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New Port Richey Mulls County Mobility Fee System

City must adopt a transportation impact fee to comply with one state law, and do so before July 1 or violate another state law.

By [John Davidson](#) | [Email the author](#) | April 25, 2011

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On paper, the 34 pages of cement-dense document, but somewhere within the engineer-speak and legalese of Pasco County's proposed mobility fee program there are promises of substantial savings for new home builders within the city of New Port Richey.

All the city has to do is partner with the county in its initiative to replace the \$10,320 transportation impact fee it assesses all new homes. In its place would be a regionalized mobility fee that could reduce such levies by 50 to 75 percent in urban areas, including New Port Richey. Transportation impact fees cover the cost of building and paving new roads needed with new development.

Right now, the city doesn't impose transportation impact fees on new residential development. However, [Senate Bill 360](#) passed in 2009 requires all municipalities in the state to adopt transportation impact fees or mobility fees by the end of 2011.

That deadline remains in effect despite an August 2010 ruling by a **Leon County Circuit Court** judge who declared SB 360's transportation concurrency element unconstitutional.

Meanwhile, the State Legislature recently adopted a statute that prohibits municipalities from imposing new impact fees, or increasing impact fees, after July 1. Therefore, the city must adopt a transportation impact fee to comply with one state law, and must do so before July 1 or violate another state law.

Fortunately, according to **Pasco County Chief Assistant Attorney David Goldstein**, the county's proposed mobility fee dodges the potential legal implications of transportation impact fees while lowering costs and providing better direction for "smart growth."

And it's ready for adoption before July 1, he said during a Tuesday presentation to New Port Richey City Council, noting county commissioners are expected to approve it at their June 22 meeting.

"The county will not force you to opt into this," Goldstein said, before adding, "The state might."

Rather than assess all new homes in the county the same one-time levy to improve growth-stressed roads as transportation impact fees do, the proposed mobility fee system divides the county into five "market areas" and bases fees on vehicle miles traveled.

Those miles -- or VMT -- measure the level of travel roads in the five market areas using a complex formula to determine mobility fees.

Fees collected in each market area are earmarked for improvement projects in that particular zone, and provide incentives for infill development on longtime vacant lots and the like, rather than sprawl because levies are lower in areas with the infrastructure to support growth. This means mobility fees in the county's more developed south and west areas, which includes New Port Richey, would have lower fees than those elsewhere.

The proposal does away with the countywide transportation fee of \$10,302 for each new single-family home and replaces it with a \$5,700 mobility fee for a new single-family home in the more urban south and west "market areas;" a \$6,791 fee for new homes in the more suburban east and central "market areas;" and an \$8,613 fee in the rural northern "market area."

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The proposal also allows a 50 to 75 percent discount on fees in designated "town centers" within each area. This means mobility fees assessed against a new home within the city of New Port Richey could range from \$1,425 to \$2,850 under the program.

The program also exempts "employment land uses," specifically industrial and office development, in the county's south and west areas from paying any mobility fees. It does not exempt retail because these land uses generally do not generate the family wage jobs industrial and professional occupations do.

Goldstein explained that the proposed mobility fee system also provides more flexibility than transportation fees do. Transportation impact fees can only be used for roads, but mobility fees can go toward public transit, bike trails and sidewalks, he said.

"It's a true pay-and-go system," he said. "We believe we are on the cutting edge of replacing impact fees."

Councilwoman Judy DeBella Thomas raised the only quasi-objection to the proposal, noting it doesn't offer any incentive for downtown retail development.

But that's something that can be discussed later, Deputy Mayor Rob Sparlowe said. Until then, he said, "I think this is something we ought to stay engaged in."

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