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New Handbook Addresses Techniques for Improved Corridor Management

The challenge of managing corridor development and preserving right-of-way lies in the dynamic interaction between transportation and land use. A problem associated with early reservation of corridors is uncertainty of the actual location of the alignment and whether the facility will ultimately be constructed. In the meantime, new development may foreclose opportunities to expand or interconnect roads where needed.

To address these issues, CUTR has prepared a guide entitled "Managing Corridor Development: A Municipal Handbook." The handbook is intended to assist metropolitan planning organizations, local governments, and the Florida Department of Transportation (FDOT) in their corridor management efforts. It reviews best practices in corridor management, including case studies in Florida and other states, and contains summaries of techniques for right-of-way reservation, right-of-way acquisition, and access management.

The guide also addresses legal considerations in administering corridor management programs and the latest guidance on avoiding a regulatory taking.

What is corridor management?

Corridor management encompasses *right-of-way protection* and *access management* and involves the application of measures to:

- prevent or minimize development within the right-of-way of a planned transportation facility or improvement, and
- preserve the safety and efficiency of existing facilities through access management.

Florida planning law defines corridor management as "coordination of the planning of designated future transportation corridors with land-use planning within and adjacent to the corridor . . ." (Ch. 163.3164[30], F.S.). Stated purposes are "to promote orderly growth, to meet the concurrency requirements of this chapter, and to maintain the integrity of the corridor for transportation purposes."

Why is corridor management important?

Land for new roads and highways should be set aside as development occurs. If not, the corridor may be lost to development and a new location must be found. In turn, plans need to be redrawn, project development is delayed, administrative costs go up, and inflation consumes more of the budget. The corridor may also be forced into more environmentally sensitive areas that could otherwise have been avoided, thereby increasing environmental damage.

Allowing development in planned rights-of-way also increases damage to homes and businesses and corresponding costs of acquiring right-of-way. The costs are highest in Florida's growing urbanized areas, making it difficult to keep pace with the need for transportation improvements. (In 1995, FDOT spent \$303.5 million on rights-of-way.) After the facility is built, inadequate management of land development and access can consume roadway capacity earlier than intended, cause safety hazards, and increase the need for costly improvements. As access-related accidents increase, so do the costs to society of property damage, personal injury, insurance, litigation, and lost wages and productivity.

1995 legislative changes

Florida has engaged in right-of-way preservation efforts since the 1980s. In 1995, the Florida legislature amended state transportation planning law (Ch. 337, F.S.), as well as the growth management act (Ch. 163, F.S.), adding new language related to corridor management. The amendments replaced the term "corridor protection" with "corridor management" to reflect the desired emphasis on providing for compatible development along designated corridors, as opposed to strictly limiting development.

The amendments also promoted an expanded local role in right-of-way preservation through designation of state highway corridors in local comprehensive plans. In addition, local governments were authorized to adopt transportation corridor management ordinances to manage development along designated corridors.

For designated state highway corridors, local governments are responsible for notifying FDOT before approving any rezoning, building permit, subdivision change, or other permitting activity that would substantially impair the future viability of the corridor. However, the legislation provides that local governments will not be held liable for failing to notify FDOT under this section. When FDOT is notified of pending development approval, it will determine whether to purchase the affected property or to initiate eminent domain proceedings.

Early acquisition of land within a mapped future corridor can be achieved in several ways, without jeopardizing federal funding for the roadway. Advance acquisition may be possible if an opportunity arises wherein the property owner wishes to sell the land for a negotiated purchase price. Imminent development in the corridor may create the need for protective buying (although this does not guarantee the specific alignment of the facility). Or hardship acquisition may occur in cases where a property owner can demonstrate that, due to health or financial circumstances, remaining on the property would pose an undue hardship.

