

Final

Wekiva Parkway Funding Plan

Developed by
Florida Department of Transportation, District 5

In consultation with:
Florida's Turnpike Enterprise
Orlando-Orange County Expressway Authority
Seminole County Expressway Authority

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Table of Contents

1.0	Introduction.....	1-2
2.0	Background	2-1
2.1	Wekiva Basin Area Task Force	2-1
2.2	SR 429 Working Group.....	2-1
2.3	Wekiva River Basin Coordinating Committee.....	2-2
2.4	Wekiva River Basin Commission.....	2-2
3.0	Funding Sources	3-1
3.1	Federal and State Funding	3-1
3.2	Revenue Bonds	3-1
3.3	Loan Programs	3-2
3.4	Special Dedicated Funding.....	3-3
3.5	Rental Car Surcharge	3-3
4.0	Estimated Costs and Funding Partners.....	4-1
4.1	Planning and Environmental Clearances.....	4-1
4.2	Engineering and Construction Costs	4-1
4.3	Right-of-Way Costs.....	4-1
4.4	Funding Partners	4-1
5.0	Funding Strategies	5-1
5.1	Strategy 1 – FDOT as the Implementing Agency	5-1
5.2	Strategy 2 –OOCEA/SCEA/Florida’s Turnpike Enterprise as Implementing Agencies.....	5-1
5.3	Strategy 3 – FDOT and Toll Agency(ies) as Implementing Agencies.....	5-1
6.0	Recommended Funding and Lead Agency Strategy.....	6-1

1.0 Introduction

Governor Jeb Bush signed Executive Order No. 03-112 *Directing Protection of the Wekiva River Basin Area* on July 1, 2003. The Executive Order included thirteen (13) specific elements covering a variety of topics associated with the protection of the Wekiva River basin area. The purpose of this document is to specifically address provision 10.b of the Executive Order (highlighted below).

The Florida Department of Transportation (Department) was specifically identified in element number 10 as follows:

10. *The Department of Transportation, using existing authority under Florida Statutes, Chapters 334, 335, and 338, including, but not limited to, sections 334.03, 334.044, 335.02, 335.18, 338.001 and related rules, shall:*
 - a. *By January 15, 2004, report to the Governor and Legislature on:*
 - (i) *both the feasibility and time frames for acquiring lands identified in Task Force Recommendation 16 through the mitigation bank; and*
 - (ii) *any legislation needed to acquire fee-simple or less-than-fee-simple interest in lands in the Wekiva Study Area or Wekiva River Protection Area in excess of that which may be required for right-of-way and associated construction of the Wekiva Parkway.*
 - b. By November 1, 2004, and in consultation with the Turnpike Enterprise, the Orlando-Orange County Expressway Authority, and the Seminole County Expressway Authority, report to the Governor and Legislature joint recommendations for a funding plan and lead agency for the Wekiva Parkway. The funding plan shall be developed to maximize implementation of the location, design and construction principles included in Task Force Recommendations 2, 3, 4, 6, and 7.***
 - c. *At the appropriate time, assure that future planning for improvements to SR 44 considers Task Force Recommendation 10.*
 - d. *By December 1, 2003, the Department of Transportation shall present its preliminary recommendations developed pursuant to paragraph 10a, to the Committee and state, regional and federal agencies and request their comments. The Department shall consider comments from the Committee and affected citizens and the state, regional and federal agencies in developing its final recommendations to the Governor and Legislature.*

The Executive Order is included in **Appendix A**.

Subsection 10.b of the Executive Order requests joint recommendations to the Governor and Legislature for a funding plan and lead agency for the implementation of the Wekiva Parkway. The Executive Order specifically cites five recommendations of the Wekiva Basin Area Task Force to be included in the funding plan. These recommendations are reprinted below for reference.

Recommendation 2: *The Task Force Recommends that the appropriate transportation agency(ies) use the corridor that is depicted on Figure 3, “Recommended Corridor for the Wekiva Parkway” to undertake the environmental*

and engineering studies to determine the precise alignment. In addition to the studies, the appropriate transportation agency(ies) shall also apply the “Guiding Principles for Corridor Location” listed herein in selecting the final roadway alignment. The final alignment within Seminole County shall be subject to the approval of the Seminole County Expressway Authority. The Wekiva Parkway must be planned in its entirety, rather than in phases.

Recommendation 3: *The Task Force recommends that the appropriate transportation agency(ies) use the following “Guiding Principles for the Wekiva Parkway Design Features and Construction.” The guiding principles should also be applied to the construction of new expressways and the expansion of existing expressways, as applicable. When the design of any new expressway facility is completed it should:*

- a. Provide that all new expressways be fully limited access, with interchanges;*
- b. Promote a “Parkway” look with appropriate natural buffers between the roadways and the adjacent areas;*
- c. Include the maximum provision for bridging through strategically important wetlands;*
- d. Elevate (bridge) identified functionally significant wildlife corridors, and provide appropriate wildlife bridges with barriers to direct wildlife to safe crossing points;*
- e. Design storm water treatment facilities to minimize habitat loss and promote restoration of impacted sites and assure capture and treatment of runoff from bridges over Outstanding Florida Waters to Outstanding Florida Waters standards;*
- f. Offer opportunities to view, understand, and access the environmental uniqueness of the Wekiva River ecosystem;*
- g. Provide non-intrusive and minimal roadway and bridge lighting in the Wekiva River Protection Area to support the conservation of dark skies in the basin; and*
- h. Incorporate safety and access design features to promote the continuation of prescribed burning in the basin.*

Recommendation 4: *The Task Force further recommends that when the design and construction of the Wekiva Parkway is completed, it should:*

