

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 206

SPONSOR: Transportation Committee and Senator Clary

SUBJECT: Toll Exemptions

DATE: April 26, 2000 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>McAuliffe</u>	<u>Meyer</u>	<u>TR</u>	<u>Favorable/CS</u>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

I. Summary:

This CS adds exemptions from paying tolls for the following: 1) any law enforcement officer operating a marked official vehicle when on law enforcement business; 2) any person operating a fire vehicle when on official business, and; 3) any person operating a rescue vehicle when on official business.

This CS substantially amends section 338.155 of the Florida Statutes.

II. Present Situation:

Toll facilities such as the Turnpike, expressways, and toll bridges are owned by either the state, expressway, bridge and transportation authorities, or various local governments. Many of these toll facilities are operated by the Florida Department of Transportation's (FDOT) Toll Operations Office under agreement with the owning governmental entity. Outstanding Turnpike bond issues are subject to bond covenants that restrict free use of Florida's Turnpike to those exemptions in place on the date the covenants were signed (1989), and to official use by officials or employees of the Turnpike. Also, s. 338.229, F.S., provides the state will not limit or restrict the rights of FDOT to fulfill the terms of the bond agreements and will not impair the rights of the bondholders until the bonds are paid.

Section 338.155, F.S., provides it illegal to use a toll facility without paying the required toll. Failure to pay a prescribed toll is a noncriminal traffic infraction, punishable as a moving violation pursuant to s. 318.18, F.S. (\$60 fine). The following exemptions from paying tolls are provided in s. 338.155, F.S.: (1) employees of the agency operating the toll project when using the toll facility on official state business; (2) state military personnel while on official military business; (3) handicapped persons who are disabled so that the person's ability to deposit coins in toll baskets is impaired; (4) persons exempt from toll payment by the authorizing resolution for bonds issued to finance the facility, and; (5) persons exempt on a temporary basis where use of the toll facility is

required as a detour route. In addition, the DOT secretary may suspend the payment of tolls when necessary to assist in emergency evacuation.

In regard to law enforcement officers, s. 338.155, F.S., provides any Florida Highway Patrol officer, sheriff, deputy sheriff, or municipal police officer operating a marked official vehicle is exempt from toll payment when on official law enforcement business.

According to FDOT, a fire or rescue vehicle responding to an emergency is never required to pay a toll. Further, emergency travel is expedited by FDOT toll collection personnel by clearing a lane of existing vehicles if a fire or rescue vehicle is approaching a toll booth with lights and sirens operating.

III. Effect of Proposed Changes:

This CS amends s. 338.155, F.S., to exempt any marked law enforcement vehicles on official law enforcement business, fire vehicles on official business, and rescue vehicles on official business from the payment of tolls on toll facilities.

Granting additional exemptions from paying tolls is a violation of bond covenants with Turnpike bondholders. It cannot be determined whether this violation would be viewed as significant enough to warrant legal action by bondholders or for bond rating agencies to modify the Turnpike's bond ratings.

The CS will have a negative fiscal impact on revenues of the Turnpike and other toll facilities. The amount of this impact cannot be accurately estimated. According to the FDOT, the CS's reduction of revenues for all toll facilities in the state is indeterminate but substantial. The CS would benefit local governments and some private entities by reducing the amount paid for tolls by law enforcement officers, firefighters, and rescue personnel.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

Those private entities which operate rescue vehicles would benefit from not having to pay tolls for their vehicles.

C. Government Sector Impact:

Granting additional exemptions from paying tolls will have a negative fiscal impact on toll revenues. Because the amount of use of toll facilities by the vehicles exempted by the CS is unknown, the amount of this fiscal impact cannot be accurately estimated. In 1997, FDOT estimated the amount of lost revenue to the Turnpike by expanding the law enforcement provision to "unmarked" vehicles to be approximately \$900,000 annually. At the same time, for the toll facilities for which FDOT collects tolls, the amount of lost revenue was estimated to be \$3 million. These amounts would be increased to estimate the CS's impact for the current fiscal year.

Because toll facilities are owned by either the state, expressway, bridge and transportation authorities, or various local governments, these various owners would have a loss of toll revenues due to the exemptions created by this CS. On the other hand, the state and local governmental entities pay for the operation of various law enforcement, fire and rescue vehicle operations, and would benefit from not having to pay tolls for these vehicles when using a toll facility.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.