

Transportation Concurrency and Level of Service

Transportation concurrency is a process to ensure that new development does not occur unless adequate transportation facilities are in place to support growth. Local governments must define what constitutes an adequate level of service (LOS) for the transportation system, and measure whether the service needs of new development exceed both existing capacity and scheduled capital improvements for some time period. As part of the 2011 Community Planning Act, transportation concurrency was made optional for local governments. If a local government elects to retain transportation concurrency, it must provide the opportunity for development to mitigate its impacts through proportionate fair share.

Characteristics of Level of Service classifications (measured at PM peak hour only):

- LOS A: Free flow. Traffic flows at or above the posted speed limit and motorists have complete mobility between lanes. LOS A generally occurs late at night in urban areas and frequently in rural areas.
- LOS B: Reasonably free flow. LOS A speeds are maintained, maneuverability within the traffic stream is slightly restricted. Motorists still have a high level of physical and psychological comfort.
- LOS C: Stable flow, at or near free flow. Ability to maneuver through lanes is noticeably restricted and lane changes require more driver awareness. Posted speed is maintained. This is the target LOS for some urban and most rural highways.
- LOS D: Approaching unstable flow. Speeds slightly decrease as traffic volumes slightly increase. Freedom to maneuver within the traffic stream is much more limited. It is a common goal for urban streets during peak hours, as attaining LOS C would require prohibitive costs and societal impacts in bypass roads and lane additions.
- LOS E: Unstable flow, operating at capacity. Flow becomes irregular and speed varies rapidly because there are virtually no usable gaps to maneuver in the traffic stream and speeds rarely reach the posted limit. This is a common standard in larger urban areas, where some roadway congestion is inevitable.

State Statute provides that *The local government comprehensive plan must demonstrate, for required or optional concurrency requirements, that the levels of service adopted can be reasonably met. Infrastructure needed to ensure that adopted level-of-service standards are achieved and maintained for the 5-year period of the capital improvement schedule must be identified pursuant to the requirements of s. 163.3177(3). (§163.3180(1)(b))*

This means that the City cannot adopt, for example, a LOS C for the purposes of enforcing concurrency on new development if that standard is not realistic based on existing conditions, and if the City's Comprehensive Plan identifies projects needed to meet this requirement that are not funded. In addition, the City cannot hold the developer responsible to address *existing* transportation deficiencies. For example, if the community desires wider roads, the City must place such road projects in its CIP plan and allocate the necessary funding to construct them. Then, when a developer's proposed project adds trips to a road operating at the adopted LOS, the developer pays for the new trips they add to the system. If the roadway is already considered deficient, it is not the developer's responsibility to cure the deficiency—That requirement falls on the City of Sarasota.

If the City chooses to adopt and enforce a LOS C for City-maintained roads, it would essentially be required by State law to fund the projects needed to ensure these roads are operating at that LOS. Based upon the recommended roadway improvements to maintain current levels of service, roughly \$85,000,000 worth of road widening projects needs to be added to the City's five (5) year CIP. Examples would include widening US 41 to six lanes, widening Fruitville Road, Siesta Drive, Bahia Vista Street and Orange Avenue (*Sarasota City Plan, Transportation Chapter, Appendix 4, Table 3*). Allocating funding to construct such roadway projects would require funds being redirected from other approved capital projects. Therefore, upon determining what the LOS should be at the most congested times of the day, City residents and Commissioners need to consider if there is a benefit to program and fund approximately \$85,000,000 to widen roadways. These improvements are the City's responsibility today and not one that can be passed onto developers, as they would only be responsible to pay for the additional trips their project adds to the system (proportionate fair share).