- a. Reduce hazards to wildlife by relocating CR 46A to tie into SR 46 at the proposed SR 46 interchange;*
- b. Close portions of CR 46A that parallel and duplicate SR 46 (east of the recommended relocation) and serve only the traffic necessary to provide access to local property;*
- c. Bridge Wekiva River wetlands and floodplains on publicly owned lands that are adjacent to the Wekiva Parkway where known wildlife crossings exist;*
- d. Close existing SR 46 at an appropriate location west of the Lake-Seminole County line so that the remaining sections of SR 46 continue to be open only to provide local access to private properties and recreational and conservation lands, and prevent through traffic; and*
- e. Where the at-grade portions of the existing SR 46 remain in place to provide local access, there will be no need to provide wildlife passages on this low-volume, low-speed service road.*

Recommendation 6: *The Task Force recommends that the plan for mitigating impacts of the construction of the Wekiva Parkway shall assure that to the maximum extent feasible, land acquisition and mitigation occur prior to roadway construction, and mitigation must occur only within the Wekiva River Protection Area, Wekiva River Basin, or Wekiva River Springshed.*

Recommendation 7: *The Task Force recommends that the number of interchanges located along the Wekiva Parkway not exceed five, and be located as follows:*

- a. *SR 429, south of US 441 – The most southerly interchange would occur south of US 441 and serve as a junction with the current SR 429 to allow a continuation of the route to the northwest and then north and also to serve as a future connection to the proposed extension to Maitland Boulevard (the Apopka Bypass).*
- b. *US 441 – an interchange would be located where SR 429 reaches US 441*
- c. *Between US 441 and SR 46 – a single interchange, at an appropriate location, between US 441 and SR 46 and a potential system connection to the proposed US 441 bypass to be determined by the appropriate transportation agencies, in cooperation with local governments, consistent with the guiding principles for corridor location as applicable. The ultimate location of the interchange will be reflected in the transportation component of the sector plan development pursuant to Recommendation 11.*
- d. *SR 46 – An interchange would be located at SR 46 near the area where CR 46A should be relocated.*
- e. *Interstate 4 – an interchange would be located where the Wekiva Parkway reaches I-4 in Seminole County no farther north than the St. Johns River Bridge and no farther south than the SR 417 interchange on I-4.*

Since issuance of the Executive Order, the Department participated in the Wekiva River Basin Coordinating Committee. The final report issued by the Committee, dated March 2004, also included specific recommendations relative to the funding and implementation of Wekiva Parkway. Recommendations 1 and 2 from the Wekiva River Basin Coordinating Committee are reprinted below for reference.

Recommendation 1: *The Committee supports development of the Wekiva Parkway and endorses the following recommendations of the Wekiva Basin Area Task Force, Appendix D:*

- *Task Force Recommendation 2: Recommended Corridor for the Wekiva Parkway, Figure 3, incorporating the corridor alignment recommended by the SR 429 Working Group, Figure 4;*
- *Task Force Recommendations 3 and 4: Guiding principles for Wekiva Parkway Design Features and Construction;*
- *Task Force Recommendation 7: Interchanges Along Wekiva Parkway;*
- *Task Force Recommendation 9: Local Government Review of Long-range Transportation Plans; and*
- *Task Force Recommendation 10: Application of Guiding Principles to State Road 44.*

Recommendation 2: *Consistent with Recommendation 13 of the Wekiva Basin Area Task Force, Appendix D, the Committee recommends local governments hosting an interchange on the Wekiva Parkway adopt into their comprehensive plans interchange land use plans (excluding the interchange with Interstate 4) to address the*

following: appropriate land uses and compatible development; secondary road access; access management; right-of-way protection; vegetation protection and water conserving landscaping; and the height and appearance of structures and signage. The major objectives of the interchange land use plans are to allow for development which is appropriate in scale and intensity given the land uses in the area, to assure development is compatible with the surrounding area, and to assure protection of surface water and groundwater resources and important wildlife habitat.

The Department has coordinated closely with a number of state and local agencies including the Florida Department of Environmental Protection (FDEP), St. Johns River Water Management District (SJRWMD), Orlando-Orange County Expressway Authority (OOCEA), Seminole County Expressway Authority (SCEA) and Florida's Turnpike Enterprise.

Section 2 of this report presents background information on the corridor. An overview of potential types of funding sources is outlined in Section 3. Section 4 discusses the estimated preliminary engineering, construction, and right-of-way costs for a representative alignment for Wekiva Parkway. A number of funding options/strategies and associated issues were developed and are presented in Section 5.

The alternative strategies were discussed with OOCEA, SCEA and Florida's Turnpike Enterprise. The strategy endorsed by these agencies and its details are presented in Section 6.

2.0 Background

The Wekiva River basin has been recognized as one of Florida's most valuable resources for a number of years. As such, there have been a number of previous activities and actions, in addition to the current deliberations of the Committee, which addressed the protection of the Wekiva River's natural resources through conservation, preservation and land use controls. These activities include the designation of the Wekiva-Ocala Greenway and Florida Forever Projects and the Wekiva River Protection Act. These programs and statutes serve to protect the resources and preserve the natural environment.

In addition to these existing programs, various activities have transpired relative to completing the beltway on the western side of the Orlando metropolitan area. The completion of the beltway, initially called the Western Beltway Part B was eliminated from the METROPLAN Orlando Long-Range Transportation Plan due to lack of consensus on the funding, alignment, and potential environmental impacts. In 2002, the Governor executed Executive Order No. 02-259 creating the Wekiva Basin Area Task Force to evaluate transportation systems needs in the area. In 2003, the Governor executed Executive Order No. 03-112 creating the Wekiva River Basin Coordinating Committee to carry on the work efforts initiated by the Wekiva Basin Area Task Force. The following summarizes the results of these working groups along with the SR 429 Working Group formed as a result of the recommendations from the Wekiva Basin Area Task Force.

2.1 Wekiva Basin Area Task Force

On September 26, 2002 Governor Jeb Bush issued Executive Order Number 2002-259, thereby creating the Wekiva Basin Area Task Force. The first meeting of the Task Force was held on October 30, 2002 and subsequent meetings were held throughout November and December 2002 and January 2003.

