707	46,106	45,940	47,270	47,051	42,187	36,197	46,358	45,076	44,911	44,473	43,199
	No-Show Rate	4.73%	5.08%	4.96%	4.17%	3.91%	3.49%	4.06%	4.13%	4.03%	3.52%	3.63%	3.37%	3.32%
	Cancellation Rate	13.52%	13.21%	13.91%	14.42%	14.25%	15.48%	20.93%	28.38%	14.65%	18.13%	21.87%	18.00%	17.38%
Completed Trips	81.76%	81.71%	81.13%	81.41%	81.84%	81.03%	75.01%	67.49%	81.31%	78.35%	74.50%	78.62%	79.30%	
Completed Passenger Trips by Sponsor	ADA	20,376	22,566	22,194	20,808	21,484	20,648	18,342	14,749	21,446	20,359	20,279	20,592	19,908
	TD	3,969	4,546	4,380	4,533	5,049	5,619	4,877	4,604	5,348	5,616	5,911	5,906	5,744
	Medicaid	12,849	15,118	14,984	14,914	16,021	14,989	13,613	11,601	14,461	13,903	13,761	13,129	12,157
	Coordinated Medicaid	8,078	10,269	8,260	9,191	8,493	9,578	8,517	7,879	8,774	8,476	8,441	8,077	8,331
	Other	31	10	6	8	4	10	12	0	7	2	2	0	0
Completed Trips by Space Type	Ambulatory Passengers	30,914	35,980	33,437	33,404	34,332	34,001	30,518	26,380	33,838	32,398	32,056	32,138	31,357
	Wheelchair Passengers	10,279	11,819	11,834	11,574	11,899	11,886	10,629	8,828	11,333	11,515	11,675	11,318	10,868
	Stretcher Passengers	847	908	835	962	1,039	1,164	1,040	989	1,187	1,163	1,180	1,017	974
	Escort/Attendant Passengers	3,263	3,802	3,718	3,514	3,781	3,793	3,174	2,636	3,678	3,280	3,483	3,231	2,941
Other Stats	Average Call Hold Time *	1:51	1:42	1:55	2:14	1:51	1:18	2:20	1:41	2:57	3:02	2:12	2:36	2:31
	On Time Performance *	89%	89%	88%	88%	87%	87%	82%	88%	84%	83%	89%	91%	87%
	Productivity (Passengers/Hour)	1.36	1.39	1.36	1.37	1.36	1.33	1.28	1.19	1.29	1.29	1.21	1.39	1.24

Estimated based on information available at the time of report compilation

* System Standards: Concerns per 1,000 Trips - Less than 3.0 Exceeds Standards; 3.0 to 7.0 Meets Standards
Average Call Hold Time - 2:00 or less Exceeds Standards; 2:01 to 3:00 Meets Standards
On Time Performance - More than 96% Exceeds Standards; 94% to 95.9% Meets Standards

Information Item O: LYNX Central Station and New Operating Base Report

To: LYNX Board Of Directors

From: **Robert Smith**
DIR OF TRANS OPS & PLANNING
Tiffany Homler
(Technical Contact)
Scot Field
(Technical Contact)

Phone: 407.841.2279 ext: 3036

Item Name: LYNX Central Station and New Operating Base Report

Date: 3/24/2005

Project Update

The current capital projects underway are:
LYNX Central Station
New Operations Base

Lynx Central Station

Summary:

This project is on a 4.4-acre site bordered on the west side by Garland Avenue, the north by Amelia Street and the south by Livingston Street. It consists of (24) bus bays, a terminal with waiting area, ticketing and retail space. The north end of the terminal has a six-story office tower.

The Certificate of Occupancy was received on November 12, 2004. Bus Operations at the LCS facility began on November 14, 2004.

The retail space build-out was approved by the Board at the December 2004 meeting. The design work has begun and this should allow the retail operations to begin around June 2005. This date is dependent on securing the building permit. The lease for this space will be completed upon the delivery of the phase one design document that will be part of the lease agreement.

Punch list items are 99% complete and will be completed at the end of the month. Close out of the general construction contract will take place at this time.

This project came in under budget by \$1 million.

New Operations Base

Summary:

This project includes an Operations Base and a Maintenance facility on 24.1 acres along with LYNX Lane, a roadway project. LYNX Lane has been completed.

The structural steel for the Pre-engineered Metal Building “A” has been delivered to the site.