According to statute, transportation corridor management ordinances are to establish regulations and procedures to preserve and acquire needed right-of-way and protect future transportation, including the

following:

- criteria to manage land uses within and adjacent to the corridor
- restrictions on residential and nonresidential construction within the corridor
- uses that are permitted within the corridor, such as interim uses that allow some economic use of land until it is needed for construction
- a public notification process for notifying affected property owners of the corridor designation, and for notifying the Florida Department of Transportation of development activities that would substantially impair the future viability of a state corridor
- a process for intergovernmental coordination to facilitate consistency and collaboration among jurisdictions that share the facility

This policy shift was designed to encourage closer coordination between FDOT and local governments on preserving right-of-way for planned facilities. It was also a logical outgrowth of court opinions supporting corridor management efforts in the context of local comprehensive planning and growth management programs. Past efforts by the state to protect right-of-way through state official maps had been found unconstitutional (*Joint Ventures v. Florida Department of Transportation* [Fla 1990]).

Local governments have authority to guide and manage land development and can apply a variety of mechanisms not available to states to assure adequate flexibility in administering the program and thereby avoid unnecessary hardship on property owners. In addition, as indicated by the Florida Supreme Court in *Palm Beach County v. Wright* (Fla.1994), providing transportation facilities to serve land development is essential to the ability of local governments to plan for future growth.

Managing corridor development

Corridor development can be guided and managed through a variety of mechanisms. Local governments manage development along new and existing corridors through land use plans, zoning, and subdivision regulations. Local staff can work with applicants during development review to explore opportunities for preserving future right-of-way or improving access through changes in subdivision or site design.

Additional tools include thoroughfare and corridor plans, access management, maps of reservation and associated ordinances, and voluntary and mandatory dedication.

Maps of reservation establish the locations of future rights-of-way and guide the subdivision of land to ensure that new plats conform to the existing and planned road system. The map is also tied to the five-year acquisition and funding schedule of the capital improvements program and may be extended and amended as needed. As such, it is both a planning and programming technique.

A *local official map* is a technique for carrying out the traffic circulation system and capital improvements envisioned in the local comprehensive plan. It translates the more general plan proposals for future streets, street extensions and widening, parks, recreation sites, schools, public utilities, and other public buildings into locations on a legally binding map.

A *thoroughfare protection map* depicts the general location and right-of-way widths of future collector, arterial, and limited access roadways within a city or county. This is the official listing of road rights-of-way to be reserved. It is less comprehensive than the local official map, as it addresses only transportation facilities.

Maps of reservation originate from state and local plans that may imprecisely sketch out future facilities. Where known, the *alignments* of future transportation corridors may be specific and established through detailed engineering surveys. In other cases, aerial photographs may be used to establish approximate alignments with a metes and bounds description by a licensed surveyor, required when the municipality acquires mapped land.

Official maps are implemented through adoption of a regulatory ordinance that restricts building within the mapped rights-of-way. Future right-of-way requirements are tied to the road width requirements in local land development regulations. Most ordinances are oriented toward new construction, but some also restrict improvements to buildings in place when the land was mapped.

Property owners are compensated for the value of land reserved when right-of-way is ultimately acquired and in some cases may be required to dedicate land for future right-of-way. Allowance for interim uses assures that property owners have some economic use of property reserved for a future corridor until the right-of-way is acquired. These include uses that may need to be relocated, such as storm-water retention or parking areas, and uses that would be discontinued, such as recreational facilities, agricultural uses or nurseries, outdoor storage yards, outdoor advertising, or golf driving ranges.

Options for on-site density transfers, impact fee credits, cluster zoning, or exceptions from lot dimensional requirements may also be considered. Early and informal negotiations with property owners and collaboration between FDOT and local governments are other ways to advance corridor management objectives.

This is a sample of the issues and techniques addressed in the handbook, which will be available for distribution in August 1996.

For further information or to obtain a copy of "Managing Corridor Development: A Municipal Handbook," contact CUTR Research Associates Kristine Williams at krwillia@cutr.usf.edu or Margaret Marshall at marshall@cutr.usf.edu.