The Task Force members debated numerous topics during their meetings and provided opportunities for the general public to submit comments to the membership. Although the debates and the public comments covered a wide range of topics, several themes emerged. In addition to the issues associated with the need to protect and preserve the unique natural environment associated with the Wekiva River area, elements of the design and construction of the Wekiva Parkway were specifically debated.

The Task Force's Final Report was issued on January 15, 2003. The Report included 16 specific recommendations. Recommendations 2, 3, 4, 6, and 7 addressed the need for the Wekiva Parkway and specific design elements to be included in the Parkway design.

2.2 SR 429 Working Group

In response to the recommendations of the Wekiva Basin Area Task Force Recommendation 8, the SR 429 Working Group was created. This group, under the direction of the East Central Florida Regional Planning Council, included representation from Orange and Lake Counties; the Cities of Apopka, Mount Dora and Eustis; environmental groups including the Friends of the Wekiva and the Sierra Club; and interested property owners from the area. The objective of the Working Group was to develop recommendations for alternative transportation corridors and assess their associated land use and natural environmental impacts. The Working Group received input from the Mt.

Plymouth/Sorrento community concerning SR 46 through their community. Based on a planning study conducted for the community, their preference is to maintain existing SR 46 as a two-lane facility (minimizing land use impacts) and provide a southern bypass for through traffic. As a result, the Working Group revised the corridor for Wekiva Parkway to respond to the communities' desires.

2.3 Wekiva River Basin Coordinating Committee

On July 1, 2003 Governor Jeb Bush executed Executive Order No. 03-112 creating the Wekiva River Basin Coordinating Committee. The purpose of the Committee was to address specific issues related to the definition of the study area, identify land use planning strategies and development standards, review permitting requirements, water supply, surface water protection, land acquisition, and a funding plan for the implementation of the Wekiva Parkway.

The Committee deliberations resulted in a consensus that the Wekiva Parkway needs to be implemented consistent with the 'Guiding Principles for Wekiva Parkway Design Features and Construction' identified by the Task Force. Using the corridor location input from the Wekiva Basin Area Task Force and the SR 429 Working Group, the Wekiva River Basin Coordinating Committee further refined the corridor for the Wekiva Parkway. The refined corridor is illustrated on Figure 1.

2.4 Wekiva River Basin Commission

Recommendation 19 from the Wekiva River Basin Coordinating Committee included the establishment of the Wekiva River Basin Commission to monitor and ensure the implementation of state, regional and local efforts consistent with the Committee's recommendations. This recommendation was included in the legislation passed and signed by the Governor in 2004. On September 23, 2004, Governor Jeb Bush appointed 18 members to the Commission. The Commission members have staggered terms and will be appointed by the Governor for future terms.