In the course of preparing the footings for the maintenance building an underground debris pile was found outside of the building pad. It was tested and found to have class B hazardous waste materials. This material will have to be removed and monitored by a licensed Hazardous Waste contractor. Earth Tech is licensed and under contract for this project. This work will be done under an amendment to their existing contract.

Budget:

The original budget was \$39.4M. The project has been value engineered and some scope removed to get to the \$33.8M phase one budget amount.

NOB Schedule:

Issuance IFB	September 15,2003
Due Date for Bids	November 19, 2003
LYNX Board Approval-Construction	January 22, 2004
Construction Start	May 2004
Receipt of Building permit	August 2004
Construction Completion	August 2006
Facility Start-up	September 2006
Grand Opening	October 2006

Information Item P: Employee Travel Report

To: LYNX Board Of Directors

From: Linda Watson
EXECUTIVE DIRECTOR
Carol Frahn
(Technical Contact)

Phone: 407.841.2279 ext: 3017

Item Name: Employee Travel from end of February to mid-March 2005

Date: 3/24/2005

EMPLOYEE/ DEPARTMENT	DESTINATION	PURPOSE	DATE Departure and Return	COMPANY COST
Juan de Leon, Transit Operations	Clearwater, FL	Basic Air conditioning with 608 Certification	2/21 – 2/24/05	\$72.00
Kenneth Jamison, Transit Operations	DeLand, FL	FlexBus meeting at FDOT	2/22 – 2/22/05	Paid by FDOT
Joe Harrington, Transit Operations	DeLand, FL	Portable Cardiac Defibrillator Training at FDOT	2/25 – 2/25/05	Paid by FDOT
Richard Camacho, Transit Operations	DeLand, FL	Portable Cardiac Defibrillator Training at FDOT	2/25 – 2/25/05	Paid by FDOT
Scott Dodson, Transit Operations	DeLand, FL	Portable Cardiac Defibrillator Training at FDOT	2/25 – 2/25/05	Paid by FDOT
Pacho Echwarria, Transit Operations	DeLand, FL	Portable Cardiac Defibrillator Training at FDOT	2/25 – 2/25/05	Paid by FDOT
Steven Maldonado, Transit Operations	DeLand, FL	Portable Cardiac Defibrillator Training at FDOT	2/25 – 2/25/05	Paid by FDOT
Jose Rodriquez, Transit Operations	DeLand, FL	Portable Cardiac Defibrillator Training at FDOT	2/25 – 2/25/05	Paid by FDOT
	DeLand, FL	Portable Cardiac Defibrillator Training at FDOT	2/25 – 2/25/05	Paid by FDOT
Wayne Sullivan, Transit Operations	DeLand, FL	Portable Cardiac Defibrillator Training at	2/25 – 2/25/05	Paid by FDOT

LYNX Board Agenda

		FDOT		
Doug Westall, Transit Operations	DeLand, FL	Portable Cardiac Defibrillator Training at FDOT	2/25 – 2/25/05	Paid by FDOT
Brian Smith, Transit Operations	DeLand, FL	Portable Cardiac Defibrillator Training at FDOT	2/25 – 2/25/05	Paid by FDOT
Chris Sparks, Transit Operations	DeLand, FL	Portable Cardiac Defibrillator Training at FDOT	2/25 – 2/25/05	Paid by FDOT
William Hearndon, ACCESS LYNX	Miami, FL	TD Business Meeting To determine FY'06 Medicaid Allocation Methodology	2/27 – 2/28/05	\$189.00
Linda Watson, Executive	Washington, DC	APTA Legislative Conference	3/4- 3/8/05	\$1,609.90
J. Marsh McLawnhorn, Executive	Washington, DC	APTA Legislative Conference	3/4 – 3/8/05	\$1,386.70
Wilbur Cole, Transit Operations	Tampa, FL	Intermediate Electrical Training	3/7 – 3/11/05	\$93.00
Sarjou Deochandra, Transit Operations	Tampa, FL	Intermediate Electrical Training	3/7 – 3/11/05	\$93.00
Daniel Uglialoro, Transit Operations	Tampa, FL	Intermediate Electrical Training	3/7 – 3/11/05	\$93.00
Terry Wickham, Transit Operations	Tampa, FL	Intermediate Electrical Training	3/7 – 3/11/05	\$93.00
Kenneth Jamison, Planning	DeLand, FL	FlexBus meeting at FDOT	3/8 – 3/8/05	None
Linda Watson, Executive	Tallahassee, FL	GRAYROBINSON Chamber Fly-In	3/16 - 3/17/05	\$1,250.00
Joe Cheney, Maintenance	Tampa, FL USF - CUTR	Fuel Option for FL Transit Forum	3/8 – 3/8/05	Paid by CUTR
Robin Lewis, Finance	St. Petersburg, FL	Ceridian Training Class – “Auditing your Payroll”	3/18 – 3/18/05	\$108.00
Kenneth Jamison, Planning	DeLand, FL	FlexBus meeting at FDOT	3/22 – 3/22/05	None
Randy Cantor, ACCESS LYNX	Tallahassee, FL	TD Legislative Day – driving advocates	3/31 – 3/31/05	\$121.00
William Hearndon, ACCESS LYNX	Tallahassee, FL	TD Oversight Committee Mtg., TD Business Mtg. & Legislative Day	3/29 – 4/1/05	\$439.00
Lisa Darnall, Transit Operations	Tampa, FL	Florida Operations Network Committee Meeting	3/9 - 3/9/05	N/A
Doug Jamison, Planning	Tavares, FL	Spencer Fabrications – shelter mfg. & pricing meeting	3/15 – 3/15/05	N/A
TOTAL				\$5,547.60

