

STORAGE NAME: h1387a.fpr.doc

DATE: February 27, 2002

**HOUSE OF REPRESENTATIVES
AS FURTHER REVISED BY THE COMMITTEE ON
FISCAL POLICY & RESOURCES
ANALYSIS**

BILL #: HB 1387

RELATING TO: Transportation authorities

SPONSOR(S): Representative(s) Russell

TIED BILL(S):

ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:

- (1) TRANSPORTATION YEAS 12 NAYS 0
- (2) STATE ADMINISTRATION YEAS 3 NAYS 0
- (3) FISCAL POLICY & RESOURCES YEAS 13 NAYS 0
- (4) COUNCIL FOR READY INFRASTRUCTURE
- (5)

I. SUMMARY:

Nine expressway authorities have been specifically created in Florida law, although several other local road or bridge authorities operate under the general auspices of Part I of Chapter 348, F.S. The extent of the powers and duties of each expressway authority is slightly different, but they are guided in principle by the provisions of Chapter 348.

This bill makes a number of statutory changes related to expressway authorities. The bill:

- Doubles the fines for speeding through toll-collection plazas;
- Allows the Tampa-Hillsborough County Expressway Authority to spend its bond proceeds on improvements to its toll-collection facilities, interchanges to the legislatively approved system, and other appurtenant facility;
- Allows the Miami-Dade County Commission to set terms of office and other criteria for the members of the Miami-Dade County Expressway Authority; and
- Allows expressway authorities to establish escrow accounts that can be accessed by the Department of Environmental Protection and the water management districts to pay for wetlands mitigation associated with expressway projects.

This bill has an indeterminate, but likely minimal, impact on state finances. This bill takes effect July 1, 2002.

The House Transportation Committee adopted without objection three amendments which are traveling with the bill. For details, please see "VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES".

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II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

B. PRESENT SITUATION:

Because of the wide-ranging nature of the changes in this bill, the "Present Situation" relating to each issue is set out in the "Section-By-Section Analysis."

C. EFFECT OF PROPOSED CHANGES:

Because of the wide-ranging nature of the changes in this bill, the "Effect of Proposed Changes" relating to each issue is set out in the "Section-By-Section Analysis."

D. SECTION-BY-SECTION ANALYSIS:

Section 1: Penalties for speeding through a toll plaza

Present Situation:

Section 318.14, F.S., explains what constitutes a noncriminal traffic infraction, and the procedures to be followed by motorists who are cited by law enforcement officers for traffic infractions. Typical noncriminal traffic infractions include speeding and other violations of chapter 316, F.S., (the Uniform Traffic Code), as well as driving with an expired license, vehicle tag, or vehicle registration.

The state fines for exceeding the posted speed limit, pursuant to s. 318.18(3)(b), F.S., are staggered, based on how many miles per hour over the speed limit a motorist is driving. For driving 6 to 9 miles per hour over the speed limit, the fine is \$25; motorists driving at least 30 miles per hour over the speed limit are fined \$250.

Speeding through toll plazas is a problem on all the expressways in Florida, but appears to be of particular concern to the Orlando-Orange County Expressway (OOCEA) and its customers. The OOCEA board recently approved a policy aimed at slowing down E-PASS customers who chronically speed through toll plazas. Beginning in November, E-PASS customers who routinely exceed the 35 mph speed limit will be issued courtesy letters encouraging them to slow down. The success of the courtesy letter program will be reviewed in nine months time. If the number of speeders has not been reduced, a tougher approach involving the suspension and revocation of E-PASS transponders will be initiated.

OOCEA based its policy on a recent survey that indicated most expressway customers are concerned about safety at toll plazas. Speed is listed as one of the contributing factors for most accidents at expressway toll plazas.

Effect of Proposed Changes:

Section 318.18(3), F.S., is amended to double the fines for speeding in a toll collection zone. The new provision also directs the governmental entity or authority that controls the toll facility has to erect DOT-approved signs warning that speeding fines will be doubled. The fines cannot be doubled unless the appropriate signs have been installed.

Section 2: Miami-Dade County Expressway Authority

Present Situation:

Chapter 348, F.S., deals with the creation and regulation of expressway authorities. Part I of the chapter, created by the Legislature in 1990, specifies the process for a county or counties to create and operate an expressway authority, including appointment of members. Parts II through IX refer to specific expressway authorities that were legislatively created. Other than the requirement that all the voting members of an authority must live in the county served by the expressway, no other qualifications for authority members are listed in statute.

Effect of Proposed Changes:

The bill amends s. 348.003(2)(d), F.S., to give a charter county, as defined by s. 125.011(1), F.S., the authority to establish qualifications, terms of office, and the obligations and rights of appointees to an expressway authority within its jurisdiction. Although there are several charter counties in Florida, only Miami-Dade County meets all of the relevant conditions, so only the Dade County Expressway Authority will be affected.