Corridor Location



-  Apopka Bypass (Maitland Blvd Extension)
-  Wekiva Parkway
-  SR 46 Bypass

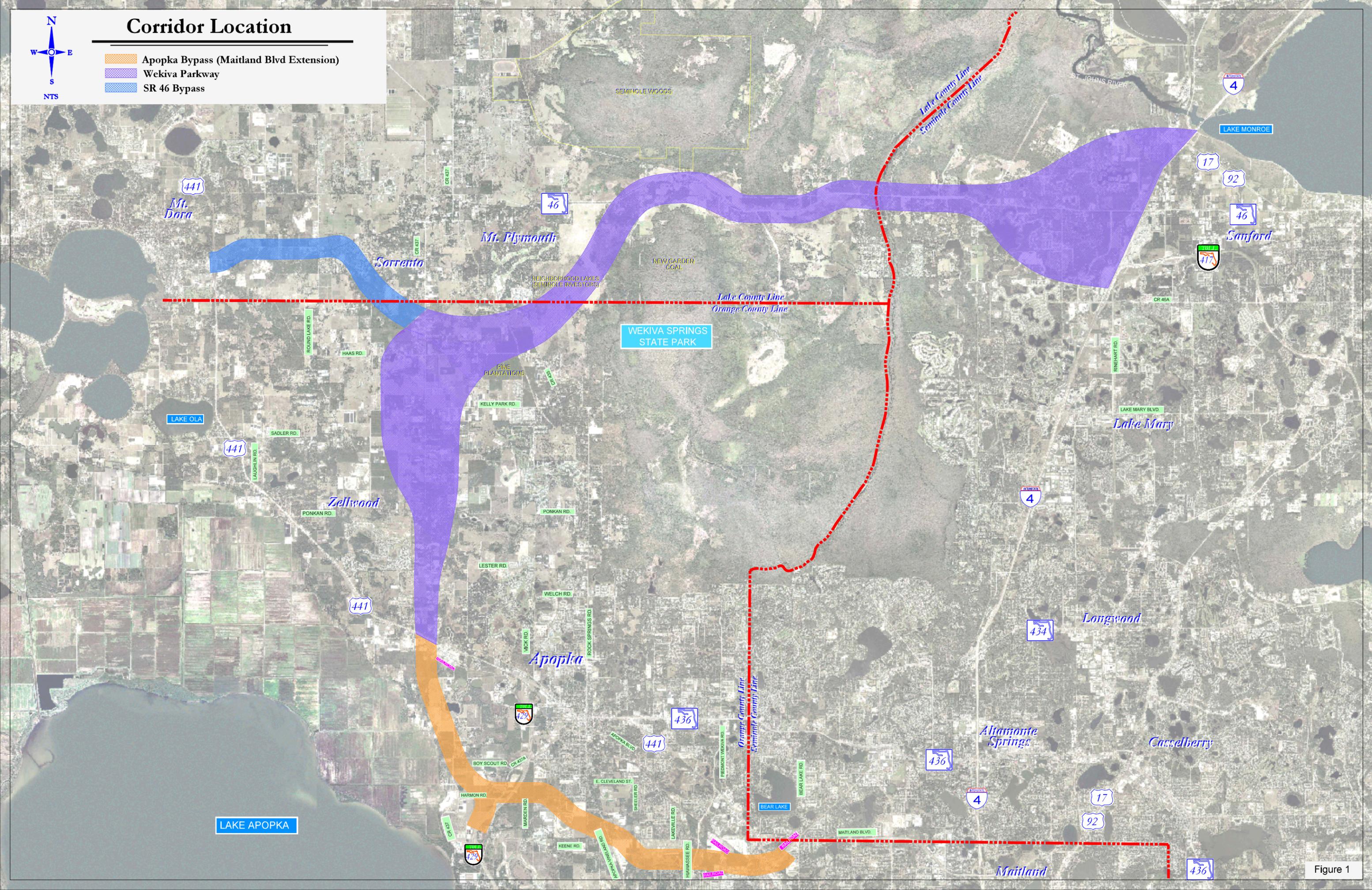


Figure 1

3.0 Funding Sources

There are various methods for funding transportation improvements with different sources of funding. While there are numerous types of funding, the amount of funding for transportation is limited and is significantly less than the level necessary to meet the demand for new and improved facilities. An overview of the various types of funding is presented in the following sections. Subsequent sections of this report detail how these funding sources may be used for Wekiva Parkway.

3.1 Federal and State Funding

The Department funds transportation improvements from Surface Transportation Program (STP) funds allocated by the Federal Highway Administration (FHWA) as well as funds from the State Transportation Trust Fund. The federal funds are allocated to the State of Florida by FHWA through a system of formula grants and discretionary allocations. The funds are of various types as outlined in the current federal legislation – TEA-21. This legislation has been extended to May 31, 2005, when new federal programs may be implemented or the existing programs may be extended.

The State Transportation Trust fund, comprised of motor fuel and motor vehicle taxes, is allocated by the Department to projects and to meet the state’s matching share for federal funds. In addition, some projects may be funded by state funds alone.

The two major types of funding for the Wekiva Parkway are the Strategic Intermodal System funds and other STP funds.

Strategic Intermodal System (SIS) Funds

The Department allocates SIS funds to the Strategic Intermodal System facilities defined by state statute. The projects to be implemented with SIS funds are defined by the Department and included in the annual Work Program. The SIS is the transportation system consisting of hubs and connections serving the various modes statewide. Highway improvements are an integral part of the SIS. For a project to be eligible for SIS funds, it must be identified as part of the SIS. Wekiva Parkway would need to be added to the SIS to be eligible for this funding. There is a limited amount of SIS funding available for allocation each year.

Surface Transportation Program (STP) Funds

Projects that are not included as part of the SIS are eligible for other STP or state funding in the Department’s Work Program. This program is funded by a combination of federal funds and state imposed gas tax revenues. The Department then allocates these funds back to the individual Districts. For federal funding to be used on a project, the project must be included in the MPOs priority list.

3.2 Revenue Bonds

Toll roads are generally financed through revenue bonds sold on the open market. The bondholders are re-paid through the revenue generated by tolls paid by the customers using the facility. Three agencies in the Central Florida area are currently permitted, by statute, to develop, own and operate toll facilities. These agencies include Florida’s Turnpike Enterprise, the Orlando-Orange County Expressway Authority and the Seminole County Expressway Authority.

For a project to be feasible as a toll facility, the traffic projections for the facility must be sufficient to pay the bondholders, the cost of operations, maintenance and long-term improvements such as resurfacing and the repayment of other obligations including loans from the Department. Therefore, not all roadways are feasible as toll roads. Some portions of Wekiva Parkway may not be feasible as a toll facility, limiting the applicability of revenue bonds for this project.

3.3 Loan Programs

There are loan programs available to accelerate the start of transportation projects. These loan programs typically provide seed monies for projects and are to be repaid by the project. Repayment sources must be identified for each loan prior to the determination of financial feasibility.

State Infrastructure Bank

The State Infrastructure Bank (SIB) provides loans for transportation infrastructure projects. Florida is one of four (4) states with federal authority for SIBs. A SIB is initially capitalized with a federal appropriation that can be augmented with state funds. The program is then operated by the individual state. The SIB acts as a revolving loan fund. The money that is repaid from the initial loans is then used to loan out to other project sponsors to be re-invested in the transportation infrastructure. In addition to loans, SIBs are permitted by federal law to provide credit enhancement products for project sponsors, including lines of credit and payment guarantees.

TIFIA

In 1998 Congress approved the Transportation Infrastructure Finance and Innovation Act. The program is administered by FHWA. The program provides three types of credit assistance – secured (direct) loans, loan guarantees, and stand-by lines of credit. The intent of the program is for the federal loan assistance to supplement existing capital finance markets for large transportation infrastructure projects. The program uses the credit assistance to complement existing funding resources by leveraging substantial private investment in these projects. The potential TIFIA projects are those infrastructure projects that are capable of generating their own revenue either through user fees/charges (like tolls) or other dedicated funding sources. In addition, TIFIA loans can be used for up to 1/3 of the project funding and will only be considered for projects with eligible costs in excess of \$100 million.

The Wekiva Parkway is a significant transportation infrastructure project. If TIFIA financing were pursued, the loan, loan guarantee or credit line would need to be re-paid from other sources of revenue. This could be used as seed money to accelerate the start of the project until the dedicated funding becomes available.

The TIFIA program requires an application process and review and approval by the federal government, specifically FHWA. It should be noted that any new federal enabling legislation for surface transportation may affect the TIFIA program - either the requirements or the funding levels.

GARVEE Bonds

Grant Anticipation Revenue Vehicles (GARVEEs) are Bonds issued under the TEA-21 federal enabling legislation that permits states to issue bonds on future federal-aid highway apportionments. This type of funding is typically used for large-scale projects that merit funding the cost of borrowing in lieu of pay-as-you-go financing. This is typically the case when the cost of borrowing is less than the cost of the delay in implementing the project – not only through increased costs of right-of-way and construction, but also user costs such as travel time delay, deferred development, etc.

