



Jacksonville  
Transportation  
Authority



# JTA Skyway Modernization Program

## Technical Memorandum V: Funding Options

Final Report, April 2017

## Table of Contents

Executive Summary .....	1
Purpose .....	2
Background .....	2
Transit Concepts and Alternatives Review (TCAR).....	3
Major Transportation Funding Sources .....	4
Federal Highway Administration (FHWA) Funds .....	4
Federal Discretionary (TIGER) Grants .....	4
Federal Transit Administration (FTA) Funds .....	4
Formula Funds (5307).....	5
Discretionary Funds (5309).....	5
State Transportation Funds .....	5
Local Transportation Funds .....	6
Local Option Motor Fuels Tax.....	6
Charter County and Regional Transportation System Surtax .....	7
Local Government Infrastructure Surtax .....	7
Local County or City General Funds.....	8
Regional Transportation Authority.....	8
Transportation User Fees.....	8
Public Transit User Fees.....	8
Special Property Assessment Fees/Tax Increment .....	9
Rental Car Surcharge .....	10
Motor Vehicle Registration Fee .....	10
Concurrency Management (Mobility Fee).....	10
Federal and State Loan Programs .....	10
FDOT SIB Loan.....	10
USDOT TIFIA Program.....	11

## List of Figures and Tables

Table 1: Duval County Tax Levies.....	7
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## Executive Summary

Funding options for a project as large as the Skyway Modernization Program will often consist of federal, state and local sources. Specific sources can include federal formula and discretionary funds (Federal New Starts, Small Starts and Core Capacity Programs) at the Federal Transit Administration and the Federal Highway Administration, matching state funding for federal contributions from Florida DOT funding programs, and local funding from locally sourced programs with transportation specific spending allowances as well as local funding programs that may or would require new legislation or voter/City/County approval (Special Assessment Districts, new transportation taxes or fees or Tax Increment Districts). The specific funding sources typically also require specific types of activities or project scopes as part of an eligibility test to secure the funding.

In the interest of providing the JTA the widest array of funding options from both state and federal sources, it is recommended the Transit Concepts and Alternatives Review (TCAR) approach be followed. The purpose of the Transit Concept and Alternatives Review (TCAR) approach is to outline the Florida Department of Transportation (FDOT) Transit Office (TO) process for early planning and early evaluation of transit projects in Florida. The TCAR process is a uniform approach for advancing transit projects by linking early planning work to the FDOT Project Development and Environment (PD&E) and FTA Project Development (PD) processes. The primary purpose of the TCAR is to facilitate the most appropriate levels of effort and expense to bring the project to major decision points as defined in the Federal Funding process the first of which is to fully qualify the project for entry into the project development phase. As part of the TCAR process JTA will need to develop an initial funding plan which will be refined and detailed as the project is moved through the Project Development phase.

This initial funding plan will need to identify local matching funds and propose specific State and Federal matching funding approaches for review by FTA and FDOT as part of the process to enter into the Project Development Phase.

## Purpose

This paper identifies key funding options for the JTA Skyway Modernization Project. Funding for transportation projects can seem a complex and confusing subject: This paper is designed to simplify this process and outline the most logical funding options for the JTA to move these projects forward. Most of these funding options exist today, but will require priority setting or action by a governing body such as the Northeast Florida Transportation Planning Organization (TPO), Duval County, City of Jacksonville or the Florida legislature.

## Background

Ownership and Designation- The funding for transportation improvements is determined by the ownership (state, county, city) of the transportation asset (road/bridge, transit system, seaport, airport, etc.) and the designation or "type" of the asset. Note that some designations may overlap: A roadway can be part of the Federal-aid system and also be part of the Florida Strategic Intermodal System (SIS) or Non-SIS State Highway System or a local road. For our purposes, we will be focusing solely on transit and rail type assets:

- » New major transit system such as Bus Rapid Transit Corridor – eligible for State 50% of non-Federal share transit "New Starts" program.
- » Local transit systems that are primarily locally funded but are also eligible for the state transit block grant program and depending on the structure and these systems may also serve transportation disadvantaged with funding from the transportation disadvantaged program and health services programs like Medicaid.