Section 3: Tampa-Hillsborough County Expressway Authority

Present Situation:

The Tampa-Hillsborough County Expressway Authority, created pursuant to Part IV of chapter 348, F.S., contracts with the state Division of Bond Finance to issue bonds for its legislatively approved projects. Section 348.56(1), F.S., specifies the proceeds of these bonds shall be used to build, reconstruct, improve, extend, repair, maintain, and operate the expressway system, to acquire land for the system, pay interest on the bonds, establish a reserve account, and pay "all other expenditures of the authority incident to and necessary or convenient to carry out its corporate purposes and powers." However, some question has been raised as to whether proceeds of bonds issued on behalf of the Tampa-Hillsborough County Expressway Authority may be used to improve its toll collection plazas and other facilities related to the system.

Effect of Proposed Changes

HB 1387 creates s. 348.545, F.S., to allow the Tampa-Hillsborough County Expressway Authority to spend bond proceeds to improve toll collection facilities, interchanges to legislatively approved projects, and other related facilities in the expressway system.

Section 4: Wetlands Mitigation Requirements for expressway and bridge authorities

Current Situation:

Many DOT projects involve the dredging and filling of wetlands, Florida's environmental "kidneys" that filter surface water runoff before it is absorbed into the ground, help hold floodwaters, and provide natural habitat. Since the 1970s, the state's environmental agencies have required "mitigation" for damage done to wetlands by human development. Originally, this mitigation was either done on-site, or adjacent to the damaged area, by trying to create or restore a wetland area, or to leave existing green space untouched. A wealth of biological studies in the early 1990s indicted that this piece-meal, project-by-project approach to mitigation was largely unsuccessful in restoring an ecosystem. Florida and other states began developing regional or basin approaches to mitigating for wetlands damage.

In 1996 the Legislature created s. 373.4137, F.S., detailing a process by which DOT could pay a per-acre sum of money to the Department of Environmental Protection (DEP) and the water management districts (WMDs) for their staffs to perform basin-wide mitigation to offset the adverse environmental impacts of road projects. Currently, DOT, DEP and the WMDs match up transportation projects with wetlands impacts, and develop environmental impact inventories for each WMD region of the state. Based on a current \$80,000 per acre of impact cost, DOT makes quarterly deposits in a special escrow account within the State Transportation Trust Fund, and DEP can withdraw funds from it to pay for the mitigation projects within the basins overseen by each WMD. Much of the funds have been spent over the years to acquire and preserve lands from future development.

Effect of Proposed Changes:

Section 373.4137, F.S., is amended throughout to allow expressway authorities to utilize the process developed for DOT to pay mitigation funds into escrow accounts, managed by DEP, which finance WMD mitigation projects to offset the adverse environmental impacts of expressway projects.

Section 5: Provides this act shall take effect July 1, 2002.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

HB 1387 generates no revenues for state agencies, but the Department of Environmental Protection could, under Section 4 of the bill, access expressway authority escrow accounts, if established, to finance wetlands mitigation for expressway projects.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

Indeterminate. Initially, E-pass speeders will be issued courtesy letters, not fines; in the event that this procedure is effective in slowing down traffic, fines may not be collected. If collected, the additional revenue generated by doubling the fines for motorists speeding through toll-collection plazas, under Section 1, will go to the county or city whose law enforcement officer wrote the citation. It is unknown at this time how much revenue potentially could be generated.

Also, the water management districts could, under Section 4 of the bill, access expressway authority escrow accounts, if established, to finance wetlands mitigation for expressway projects.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

The bill does not require cities or counties to expend funds, or to take actions requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

The bill does not reduce the revenue-raising authority of counties or municipalities

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

The bill does not reduce the state tax revenues shared with counties or municipalities

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

The expressway authorities appear to have sufficient existing rulemaking authority to implement the various provisions of the bill.

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

At its February 13, 2002, meeting, the House Transportation Committee adopted without objection three amendments offered by Rep. Russell, which will travel with the bill, and reported the bill favorably.

Amendment #1: Allows DOT, the expressway authority, and "law enforcement with proper jurisdiction," to move vehicles involved in accidents at toll plazas, where no one was injured, away from the toll lanes so as to keep traffic flowing.

Amendment #2: Allows expressway authorities to acquire less-than-fee interests in land, and to have reasonable access to private property in order to reach their facilities and perform surveys and maintenance.

Amendment #3: Adds the Lee Roy Selmon Crosstown Expressway to I-4 connector to the statutorily approved list of Tampa-Hillsborough County Expressway Authority projects.

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VII. SIGNATURES:

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