In Florida, GARVEE bonds are authorized through the State Infrastructure Bank. In the Central Florida area, GARVEE funds were used to accelerate the implementation of St. Johns River Bridge replacement.

3.4 Special Dedicated Funding

Special dedicated funding for the project could be appropriated by federal agencies, state agencies or local jurisdictions. The following summarizes the types of funding sources for special dedication.

Special Dedicated Federal Funding

The funding would be likely be a special appropriation included in the federal legislation for transportation. With the federal legislation for surface transportation ending May 31, 2005, this is an excellent opportunity for the region to work closely with their federal legislators to include funding for the Wekiva Parkway in the next six-year federal bill funding transportation.

Special Dedicated State Funding

This funding source would be special dedicated state funding specifically earmarked for the Wekiva Parkway. This could be a special appropriation from transportation funding or from general revenue. This type of funding would require legislative action to be implemented.

Another option for special dedicated state funding would be an increase in the motor fuel tax at the state level. The funds from this could be specially earmarked for the implementation of Wekiva Parkway.

Special Dedicated Local Funding

Similar to special dedicated state funding, this funding would be funds specifically dedicated from the local jurisdictions. The local jurisdictions could create a specific taxing or benefit district, at the County level or at the municipal level. As with the special dedicated state funding, it is likely that actions by the local jurisdiction (i.e., County Commission or City Council) or a referendum would be required. One potential source is a local sales tax or local gas tax options.

A review of the current motor fuel taxes for Orange, Lake and Seminole Counties indicates that all three counties have the 6-cent local fuel tax. Both Lake and Seminole have implemented the “9th cent” tax or the “Voted Gas Tax.” The Voted Gas Tax can be implemented by an extraordinary vote of the Board of County Commissioners.

None of the three counties has implemented the additional Local Option Fuel Tax that can be from one to four cents per gallon. It should be noted that one county in the Central Florida area, Volusia County, has implemented the Local Option Fuel Tax. To impose the Local Option Fuel Tax (up to 5 additional cents per gallon), either an extraordinary vote to the County Commission or a countywide referendum initiated by the County Commission is required.

3.5 Rental Car Surcharge

This funding source is a surcharge on rental cars. An additional surcharge could be applied statewide or in the Orlando metropolitan area. The surcharge would be collected specifically to fund the Wekiva Parkway project. This funding source would require special legislation to implement.

4.0 Estimated Costs and Funding Partners

The cost estimates discussed below for Wekiva Parkway include the costs for preliminary planning and feasibility, environmental clearances, final design, right-of-way acquisition, and construction. Costs for operations and maintenance are discussed, but not quantified. The costs were estimated in 2004 dollars based on a representative alignment and cross section for the project. These costs will be refined and updated as the project proceeds through the environmental and design processes.

The cost estimates discussed below do not include funding for acquisition of conservation and/or mitigation lands identified in Section 316.317(6), Florida Statutes, paragraph 10.a. of Executive Order No. 03-112 dated July 1, 2003, and in Recommendation 16 of the Wekiva Basin Area Task Force Report. The estimated costs and sources of funding for acquisition of such conservation and mitigation lands remain to be determined.

4.1 Planning and Environmental Clearances

The preliminary planning and environmental assessments are on going. These activities are currently being funded through a Joint Participation Agreement (JPA) between District 5 of the Department and OOCEA. The Department will reimburse OOCEA for its share of the costs with funds programmed for the SR 46 Project Development and Environment (PD&E) Study included in FY 05/06. These costs are estimated at \$6,000,000. It is important to note that all of the preliminary planning and environmental assessments are being completed in accordance with all state and federal standards to ensure that the project remains eligible for federal funding.

4.2 Engineering and Construction Costs

The engineering and construction costs involve the preliminary engineering, final design, construction engineering and inspection, and construction of the facility. It is estimated that these costs, in 2004 dollars, are \$850,000,000.

4.3 Right-of-Way Costs

As with the engineering and construction costs, these costs were estimated in 2004 dollars based on a conceptual right-of-way corridor for the project. The cost of the right-of-way is estimated at \$120,000,000 in 2004 dollars.

4.4 Funding Partners

In addition to the state agencies that have been coordinating efforts for the funding plan, there are local jurisdictions that sit as voting members of the Wekiva River Basin Commission, which could potentially assist in the funding of the development, construction, operations and maintenance of the facility. The agencies that may be potential funding partners for the Wekiva Parkway project include:

- Florida Department of Transportation, District 5
- Orlando-Orange County Expressway Authority

- Florida's Turnpike Enterprise
- Seminole County Expressway Authority
- Orange County
- Seminole County
- Lake County

Florida's Turnpike Enterprise, OOCEA and SCEA's involvement would likely be limited to any tolled portions of the project. The Department's and local jurisdiction involvement could span both the tolled and untolled portions of the project.

Florida Statutes and bond indentures generally limit toll agency participation to those portions of the facility that they would own and operate. In addition, Florida Statutes specifically set out requirements for funding participation by any toll authority. Section 338.227 provides that no revenues or bond proceeds from the turnpike system shall be spent for the operation, maintenance, construction or financing of any project which is not part of the turnpike system. Section 338.221 requires that any project added to the turnpike system pass legislatively mandated tests including test of financial feasibility. Sections 348.751 through 348.765 outline the requirements for OOCEA and Section 348.95 through 348.963 outline the requirements for SCEA. Both OOCEA and SCEA must comply with their respective legislative mandates.

5.0 Funding Strategies

The funding strategies for the project must address the phased activities that require funding to move the project forward. The status of the various elements of the project are summarized as follows:

- PD&E Study – currently funded through a Joint Participation Agreement between OOCEA and District 5 of the Department
- Final Design and Construction Documents (including permits) – needs funding
- Right-of-Way Acquisition – needs funding
- Construction and Construction Phase Services – needs funding
- Operations and Maintenance – function of implementing/operating agency.