## Transit Concepts and Alternatives Review (TCAR)

- » TCAR Process – The TCAR process incorporates and complies with all federal and state regulations to provide consistent guidance for Florida transit projects preparing to enter the FTA or state process.
  - The TCAR process is a uniform approach for advancing transit projects by linking early planning work to the FDOT Project Development and Environment (PD&E) and FTA Project Development (PD) processes. The result of the TCAR is a study that details the project information and requirements necessary to prepare an application for entry into the FTA PD process or development through the state project development process.
  - The TCAR process is a streamlined planning and environmental screening process that compares transit project alternatives, potential costs, funding options, community benefits, economic development, and mobility for users of a proposed project. It also considers high level environmental effects of the alternatives. Advancing transit projects that maximize existing funding sources and have the greatest potential return on investment is paramount to the preservation and growth of an effective transportation system.
  - **The TCAR Study:**
    - A TCAR Study is designed to gather information and evaluate transit project alternatives, including modes, alignments, and end points. The TCAR Study streamlines the National Environmental Policy Act (NEPA) process by eliminating impractical or infeasible alternatives and conducting early environmental screening so that Project Sponsors can complete the FTA PD phase within the required timeframe by the current federal transportation funding legislation. Current legislation requires that PD for all New Starts and Core Capacity projects are completed within two years. While there is no time limitation to complete PD for Small Starts projects, the TCAR process should enable Small Starts projects to be completed efficiently as well.

## Major Transportation Funding Sources

Major Funding Sources, Programs and Eligibility –Most transportation funding sources are very specific as to the purposes for which the funds can be used. A few others are more flexible, so long as the funds are used for a specified overall purpose such as transportation improvements or operations. The key transportation funding options are outlined below.

### Federal Highway Administration (FHWA) Funds

These funds are allocated to the State Department of Transportation (FDOT) in “programs” set in Federal law. Each program has requirements that outline the type of transportation improvements for which the funds can be used during the term of that program. FDOT coordinates with the TPO on prioritizing the use of these funds and the TPO must include the transportation improvement project in their Transportation Improvement Plan (TIP) for the use of Federal Highway funds within their jurisdictional boundaries. In areas where there is not a TPO FDOT will coordinate with the county on priorities within that county. More details on the Federal Highway funds can be found at the FHWA internet site at: [www.fhwa.dot.gov/fastact/](http://www.fhwa.dot.gov/fastact/) (Note that the Fixing America's Surface Transportation Act or "FAST Act" became law in December 2015. Detailed information is a bit limited at this point and the internet site will add more information over time. Much of the program information is the same as the prior Transportation Act – “MAP-21” located at [www.fhwa.dot.gov/map21/](http://www.fhwa.dot.gov/map21/)).

### Federal Discretionary (TIGER) Grants

The Transportation Investment Generating Economic Recovery (TIGER) Discretionary Grant program, is a DOT-wide program investing in critical road, rail, transit and port projects across the nation, managed by DOT’s Office of the Secretary. The highly competitive TIGER grant program supports innovative projects, including multi-modal and multi-jurisdictional projects, which are difficult to fund through traditional federal programs. The TIGER program is designed to award funding on the basis of merit and need. More detail on the USDOT TIGER Grant program can be found at <https://www.transportation.gov/tiger>.

### Federal Transit Administration (FTA) Funds

These funds are in two major groupings: “formula funds” and “discretionary funds” as shown below. More information is available at the FTA internet site: [www.fta.dot.gov/grants.html](http://www.fta.dot.gov/grants.html)

### Formula Funds (5307)

Formula Funds are allocated to applicable TPO areas and then to transit agencies such as the Jacksonville Transportation Authority and other transit agencies in the regional area of the TPO based on items like number of transit riders served, population, transit system miles, etc. In addition, there are formula funds for “rural areas” with population less than 50,000 that are also allocated to rural areas for transit systems. These formula funds are allocated annually to the transit agencies to fund federally eligible transit improvements and rehabilitation and to a limited extent operating assistance for rural areas.

### Discretionary Funds (5309)

Discretionary Funds are competitive grants managed by the FTA where eligible transit agencies must apply for the grant funds to the FTA for projects like new bus or replacement bus purchases; new transit corridor improvements like Bus Rapid Transit and fixed rail public transit systems. These funds typically require some level of match from state and local funds.

## State Transportation Funds

State Transportation Funds are directed to FDOT by state laws such as the state motor fuel tax (commonly called “gas tax”) and state motor vehicle fees, and other fees and taxes as outlined in law. (more detailed information is located on the FDOT web at [www.dot.state.fl.us/officeofcomptroller/pdf/GAO/RevManagement/Tax%20Primer.pdf](http://www.dot.state.fl.us/officeofcomptroller/pdf/GAO/RevManagement/Tax%20Primer.pdf)).