Information Item Q: Rail Update

To: LYNX Board Of Directors

From: **Robert Smith**
DIR OF TRANS OPS & PLANNING
Tiffany Homler
(Technical Contact)
Sherry Zielonka
(Technical Contact)
Jennifer Clements
(Technical Contact)

Phone: 407.841.2279 ext: 3036

Item Name: Rail Updates

Date: 3/24/2005

The progress reports submitted by the Florida Department of Transportation for the months of December 2004 and January 2005 are attached for review.



**Production Meeting Summary
December 2004**

Project ID Number: 408409
Description: ITS Enhanced Circulator (FlexBRT)
Project Manager: Adamson
Project Consultant: TranSystems (formerly Multisystems, Inc.)

Current Activities:

Presented to METROPLAN ORLANDO's Management & Operations Subcommittee on December 3, 2004
Consultant submitted audit package and revised manhour estimation and fee.
Received FTA comment on Scope of Work

Upcoming Activities:

Acceptance of Final Design Scope and Fee Estimate
Fee Negotiations

Schedule Status:

None

Project Issues:

None



**Production Meeting Summary
December 2004**

Project ID Number: 412994
Description: North/South Commuter Corridor Environmental Assessment
Project Manager: Olore
Project Consultant: Earth Tech

Current Activities:

- Held Project Team Kickoff Meeting on December 14, 2004.
- Prepared Advance Notification.
- Conducting initial data collection activities.
- Preparing aerials for base map.
- Setting up meetings with jurisdictions to discuss station locations.
- Preparing market analysis for FTA for TSM Alternative
- Met with METROPLAN ORLANDO on December 14, 2004 to discuss ridership.

Upcoming Activities:

- Data collection activities continuing.
- Determine station locations.
- Begin field work.

Schedule Status:

- EA to be finalized in Fall 2005.

Project Issues:

None



**Production Meeting Summary
December 2004**

Project ID Number: 411665
Description: **Rail Freight Relocation Study**

Project Manager: Adamson
Project Consultant: HDR Engineering, Inc.

Current Activities:
No activity

Upcoming Activities:

Preparation of CSXT Coordination Technical Memorandum
Receipt and Incorporation of comments from CSXT into Final Report
Submittal of Final Report
Project closeout

Financial Status:
None

Schedule Status:
Scheduled completion in Fall 2004.

Project Issues:
None



**Production Meeting Summary
December 2004**

Project ID Number: 415235-1-12-01
Description: **I-Drive Local Circulator Alternatives/Technology Assessment**
Project Manager: Olore
Project Consultant: Wilbur Smith Associates

Current Activities:

- Ridership Methodology submitted to TRT for review and comment. Comments forwarded to Consultant.
- Patronage forecasts are being developed.
- TSM Alternative being finalized.
- Station Location Report sent to TRT for review and comment.
- Environmental Screening Report sent to TRT for review and comment.
- Capital Cost Methodology Report is final.
- Technical Assessment Memorandum is final.

Upcoming Activities:

- Finalize Ridership.
- Finalize Alternatives Analysis.

Financial Status:

- Money for the project has been encumbered.

Schedule Status:

- Completion of study is anticipated in April 2005.