The following summarizes the funding strategies identified for the Wekiva Parkway.

5.1 Strategy 1 – FDOT as the Implementing Agency

Under this scenario, the Department, specifically District 5, is the lead agency and only agency implementing the project. It would be programmed into the Work Program as the MPO prioritizes the project and funding becomes available. The project is not currently included in the Long-Range Transportation Plans for METROPLAN Orlando or Lake County. The project would need to be included in both cost feasible plans to then be put into the priority process for funding. This “pay as you go” method from the limited available transportation resources will likely result in the longest project implementation period.

5.2 Strategy 2 –OOCEA/SCEA/Florida’s Turnpike Enterprise as Implementing Agencies

Under this scenario, the Wekiva Parkway is constructed as a toll facility for the full length of the project. The existing toll agencies (local expressway authorities and/or Florida’s Turnpike Enterprise) would partner for implementation of Wekiva Parkway. The facility would be funded by bond sales with toll revenue paying back the bondholders. The preliminary evaluations indicate that selected segments of Wekiva Parkway may be feasible as a toll road. Other segments of Wekiva Parkway are potentially *not* feasible as a toll road. Therefore, this scenario is not a viable strategy for the implementation of Wekiva Parkway.

5.3 Strategy 3 – FDOT and Toll Agency(ies) as Implementing Agencies

Under this scenario, District 5 of the Department would partner with a toll agency to fund and implement the overall project. Segments of the project would be constructed by toll agencies (Florida’s Turnpike Enterprise, OOCEA or SCEA) or the Department based on the financial feasibility of the individual segments. The toll segments would be funded by bond sales with toll revenues paying back the bondholders. The non-tolled segments would be funded from available transportation resources as discussed in Section 3 of this document. The funding for the non-tolled segments would likely be a combination of resources from federal and state funds that are potentially augmented by local or state dedicated funding sources to complete the project.

6.0 Recommended Funding and Lead Agency Strategy

Department representatives, in association with Florida's Turnpike Enterprise, OOCEA and SCEA staff, have concurred on the recommendation for funding and developing the Wekiva Parkway. The individual project segments would be implemented by both toll agencies and the Department, depending on the economic feasibility of constructing the segments as toll facilities.

The preliminary planning indicates that the Wekiva Parkway project includes Wekiva Parkway from US 441 north to the SR 46 bypass south of Mt. Plymouth/Sorrento and the improvements in the SR 46 corridor from US 441 to I-4. The preliminary evaluations indicate that the segments of Wekiva Parkway from US 441 north to the SR 46 bypass south of the Mt. Plymouth/Sorrento community may meet the feasibility requirements for a toll facility. The toll agencies have indicated their desire to develop, operate and maintain the financially feasible portions of Wekiva Parkway as a toll facility.

For the segment west of Wekiva Parkway on the SR 46 bypass and the existing SR 46 alignment, the Department would be the lead agency responsible for the implementation of the improvements. Similarly, the Department would implement the segment of Wekiva Parkway from the SR 46 bypass east to I-4. These segments would not be tolled. The Department would assume the maintenance responsibilities for the SR 46 Bypass and Wekiva Parkway. The existing SR 46 alignment through the Mt. Plymouth/Sorrento community would then be turned over to Lake County for maintenance.

Under this scenario the preliminary required funding is as follows:

	Potential Toll Portion (in millions)	Potential Non-Toll Portion (in millions)	Total (in millions)
Right-of-Way	60	60	120
Preliminary Engineering/ Construction/CEI	219	631	850
TOTAL	\$279	\$691	\$970

STATE OF FLORIDA

OFFICE OF THE GOVERNOR

EXECUTIVE ORDER NO. 03-112

DIRECTING PROTECTION OF THE WEKIVA RIVER BASIN AREA

WHEREAS, it is the policy of the State of Florida to protect and manage its natural resources for the health, safety, and enjoyment of all citizens; and

WHEREAS, the Wekiva River System and its associated springshed areas are of irreplaceable value to the quality of life and well-being of the people of the State of Florida; the Wekiva River and its tributaries have been designated an Outstanding Florida Water, a National Wild and Scenic River, a Florida Wild and Scenic River, and a Florida Aquatic Preserve; the Wekiva River is a spring-fed system that derives a majority of its base flow from numerous springs whose source of water is the Floridan Aquifer; and protection of the surface and ground water resources, including recharge within the springshed that provides for the Wekiva River System, is crucial to the long-term viability of the Wekiva River and Springs and the Central Florida region's water supply; and

WHEREAS, in 1988, the Legislature enacted the Wekiva River Protection Act, codified in part II of chapter 369, to protect the resources of the Wekiva River Basin, and the Wekiva River Protection Act delineates an area comprising portions of Lake, Orange, and Seminole Counties as the Wekiva River Protection Area; and

WHEREAS, the future transportation needs of the Central Florida region compel a careful balance of developing and improving roadways while addressing land use and development and the protection of the Wekiva River and Springs; and

WHEREAS, the Wekiva Basin Area Task Force ("Task Force"), created in 2002 by Executive Order 2002-259, was charged with considering, evaluating and making recommendations for the most appropriate location for an expressway that connects State Road 429 to Interstate 4, and which causes the least disruption and provides the greatest protection to the Wekiva Basin ecosystem, and provided its recommendations in a final report dated January 15, 2003; and

WHEREAS, construction of the Wekiva Parkway and other roadway improvements to the west of the Wekiva River System will add to the pressures for growth and development already affecting the surface and ground water resources within the recharge area;

WHEREAS, there exists a need to provide for land use decisions that recognize protected property rights and ensure the maintenance of the long-term viability of the Wekiva River and Springs; and