There are transportation “programs” in state law that direct certain defined portions of state transportation funds to specific uses such as the examples outlined in the bullets below. There are very detailed instructions provided by FDOT on the use of state funds in what is termed the “FDOT Work Program Instructions,” available on the FDOT web site:

[www.dot.state.fl.us/OWPB/Development/WP\\_instructions.shtm](http://www.dot.state.fl.us/OWPB/Development/WP_instructions.shtm);

There is also a less technical document, termed the “FDOT Program and Resource Plan” available at [www.dot.state.fl.us/OWPB/pr/ProgramAndResourcePlanDocument.pdf](http://www.dot.state.fl.us/OWPB/pr/ProgramAndResourcePlanDocument.pdf).

- » A minimum of 15% of state transportation revenues must be spent on “public transportation” systems such as public transit systems, public and private rail facilities, public aviation facilities, commercial seaports and intermodal transportation facilities. The funds are primarily for capital improvements for the various programs outlined with limited funds such as the public transit block grant program with more flexible uses for public transit systems;
- » A minimum allocation amount to the SIS –FDOT, by policy, currently allocates 75% of available Federal Highway Administration and State funds for transportation improvements to the SIS and 25% to the Non-SIS. The rationale is that the SIS facilities such as the interstate system, major expressways, major US routes, commercial airports, commercial seaports, intercity rail, and major intermodal centers move the majority of people and goods in the State and thus should receive the majority of the available

funding. This policy was developed over a period of years and has been in place for some time with the support of the Governors, Legislature, MPOs, the business community, and other interested parties. While this policy seems logical and has solid support, it leaves limited FDOT funds, typically used for resurfacing, maintenance and ongoing operations, for Non-SIS facilities.

- » A minimum allocation of funds to the transit New Starts program that is patterned after the FTA New Starts Program for new public transit projects like fixed rail and bus rapid transit.
- » Certain funds must be allocated by “Statutory Formula” composed of 50% population and 50% motor fuel tax collected within each FDOT District. In fiscal year 2015-16 the share for FDOT District 2 is approximately 12% out of the total statewide amount.
- » Funds are allocated for competitive grant and loan programs such as the examples below:
  - Transportation Regional Incentive Grant Program (TRIP) – provides up to 50% of project funding for eligible projects.
  - County Incentive Grant Program (CIGP) – provides up to 50% of project funding for eligible projects.
  - State Infrastructure Bank (SIB) – provides loans and loan guarantees with flexible terms at attractive rates for eligible projects.

## Local Transportation Funds

Local Transportation Funds are generated by the applicable local government (County, City, special districts) under tax and fee sources as briefly outlined below. The table below also outlines taxing authority that has not been enacted and the amount that could be generated for each source.

### Local Option Motor Fuels Tax

- » County governments are authorized to levy up to 12 cents of local option motor fuel taxes in the form of three separate levies.
  - The first is a tax of 1 cent on every net gallon of motor and diesel fuel sold within a county. (“Ninth-Cent Fuel Tax”)
  - The second is a tax of 1 to 6 cents on every net gallon of motor and diesel fuel sold within a county.
  - The third tax is a 1 to 5 cent levy upon every net gallon of motor fuel sold within a county, and diesel fuel is not subject to this tax.
- » The first two taxes above can be authorized by an ordinance adopted by a majority vote of the governing body or voter approval in a countywide referendum, and the proceeds are used to fund specified transportation expenditures.

- » The third tax may be levied by an ordinance adopted by a majority plus one vote of the membership of the governing body or voter approval in a countywide referendum, and the proceeds are used for transportation expenditures needed to meet the requirements of the capital improvements element of an adopted local government comprehensive plan.

### Charter County and Regional Transportation System Surtax

- » Each charter county that has adopted a charter, each county the government of which is consolidated with that of one or more municipalities, and each county that is within or under an interlocal agreement with a regional transportation or transit authority, may levy the Charter County and Regional Transportation System Surtax (sales tax) at a rate of up to 1 percent.
- » The levy is subject to approval by a majority vote of the county’s electorate or by a charter amendment approved by a majority vote of the county’s electorate.
- » Generally, the tax proceeds are for the development, construction, operation, and maintenance of fixed guideway rapid transit systems, bus systems, on-demand transportation services, and roads and bridges.