The Concurrency Statute goes on to state, *An applicant shall not be held responsible for the additional cost of reducing or eliminating deficiencies. When an applicant contributes or constructs its proportionate share pursuant to this paragraph, a local government may not require payment or construction of transportation facilities whose costs would be greater than a development's proportionate share of the improvements necessary to mitigate the development's impacts. ((§163.3180(5)(2))*

In using the proportionate-share formula provided in this subparagraph, the applicant, in its traffic analysis, shall identify those roads or facilities that have a transportation deficiency in accordance with the transportation deficiency as defined in subparagraph 4. The proportionate-share formula provided in this subparagraph shall be applied only to those facilities that are determined to be significantly impacted by the project traffic under review. If any road is determined to be transportation deficient without the project traffic under review, the costs of correcting that deficiency shall be removed from the project's proportionate-share calculation and the necessary transportation improvements to correct that deficiency shall be considered to be in place for purposes of the proportionate-share calculation. The improvement necessary to correct the transportation deficiency is the funding responsibility of the entity that has maintenance responsibility for the facility. The development's proportionate share shall be calculated only for the needed transportation improvements that are greater than the identified deficiency [emphasis added]. ((§163.3180(5)(2)(b))

What the above State Statute provisions essentially mean for the City of Sarasota is that it must allow a developer to satisfy transportation concurrency if the developer pays for their proportionate share of required improvements, irrespective if the road is considered to be deficient. When evaluating traffic impacts from a development, it is important to consider that necessary improvements to restore the LOS standard shall be assumed to be in place, per State Statute, and the developer would only be responsible for their proportionate share of costs for the additional improvements needed due to their specific project impacts.

The 2014 Vue project approval at the US 41 & Gulfstream intersection highlights these State Statute provisions. Based on the technical traffic study, the Vue project added 186 trips to a deficient road and was not required to make any roadway improvements. To further illustrate, if the City has an adopted LOS D for US 41 & Gulfstream and the intersection is already failing, then:

- 1) It is the responsibility of the City to improve this intersection so that it functions at the adopted LOS D.
- 2) If these improvements have not been made, a project traffic study would assume the improvements are in place (consistent with State Statute) and then determine if, when operating properly, the new development would result in a deficiency of operation for the roadway/intersection. For the Vue project, it was determined that if the intersection operated at a LOS D, the increased number of trips associated with the project would not cause the intersection to fall below this LOS; thus no mitigation improvements were required.
- 3) If the Vue project would have caused the intersection to no longer operate at the adopted LOS, per the results of the traffic study, then the needed improvements and associated costs to address the deficiency

would be determined. The developer would still be required to pay only their share of these improvements, but not necessarily construct the improvement. Once they have done so, then the City must consider that the developer has satisfied their transportation concurrency requirements.

Below are the LOS standards in place today for the City of Sarasota:

- LOS C on all County-maintained roads in the City
- LOS D on all City-maintained roads
- LOS D on all State-maintained roads in the City which are classified as major arterial or interstate connectors
- LOS E on all State maintained roads in the City which are not major arterials or interstate connectors

What is proposed to be changed:

- Adopted LOS from C to D on all roadways outside Downtown
- LOS E for all roadways within the Downtown

As noted earlier, the City is responsible to fund and build the necessary improvements so roadways operate at the adopted LOS for the most congested times of the day. Based on this, a more sustainable LOS classification for the City of Sarasota is LOS D. LOS D is an appropriate balance to keep traffic moving, yet not placing too many cost prohibitive and financially unsustainable resources for capacity enhancements that would result in a suburban-type road. Moreover, there are very few locations where the community has requested a road widening project to improve LOS. Rather, there is an effort to match resources to the types of projects in which the community has been supporting. Such project examples include sidewalks, bicycle lanes, multi-use recreational trails (MURT's), pedestrian sleeves, transit, and general streetscaping improvements. It cannot be overemphasized enough, *the developer is not responsible for improving existing streets/intersections so they may operate at the adopted LOS, it is the City of Sarasota's responsibility.* The central question for the community: *Should \$85,000,000 in public funds be used to strictly widen roads to operate at the adopted LOS rather than directed to approved capital improvements for parks, MURT's, streetscaping, sidewalks, bike lanes, transit, etc., in addition to road improvements?*