WHEREAS, a cooperative, coordinated effort by local governments, state and regional agencies, and affected interests can best develop the mechanisms to protect this area's natural resources;

WHEREAS, recognizing that local governments should act on pending comprehensive plan amendments and land development orders in a timely and appropriate fashion, it is not the intent of this order that any such actions should be accelerated or delayed;

NOW, THEREFORE, I, JEB BUSH, Governor of the State of Florida, by the powers vested in me by the Constitution and laws of the State of Florida, do hereby promulgate the following Executive Order, effective immediately:

1. I hereby create the Wekiva River Basin Coordinating Committee, hereinafter referred to as the "Committee."
2. Members of the Committee shall be appointed by and serve at the pleasure of the Governor. The Chairperson of the Committee shall be appointed by and serve at the pleasure of the Governor. The Committee shall include the Commissioner of Agriculture; the Secretaries of the Department of Community Affairs, the Department of Environmental Protection, and the Department of Transportation; the Executive Directors of the St. Johns River Water Management District (SJRWMD), the Florida Fish and Wildlife Conservation Commission, and the East Central Florida Regional Planning Council; the Chairperson of the Orlando-Orange County Expressway Authority; a member of the Florida Senate; a member of the Florida House of Representatives; a member of each of the Boards of County Commissioners for Lake, Orange, and Seminole Counties, as designated by those Boards; and two municipal elected officials to serve as representatives of municipalities located within Lake County, two municipal elected officials to serve as representatives of municipalities located within Orange County, and one municipal elected official to serve as a representative of municipalities located within Seminole County. The Committee will also include eight appointed individuals with balanced representation from citizen groups, the agricultural community, property owners, and environmental or conservation organizations. In addition, the Committee shall include the Chairpersons of Metroplan Orlando and the Seminole County Expressway Authority as non-voting members. The state and regional governmental Committee members may designate a senior staff person to represent their entity who shall have full voting authority. The Chairperson of the Committee may appoint technical subcommittees as needed to assist in the completion of the work of the Committee and such technical subcommittees may include qualified persons not on the Committee.
3. The Secretary of the Department of Community Affairs, with the assistance from the East Central Florida Regional Planning Council, shall arrange for technical assistance and administrative support to the Committee. All agencies under the control of the Governor are directed, and all other agencies and local governments are requested, to render assistance to, and cooperate with, the Committee.
4. With the assistance of the SJRWMD, the Committee shall delineate an appropriate portion of the land area that contributes surface and ground water to the Wekiva River System to be known as the Wekiva Study Area for purposes of this order. In delineating the study area, the Committee shall take into consideration the boundaries of the Potential Sector Planning Area, the Wekiva River Protection Area and the Wekiva River Springshed/Recharge Area as outlined in Figure 5 of the Final Report of the Wekiva Basin Area Task Force. The Committee shall solicit and consider public comment from

the parties listed in paragraph 7 of this order in defining the Wekiva Study Area. In preparing the legal description of the Wekiva Study Area, the Committee shall use Section, Township Range and physical features such as roads. The Committee shall determine the Study Area no later than September 1, 2003.

5. The Committee shall be a forum to identify enhanced land use planning strategies and development standards that are consistent with protected property rights and which improve and assure protection of surface and ground water resources, including the recharge potential of the Wekiva Study Area. The Committee shall consider the recommendations of the Wekiva Basin Area Task Force; the most current and new information being developed regarding quantity, quality, distribution and timing of groundwater recharge in the Wekiva Study Area; and wildlife in the Wekiva Study Area, particularly the habitat of listed species. In addition to the more traditional tools of development density and intensity standards, the Committee shall consider the use of innovative planning and development strategies such as rural land stewardship and other mechanisms for concentrating development in appropriate areas, and the use of the latest science-based information and methods and performance based planning strategies and development standards. The Committee shall also address issues of compatibility with the existing comprehensive plans and land development regulations of those local governments with jurisdiction over lands located within the Wekiva River Protection Area. The Committee shall present a report with its recommendations for enhanced land use planning strategies and development standards to the Governor and the Department of Community Affairs by February 15, 2004.
6. In addition, the Committee shall consider, evaluate and make recommendations concerning:
 - a. Mechanisms for coordinating state, federal, regional and local efforts to protect the Study Area's rivers, springs, wetlands and ground water recharge.
 - b. Recommendations for state and regional agency action.
 - c. Recommendations for public education.
 - d. Recommendations for implementing the identified land use planning strategies and development standards in communities in the Study Area, including an implementation schedule and provisions for monitoring implementation activities.
7. To assist with its deliberations, the Committee shall solicit and consider public comment from the following:
 - a. Affected citizens, including property owners, agricultural interests, affected business interests, and environmental advocates.
 - b. Affected state, regional, and federal agencies.
8. The St. Johns River Water Management District, in consultation with the Department of Environmental Protection and the Department of Agriculture and Consumer Services, using existing authority under Florida Statutes, Chapter 373, including, but not limited to, sections 373.042, 373.139, 373.219, 373.223, 373.413-373.416, 373.426, and 373.1131, shall:

- a. review its permitting rules to determine whether additional criteria specific to the Wekiva Study Area are appropriate to protect the water quality and flow of springs in accordance with state water quality standards and s. 373.042 in the Wekiva River System as defined in s. 369.303(10), and prepare a report of its findings. The review shall consider Task Force Recommendation 15. The report shall include, but need not be limited to the consideration of, criteria that address enhanced protection of surface and ground water resources including: aquifer recharge protection; permitting thresholds to prevent significant adverse impacts to the springs; concurrent action on consumptive use permit and environmental resource permit applications; landscaping irrigation regulation to reduce water use; best management practices for stormwater management and recharge protection; and use of reclaimed water to reduce the use of groundwater. During the development of the report, the District shall consult with the Department of Agriculture and Consumer Services regarding any recommendation or finding affecting agriculture, including agricultural best management practices. The District shall present a preliminary report by November 1, 2003, to the Committee and provide the opportunity for and consider comments from the Committee, affected citizens, and state and regional agencies in developing its final report. The District shall report its findings by December 16, 2003, to the Committee, the Governor, the Commissioner of Agriculture, the Department of Environmental Protection, and the Department of Community Affairs. Based on the District's report and comments received, the Governing Board shall determine whether additional rule criteria are appropriate, and, if appropriate, the District shall publish a Notice of Rule Development by March 31, 2004.
 - b. Assist the Committee with an assessment of the potential additional demand for water supply and its effect on the region's water supply that may result from enhanced land use strategies and development standards that may be considered by the Committee in the Study Area.
 - c. Consider the use of fee simple and less than fee simple acquisition of lands, including uplands, in the Wekiva Study Area; and
 - d. Assure that its review of local government comprehensive plan amendments pursuant to Florida Statutes, section 163.3184 and related rules, considers the best available data related to lands within the Wekiva Study Area, as delineated by the District, and comment accordingly.
9. The Department of Community Affairs shall:
- a. By November 1, 2003, and in consultation with the Department of Environmental Protection, the Department of Agriculture and Consumer Services, and the St. Johns River Water Management District, evaluate the efficacy of existing local plans and land development regulations to protect the surface water and groundwater resources of the Wekiva Study Area, and report its findings to the Committee. By December 1, 2003, the Department shall recommend to the Committee enhanced comprehensive planning and land development regulations to assist the Committee in meeting the charge outlined in paragraph 5 of this Order.
 - b. Using existing authority under Florida Statutes, chapter 163, part II, and chapter 369, Part II, and related rules, assist local governments in the preparation of comprehensive plan amendments and land development regulation changes to

- implement the Committee's recommended land use planning strategies and development standards.
- c. Assure that its review of local government comprehensive plan amendments pursuant to Florida Statutes, section 163.3184 and related rules, considers the best available data related to lands within the Wekiva Study Area, including data and analysis presented to the Wekiva Basin Area Task Force, created by Executive Order 02-259. In the report of its review, the Department may provide advisory comments regarding the extent to which a proposed plan amendment is compatible with Task Force recommendations.
 - d. By June 15, 2004, report to the Governor the extent to which the Committee recommendations implement the requirements of this Executive Order and the progress of local governments toward implementation of the recommended enhanced planning strategies and development standards for the comprehensive plan and land development regulations in the Wekiva Study Area.
10. The Department of Transportation, using existing authority under Florida Statutes, Chapters 334, 335, and 338, including, but not limited to, sections 334.03, 334.044, 335.02, 335.18, 338.001 and related rules, shall:
- a. By January 15, 2004, report to the Governor and Legislature on: (i) both the feasibility and time frames for acquiring lands identified in Task Force Recommendation 16 through the mitigation bank; and (ii) any legislation needed to acquire fee-simple or less-than-fee-simple interest in lands in the Wekiva Study Area or Wekiva River Protection Area in excess of that which may be required for right-of-way and associated construction of the Wekiva Parkway.
 - b. By November 1, 2004, and in consultation with the Turnpike Enterprise, the Orlando-Orange County Expressway Authority, and the Seminole County Expressway Authority, report to the Governor and Legislature joint recommendations for a funding plan and lead agency for the Wekiva Parkway. The funding plan shall be developed to maximize implementation of the location, design and construction principles included in Task Force Recommendations 2, 3, 4, 6, and 7.
 - c. At the appropriate time, assure that future planning for improvements to SR 44 considers Task Force Recommendation 10.
 - d. By December 1, 2003, the Department of Transportation shall present its preliminary recommendations developed pursuant to paragraph 10a, to the Committee and state, regional and federal agencies and request their comments. The Department shall consider comments from the Committee and affected citizens and the state, regional and federal agencies in developing its final recommendations to the Governor and Legislature.
11. The Department of Environmental Protection, using existing authority under Florida Statutes, Chapters 259 (which provides for the Florida Forever and Preservation 2000 programs), 369, 373 and 403, including, but not limited to, sections 369.307(5), 373.118, 373.414-373.416, and 373.426 and related rules, shall:
- a. After considering Task Force Recommendation 16, use all means at its disposal, including evaluating the feasibility of a partnership with the Florida Department of Transportation and Orlando-Orange County Expressway Authority, to complete

acquisition of parcels in the Wekiva-Ocala Greenway as prioritized in Recommendation 16. Prior to issuing permits for the construction of the Wekiva Parkway, the Department of Environmental Protection shall report its progress in completing acquisition of the Wekiva-Ocala Greenway to the Governor and the Department of Community Affairs.

- b. Assure that its review of local government comprehensive plan amendments pursuant to Florida Statutes, section 163.3184 and related rules, considers the best available data related to lands within the Wekiva Study Area, and comment accordingly.
12. The Department of Agriculture and Consumer Services is requested to review the agricultural uses within the boundaries of the Wekiva Study Area. The Department of Agriculture and Consumer Services, in consultation with the St. John's River Water Management District, is requested, by November 1, 2003, to analyze the agricultural practices in use in the Wekiva Study Area and provide a report to the Committee, Governor and the Department of Community Affairs as to which agricultural best management practices are appropriate to protect the water quality and flow of springs in the Wekiva River System and which planning strategies best provide for the long term viability of agriculture within the Wekiva Study Area. This report may be provided as part of the report required pursuant to paragraph 5 of this order.
 13. The Orlando-Orange County Expressway Authority shall assure that any planning, design, engineering, or right of way acquisition for the "U.S. 441 Bypass" follows the recommendations of the Wekiva Basin Area Task Force, created in 2002 by Executive Order 02-259, as applicable.

IN TESTIMONY WHEREOF, I have hereunto set my hand and have caused the Great Seal of the State of Florida to be affixed at Tallahassee, The Capitol, this 1st day of July, 2003.

ATTEST:

SECRETARY OF STATE