



Environmentally Compromised Roads

**A MODEL ORDINANCE FOR FLORIDA'S
COASTAL GOVERNMENTS**

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Background and Purpose

- ▶ St. Johns County case presented a problem that will likely become more common over time throughout Florida coastal governments.
- ▶ Purpose of the Ordinance:
 - ▶ 1. Provide local governments the framework to deal with infrastructure costs and planning in the short and long term.
 - ▶ 2. Process that provides maximum feasible protection to affected properties.
 - ▶ 3. Minimize risk of successful legal claims by managing liability.
- ▶ Ultimately, the Ordinance is meant to be a tool for local governments to use in planning as sea level rise effects have greater impacts moving forward.

Definitions Part 1

- ▶ **LOS:** Level of Service for roadways; defined by the local government and meant to quantify the design and maintenance standards.
- ▶ **ENVIRONMENTALLY CHALLENGING LOCATION:** Typical roadway infeasible due to naturally occurring conditions where:
 - Repeated damage and threat to road to the extent that it is not safe for vehicles or services;
 - Necessity for repair, maintenance, materials, processes, or techniques not standard for other roads;
 - Presence, maintenance, or repair of road has detrimental impact on a natural resource; or
 - Location of road requires permitting or mitigation from federal/state authorities for activities that otherwise would be routine maintenance.

Definitions Part 2

▶ ENVIRONMENTALLY COMPROMISED LOCAL ROAD SEGMENT

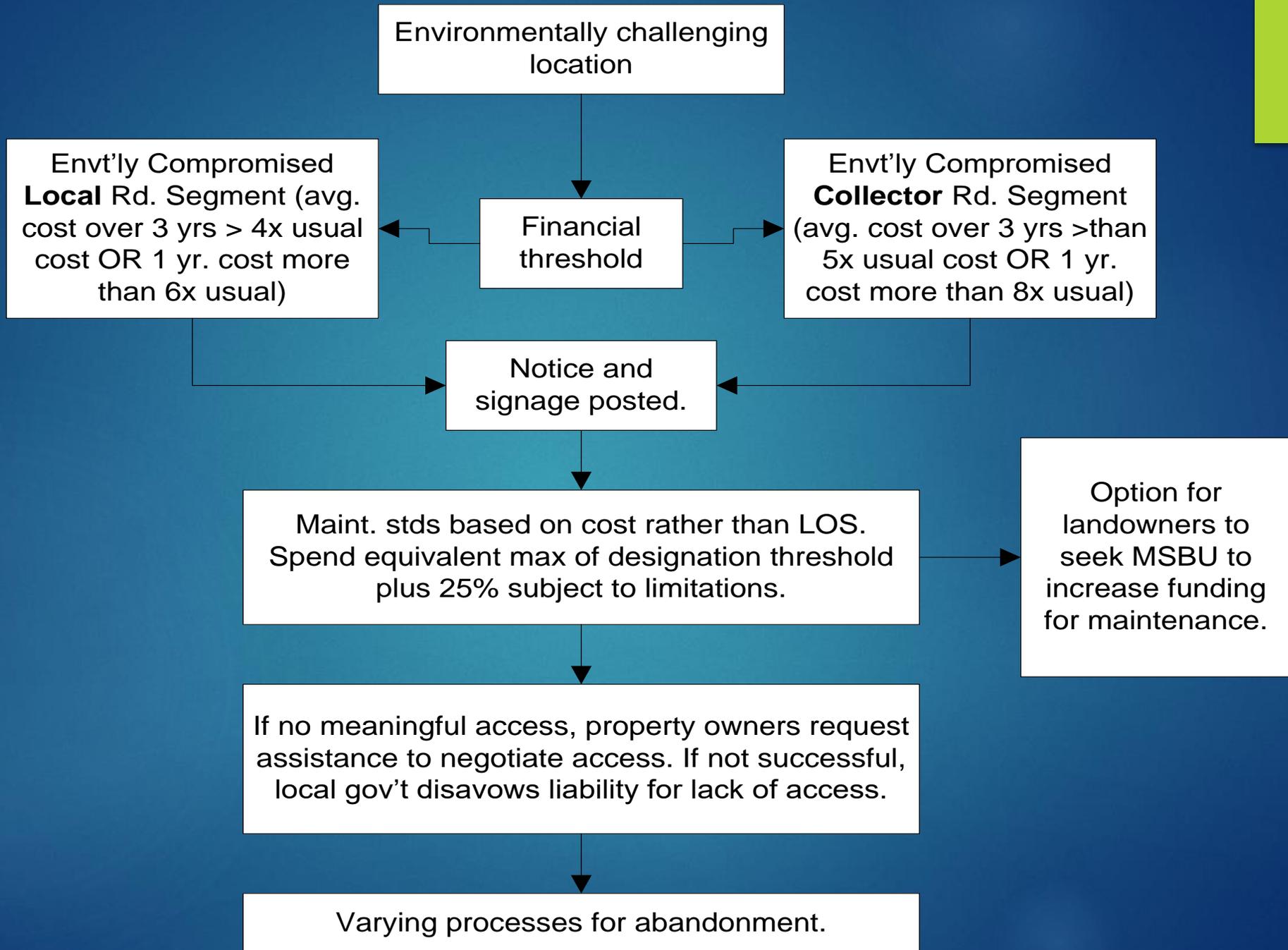
- Annual per-mile cost avg. over 3 years for typical maintenance is 4x or more than the usual cost per mile; or
- Annual per-mile cost in 1 year for typical maintenance is 6x or more than the usual cost per mile.

▶ ENVIRONMENTALLY COMPROMISED COLLECTOR ROAD SEGMENT

- Annual per-mile cost avg. over 3 years for typical maintenance is 5x or more than the usual cost per mile; or
- Annual per-mile cost in 1 year for typical maintenance is 8x or more than the usual cost per mile.

Overview of Ordinance

- ▶ Process for designating Environmentally Challenging Locations and Environmentally Compromised Road Segments.
- ▶ Signage Requirements for Designated Roads.
- ▶ Maintenance Standards and Exceptions to LOS
- ▶ Financial Thresholds
- ▶ Procedure and Assistance in negotiation if there is a lack of “meaningful access” to affected properties.
- ▶ Additional Funding Options
- ▶ Termination and Abandonment Procedures



Information Source

- ▶ The model ordinance, along with other tools and information, can be found by going to:
 - ▶ www.flseagrant.org
 - ▶ 'Climate Change'
 - ▶ 'Coastal Planning'
 - ▶ 'Policy Tools'