Project Issues:

None



**Production Meeting Summary
December 2004**

Project ID Number: 248441
Description: North/South LRT SDEIS
Project Manager: Olore
Project Consultant: STV Incorporated

Current Activities:

Final SDEIS sent to FTA for review and signature of cover page..

Upcoming Activities:

Issuance of draft SDEIS to public
Public Hearing

Financial Status:

None

Schedule Status:

Project to be completed in Spring of 2005.

Project Issues:

None



**Production Meeting Summary
December 2004**

Project ID Number: 415259-1-12-01
Description: Regional Transit System Modeling Study
Project Manager: Olore
Project Consultant: AECOM

Current Activities:

- Met with METROPLAN ORLANDO on December 14, 2004 to discuss CRT ridership.
- Ridership Report reviewed by TRT. Comments forwarded to consultant.

Upcoming Activities:

- Finalize Ridership Report for OIA Connector.

Financial Status:

- Money for the project has been encumbered.

Schedule Status:

- Completion of study is anticipated in November 2005.

Project Issues:

None



**Production Meeting Summary
December 2004**

Project ID Number: 415349-1-22-01
Description: OIA Intermodal Center
Project Manager: Percival
Project Consultant: HNTB

Current Activities:

- Finalized Wetlands Technical Memorandum.
- Finalized Wildlife and Habitat Technical Memorandum.
- Finalized Contamination Technical Report
- Submitted Programming Technical Report for TRT review and comment.
- Advertised for Preliminary Design for North Terminal Multimodal Facility.

Upcoming Activities:

- Finalize Project Documentation.
- Consultant Selection of Preliminary Design for North Terminal Multimodal Facility.

Financial Status:

- Monies for project encumbered.

Schedule Status:

- Completion of study is anticipated in Spring 2005.

Project Issues:

None



**Production Meeting Summary
December 2004**

Project ID Number: 415236-1-12-01
Description: OIA Connector Alternatives Analysis
Project Manager: Olore
Project Consultant: EarthTech

Current Activities:

- Submitted TRT comments for O&M Results report to consultant for response.
- Submitted TRT comments for Financially Feasible Report to consultant for response. Report is final.
- Developing Alternatives Analysis Report
- Submitted Comments and Coordination Report to TRT for review and comment.

Upcoming Activities:

- Draft Alternatives Analysis Report
- Choose Locally Preferred Alternative

Financial Status:

- Money for the project has been encumbered.

Schedule Status:

- Completion of study is anticipated in March 2005.

Project Issues:

None



**Production Meeting Summary
January 2005**

Project ID Number: 408409
Description: ITS Enhanced Circulator (FlexBRT)
Project Manager: Adamson
Project Consultant: TranSystems (formerly Multisystems, Inc.)

Current Activities:
Presented to LYNX Audit Committee on January 27, 2005
Met with Altamonte Springs to discuss scope issues.
Revising Scope of Work.

Upcoming Activities:
Acceptance of Final Design Scope and Fee Estimate
Fee Negotiations

Schedule Status:
None

Project Issues:
None



**Production Meeting Summary
January 2005**

Project ID Number: 412994
Description: North/South Commuter Corridor Environmental Assessment

Project Manager: Olore
Project Consultant: Earth Tech

Current Activities:

- Finalized Advance Notification.
- Conducting initial data collection activities.
- Preparing aerials for base map.
- Began meeting with jurisdictions along the corridor to discuss station locations. Meetings held in January include:
 - City of Sanford
 - City of Orlando
 - City of DeBary
 - City of Orange City
 - City of Lake Mary
 - City of Winter Park
 - City of DeLand
 - City of Maitland
 - City of Kissimmee
 - City of Belle Isle
 - City of Longwood
 - City of Edgewood
 - City of Casselberry
 - City of Eatonville
- Finalized market analysis for FTA for TSM Alternative
- Met with FTA HQ on January 31, 2005 to discuss TSM Alternative.

Upcoming Activities:

- Data collection activities continuing.
- Determine station locations.
- Begin field work.

Schedule Status:

- EA to be finalized in Fall 2005.

Project Issues:

None



**Production Meeting Summary
January 2005**

Project ID Number: 411665
Description: Rail Freight Relocation Study

Project Manager: Adamson
Project Consultant: HDR Engineering, Inc.

Current Activities:
No activity

Upcoming Activities:

Preparation of CSXT Coordination Technical Memorandum
Submittal of Final Report
Project closeout

Financial Status:
None

Schedule Status:
Scheduled completion in Fall 2004.