### Local Government Infrastructure Surtax

- » This Surtax may be levied at the rate of 0.5 or 1 percent pursuant to an ordinance enacted by a majority vote of the county’s governing body and approved by voters in a countywide referendum.
- » Generally, the proceeds must be expended to finance, plan, and construct infrastructure; acquire land for public recreation, conservation, or protection of natural resources; or finance the closure of local government-owned solid waste landfills that have been closed or are required to be closed by order of the Department of Environmental Protection (DEP).

Table 1 below provides the annual amounts being levied by each county for the categories discussed above. If Duval County does not levy a particular tax, the estimates below show the unrealized annual revenue that could be generated should the additional tax be enacted.

*Table 1: Duval County Tax Levies*

County	Local Option Gas Tax (Per Gallon)			Local Discretionary Sales Surtax		
	Ninth-Cent Tax	1-6 Cents	1-5 Cents	Local Option Infrastructure Sales Tax	Charter County Transit Surtax	Small County Surtax
Duval	0/1 - \$4.71M unrealized	6/6 - \$32.9M	0/5 - \$21.9M unrealized	Yes - 0.5% - \$81M - 0.5% unrealized	Yes - 0.5% - \$81M, 0.5% unrealized	N/A

\*\*Amounts above based on FY 2016 estimates published by the Florida Office of Economic and Demographic Research and reflect the estimated annual amount generated for this source.

### Local County or City General Funds

- » Counties and cities may allocate General Funds for transportation purposes. Transportation uses must compete against many other top priorities and it is up to the governing body in the annual budget to allocate any General Funds for transportation purposes. This is generally based on a specific need and is not a routine amount of funds that can be outlined or projected for the future. This varies significantly by local government and the priorities for their respective jurisdiction.

### Regional Transportation Authority

- » Chapter 163, Part V, Florida Statutes provides that any two or more contiguous counties, municipalities, other political subdivisions, or combinations thereof are authorized and empowered to convene a charter committee for the purpose of developing a charter under which a regional transportation authority, hereinafter referred to as "authority," may be constituted, composed, and operated as a Regional Transportation Authority. If created the Regional Transportation Authority may enact through a majority vote of the citizens in the region of the Authority for up to three mills. This section of law has been in place for many years and to date has not been used to create a regional transportation authority. The existing regional transportation authorities in law were created for a specific purpose and region and none of the existing Authorities have been provided the ability to implement taxes. The Authorities created to date have been more focused on raising revenues through user fees such as tolls, transit fares and advertising sales. The tax funds provided to existing Authorities such as the Jacksonville Transportation Authority have been provided through existing taxing authority available to the county.

## Transportation User Fees

The state and local governments are authorized to collect user fees for the use of the transportation system. The different types of user fees vary by the mode of transportation and the benefit being generated by the user. Some key examples are outlined below.

### Public Transit User Fees

- » Some form of fees (often term "Fares") are in use in all counties in the region for use on the public transit system to help cover part of the cost of the annual operations. In addition, the public transit entities also normally charge for advertising and related fees such as for logos on a bus or bus shelter. These fees normally cover a percentage of the annual operating costs (a coverage rate of 25% of annual operating cost is considered as good in the transit industry) with the remainder of annual cost of operations and capital cost being funded through traditional transportation funding tax sources.