Project Issues:
None



**Production Meeting Summary
January 2005**

Project ID Number: 415235-1-12-01
Description: I-Drive Local Circulator Alternatives/Technology Assessment

Project Manager: Olore
Project Consultant: Wilbur Smith Associates

Current Activities:

- Patronage forecasts are being developed.
- Travel Demand Report submitted for TRT review and comments.

Upcoming Activities:

- Finalize Ridership.
- Finalize Alternatives Analysis.

Schedule Status:

- Completion of study is anticipated in April 2005.

Project Issues:

None



**Production Meeting Summary
January 2005**

Project ID Number: 248441
Description: North/South LRT SDEIS
Project Manager: Olore
Project Consultant: STV Incorporated

Current Activities:
FTA reviewing document.

Upcoming Activities:
Issuance of draft SDEIS to public
Public Hearing

Financial Status:
None

Schedule Status:
Project to be completed in Spring of 2005.

Project Issues:
None



**Production Meeting Summary
January 2005**

Project ID Number: 415259-1-12-01
Description: **Regional Transit System Modeling Study**
Project Manager: Olore
Project Consultant: AECOM

Current Activities:

- Ridership Report for OIA Connector finalized.

Upcoming Activities:

- Analyze ridership for CRT with potential new stations.

Financial Status:

- Money for the project has been encumbered.

Schedule Status:

- Completion of study is anticipated in November 2005.

Project Issues:

None



**Production Meeting Summary
January 2005**

Project ID Number: 415349-1-22-01
Description: OIA Intermodal Center
Project Manager: Percival
Project Consultant: HNTB

Current Activities:

- Shortlisted three consultants for Preliminary Design:
 - KBJ Architects
 - RS&H
 - Turner Architects
- Finalizing PD&E Documentation.

Upcoming Activities:

- Consultant Selection of Preliminary Design for North Terminal Multimodal Facility.
- Public Hearing for PDE

Financial Status:

- Monies for project encumbered.

Schedule Status:

- Completion of PD&E study is anticipated in Spring 2005.

Project Issues:

None



**Production Meeting Summary
January 2005**

Project ID Number: 415236-1-12-01
Description: OIA Connector Alternatives Analysis
Project Manager: Olore
Project Consultant: EarthTech

Current Activities:

- Developing Alternatives Analysis Report

Upcoming Activities:

- Draft Alternatives Analysis Report
- Choose Locally Preferred Alternative

Financial Status:

- Money for the project has been encumbered.

Schedule Status:

- Completion of study is anticipated in March 2005.

Project Issues:

None

Information Item R: Federal Lobbyist's Activity Report

To: LYNX Board Of Directors

From: Linda Watson
EXECUTIVE DIRECTOR
Carol Frahn
(Technical Contact)

Phone: 407.841.2279 ext: 3017

Item Name: Federal Lobbyist's Activity Report

Date: 3/24/2005

TO: Linda Watson

FROM: Rick Spees
Jane Sargent

DATE: March 11, 2005

SUBJECT: Federal Lobbyist's Activity Report

Over the past month, the House marked up and passed its version of the Surface Transportation bill. The Senate is scheduled to mark up its version next week. Also, LYNX submitted its appropriations requests to both Florida Senators and members of the Orlando area Congressional delegation. These requests are for earmarks to be included in the Federal Fiscal Year 2006 budget.

I. The Surface Transportation Bill - As you know, the Congress has been working to reauthorize the nation's highway and transit programs for over two years. The primary hold up in the past has been between the President, who did not want the bill to spend more than \$256 billion, and the transportation supporters in Congress, who wanted to spend far more - - up to \$375 billion over the six year life of the bill. After months and months of a stalemate, both sides appear to have compromised at \$284 billion. With that decision made, the House began to work on the bill.

The House bill is called the Transportation Equity Act - Legacy for Users or TEA-LU. TEA-LU funds all the nation's highway and transit programs. Most of the money is distributed to the States through formula grants. However, the House bill also allocated money directly for several thousand projects. Within the list of special projects, LYNX received \$4.9 million for new and replacement buses.

The bill must still be marked up by the Senate and go through conference, and the monies earmarked for LYNX may change. However, if the earmarks survive intact in the final bill, LYNX would receive the \$4.9 million over three years. The money would come directly from the trust fund and would not require any appropriations actions.