## Special Property Assessment Fees/Tax Increment

- » A common practice in major urban areas and high growth areas is the use of special project assessments and/or tax increments that are directed to a specific transportation improvement project (could be a transportation corridor or projects) that provides demonstrated benefit to the properties that are being assessed or from which the tax increment (from growth in the property values) are collected and used to help fund the transportation improvement. Common examples are for major transportation and related improvements (landscaping, lighting, etc.) in public transit corridors (fixed rail systems or bus rapid transit corridors), for renovation of an existing transportation corridor in a redevelopment area of a city, or for a new major development such as a community development district that adds roads associated with the new development. Some of the roads in major developments are turned over to the local government and become part of the county or city road network and others remain part of the private development. There are examples in the region such as:
  - Redevelopment Agencies (property tax increment) such as the Keystone Heights Community Redevelopment Agency, Downtown Investment Authority in Jacksonville, Jacksonville Beach Community Redevelopment Agency, Fernandina Beach Redevelopment Agency, Crescent City Community Redevelopment Agency, Palatka Downtown Community Redevelopment Agency, St. Johns County Community Redevelopment Agency. Funds generated by the increase in property values (and the property tax increment associated with this increase) can be used for a range of improvements including transportation associated with the redevelopment activities.
  - Community Development Districts (CDD's) are quasi-governmental entities created to collect property assessment fees from property owners within the District. There are a number of CDD's in and around Duval County. CDDs are commonly used to help fund the infrastructure for major new developments, including roads and other transportation infrastructure. Roads funded by CDD's are considered public roads whether the roadways are owned and operated by local governments or by the CDD itself. A number of CDDs have experienced cash flow challenges related to the "Great Recession" when development slowed dramatically and in some cases was at a standstill. In situations where advances had been provided by debt (such as bonds) to fund infrastructure improvements (such as roads), the lack of growth led to the inability to make debt payments in full and on time. This led to "workout scenarios" that continue for some CDDs even today, over seven years after the beginning of the Great Recession. This makes the use of CDD's more challenging.

### Rental Car Surcharge

- » A surcharge of \$2.00 per day or any part of a day is imposed upon the lease or rental of a motor vehicle licensed for hire and designed to carry less than nine passengers regardless of whether such motor vehicle is licensed in Florida. The surcharge applies to only the first 30 days of the term of any lease or rental. 80 percent of the proceeds of this surcharge shall be deposited in the State Transportation Trust Fund. The proceeds deposited in the State Transportation Trust Fund shall be allocated on an annual basis in the Department of Transportation's work program to each department district, except the Turnpike District. The amount allocated for each district shall be based upon the amount of proceeds attributed to the counties within each respective district. While this option is available to Jacksonville, the existing rental car market will not generate significant additional funding through this approach.

### Motor Vehicle Registration Fee

- » Florida charges different fees based upon the type of vehicle you're registering, its weight, the license plates you choose, and if you will be registering the vehicle for 1 year or 2 years. A local option registration fee can be established only through legislative action.

### Concurrency Management (Mobility Fee)

- » To adequately and efficiently address the City's mobility needs the City has replaced transportation concurrency with the 2030 Mobility Plan. The intent of the 2030 Mobility Plan is to replace the transportation concurrency management system with a holistic mobility approach that applies a fee system to new development based upon the link between land development and transportation. Mobility fees received by the City shall be deposited into the Mobility Fee Special Revenue Fund. In order for a project to be eligible for proceeds from the COJ Mobility Fee it must meet certain applicability criteria.

## Federal and State Loan Programs

Both the State of Florida and the USDOT offer low interest loans on a competitive basis to help fund infrastructure projects.

### FDOT SIB Loan

- » The State Infrastructure Bank (SIB) is a revolving loan and credit enhancement program consisting of two separate accounts. The federally-funded account is capitalized by federal money matched with state money as required by law and the state-funded account is capitalized by state money and bond proceeds. The SIB can provide loans and other assistance to public and private entities carrying out or proposing to carry out projects eligible for assistance under state and federal law. SIB participation from the federally-funded account is limited to projects which meet all federal requirements

pursuant to the Transportation Equity Act for the 21st Century (TEA-21) and are eligible for assistance under Title 23, United States Code (USC) or capital projects as defined in Section 5302 or Title 49 USC and other applicable federal guidelines. SIB participation from the state-funded account is limited to a transportation facility project that is on the State Highway System or that provides for increased mobility on the state's transportation system in accordance with Section 339.55, Florida Statutes or provides for intermodal connectivity with airports, seaports, rail facilities, transportation terminals, and other intermodal options for increased accessibility and movement of people, cargo, and freight.

#### USDOT TIFIA Program

- » The Transportation Infrastructure Finance and Innovation Act (TIFIA) program provides credit assistance for qualified projects of regional and national significance. Many large-scale, surface transportation projects - highway, transit, railroad, intermodal freight, and port access - are eligible for assistance.
- » Eligible applicants include state and local governments, transit agencies, railroad companies, special authorities, special districts, and private entities. The TIFIA credit program is designed to fill market gaps and leverage substantial private co-investment by providing supplemental and subordinate capital. Each dollar of Federal funds can provide up to \$10 in TIFIA credit assistance and support up to \$30 in transportation infrastructure investment.