For your information, the House bill also included an authorization for the Light Rail System and the Commuter Rail System. However, no money was included in these two earmarks. Money for the projects may be added later.

The House passed the bill on Thursday, March 10 by a vote of 417-9. The Senate is scheduled to mark up its version in the Environment and Public Works Committee next week.

Before the House markup, we had extensive conversations with the offices of Congressmen Keller and Mica and Congresswoman Brown. Congressman Keller in particular, was personally involved. He called Rick Spees to discuss the cost of buses. Linda Watson also had a conversation with his staff. After the bill was reported, we had additional conversations with Congressman Keller and with the staff of Congresswoman Brown and Congressman Mica. We thanked them on behalf of LYNX.

II. Appropriations - Even as TEA-LU was processed, the House and Senate Appropriations Committees began working on the Fiscal Year 2006 transportation budget. LYNX made appropriations requests to both Florida Senators and all the members of the Central Florida Congressional delegation. The highest priority request is for more replacement buses. Even with the \$4.9 million in TEA-LU, LYNX needs far more money for bus purchases. The second priority is for satellite maintenance facilities, bus shelters and other passenger amenities. Both requests were submitted in a timely manner.

The appropriations bills will probably be marked up in late May in the House.

Information Item S: State Lobbyist's Activity Report

To: LYNX Board Of Directors

From: Linda Watson
EXECUTIVE DIRECTOR
Carol Frahn
(Technical Contact)

Phone: 407.841.2279 ext: 3017

Item Name: State Lobbyist's Activity Report

Date: 3/24/2005

**LYNX STATE LEGISLATIVE REPORT
February 2005**

The month of February included two weeks of substantive committee meetings and one week of appropriations committee meetings. The members of the Florida Legislature prepared for the beginning of the Regular Legislative Session next month by drafting and filing legislation, reviewing executive agencies' budget requests and hearing already filed bills in committee.

February 8th was the deadline for submission of draft legislation in both houses. Legislation related to the reorganization of the Commission on the Transportation Disadvantaged (CTD) was filed by Senator J.D. Alexander (R-Lake Wales), Senator Lee Constantine (R-Altamonte Springs), Representative Sheri McInvale (R-Orlando) and Representative Julio Robaina (R-South Miami). Senator Rudy Garcia (R-Hialeah) is expected to file a bill as well. While none of the bills are currently identical, we can undoubtedly expect a compromise to develop between the various members. Elements of the bills that LYNX favors include a smaller board with better geographic representation and no formal representation by private operators on the CTD.

Lena Juarez spent a great deal of time researching which member filed bills, when and why. She spoke with all of the sponsors during the weeks they were in Tallahassee. Senator Alexander's bill, SB 1168, was filed on February 18th and Senator Constantine's bill, SB 1840, was filed on February 24th. The bills filed by Representative McInvale and Representative Robaina have not been officially released yet, but are expected soon. Rep. McInvale and Lena met with Representative Andy Gardiner, the House Majority Leader, on February 10th to discuss her CTD legislation. Additionally, Lena met with Representative Cannon on February 16th to update him on all proposed legislation. Copies of all filed legislation are available if requested.

The Senate and House Transportation Committees met on both February 8th and February 22nd. Neither meeting dealt with aspects of public transportation. Members of the Transportation & Economic Development Appropriations subcommittees in both houses heard agency budget presentations and took site visits during their three weeks of committee meetings. FDOT requested \$139,600,018 in public transit development grants and the Governor recommended \$165,837,680.

Based upon the actions of the Legislature thus far and a prediction of more robust coffers, it does not appear that either the Senate or House has any intention of raiding the Transportation Trust Fund. We shall continue to monitor this issue and that of the funding for Medicaid and the transportation disadvantaged for any potential developments.

Floridians for Better Transportation (FBT) has begun to promote its Investment\$ in Motion plan for improving Florida's transportation system. This plan provides an additional \$13.8 billion over the next ten years, not through an increased gas tax, but through a rental car surcharge, increases in vehicle registration fees and title fees. It also includes \$10.8 billion more for the State Transportation Trust Fund and \$2.9 billion more for local governments to use for transportation needs. FBT President Doug Callaway made presentations of this plan before the Senate Community Affairs Committee and the Senate Transportation Committee earlier this year. A more detailed analysis of the proposal can be provided if desired.

The 2005 Legislative Session officially begins on March 8th. We will be providing weekly updates during the entire session. Please do not hesitate to contact us with any questions on issues of importance to LYNX.