

**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** CS/HB 1331 Transportation Projects  
**SPONSOR(S):** Roads, Bridges & Ports Policy Committee; Abruzzo  
**TIED BILLS:** **IDEN./SIM. BILLS:** SB 1842

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	<b>REFERENCE</b>	<b>ACTION</b>	<b>ANALYST</b>	<b>STAFF DIRECTOR</b>
1)	Roads, Bridges & Ports Policy Committee	11 Y, 0 N, As CS	Johnson	Miller
2)	Transportation & Economic Development Appropriations Committee	9 Y, 0 N	Fennell	Creamer
3)	Economic Development & Community Affairs Policy Council		Johnson	Tinker
4)				
5)				

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**SUMMARY ANALYSIS**

The State Highway System Access Management Act provides for the regulation of access to the State Highway System. This law provides that adjacent property owners have a right to reasonable, but not unregulated, access to their property. These access rights are subject to reasonable regulation to ensure a safe and efficient highway system. The Department of Transportation (DOT) has implemented access management guidelines to provide guidance on access management issues.

The bill requires DOT to notify local governments prior to certain projects which will divide a highway, erect a median barrier, or close or modify an access connection to an abutting property owner. The local government is required to seek public input on how the change in access will impact access to businesses and the economic impact to the business community. DOT is required to consider the local government's comments in the final design of the project.

DOT may see an increase in expenditures due to having to notify local governments prior to doing certain projects, and will be able to absorb these costs within existing resources. Municipalities and counties may incur incidental expenses associated with receiving public input and preparing comments regarding certain transportation projects.

The bill has an effective date of July 1, 2010.

## HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Current Situation

Sections 335.18 through 335.188, F.S. creates the "State Highway System Access Management Act." This law provides that the access management regulations are necessary "to protect the public health, safety, and welfare, to preserve the functional integrity of the State Highway System, and to promote the safe and efficient movement of people of goods within the state."

The law also gives property owners whose property abuts the State Highway System the right to reasonable access, but not unregulated access to the property. These access rights are "subject to reasonable regulation to ensure the public's right and interest in a safe and efficient highway system."

The Department of Transportation (DOT) has implemented access management guidelines to provide guidance on access management issues.<sup>1</sup> The guidelines address the location, design, and operation of driveways, median openings, interchanges, and street connections. A basic principal of access management is to limit the number of conflict points along a roadway by limiting the number of driveways and median openings and restricting certain movements at some median openings. The goal of these guidelines is to properly balance access and mobility in the design of state roadways.

Section 339.155(6), F.S., provides for public participation in DOT's planning process. It provides that in developing major transportation improvements such as increasing capacity or providing new access to a limited or controlled access facility or constructing a facility in a new location, DOT is required to hold one or more public hearings, including prior to the selection and commitment to a specific design. The hearing is to be conducted to provide an opportunity for effective participation by interested parties. At least 20 days prior to a hearing related to design, DOT is required to notify property owners of record within 300 feet of the centerline of the proposed facility and those whom DOT determines will be substantially affected environmentally, economically, socially, or safetywise.

##### Proposed Changes

The bill creates s. 335.199, F.S. This new section provides that when DOT proposes a project on the State Highway System which; will divide a state highway, will erect media barriers modifying currently available vehicle turning movements; or have the effect of closing or modifying an existing access

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<sup>1</sup> Information on DOT's access management program is available at <http://www.dot.state.fl.us/planning/systems/sm/accman/>.

connection to an abutting property owner, it must notify all affected municipalities and counties at least 180 days before the project's design is finalized.

For projects within municipal boundaries, the notification is to be issued in writing to the chief elected official in the municipality. For projects in unincorporated areas, the notification is to be issued in writing to the chief elected official in the county.

The bill requires the affected municipality or county to receive and review public input on how dividing the state highway, erecting media barriers, or closing or modifying access connections that will affect access to businesses and the potential economic impact to the local business community.

The affected municipality or county has 60 days from the date it receives the notice to provide comments to DOT regarding how the project will affect access to businesses and the potential economic impact to the local business community.

The bill requires DOT to review all comments submitted by a local government, and take these comments into consideration in the final design of the highway project.

The bill has an effective date of July 1, 2010.

#### B. SECTION DIRECTORY:

Section 1      Creates s. 335.199, F.S., directing DOT to notify local governmental entities on certain proposed projects before the design is finalized; providing a time frame for notification; requiring the local governmental entity to receive and review public input regarding the effects of the projects on local business and to provide comments to DOT; directing DOT to consider the comments in the final design of the project.

Section 2      Provides an effective date.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

##### 1. Revenues:

None

##### 2. Expenditures:

DOT may incur some additional expenditures associated with notifying local governments in the design phase of certain transportation projects, and will be able to absorb these costs within existing resources.

#### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

##### 1. Revenues:

None

##### 2. Expenditures:

Municipalities and counties may incur some incidental expenditures associated with reviewing and seeking public input prior to certain DOT projects.

#### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

#### D. FISCAL COMMENTS:

None

### **III. COMMENTS**

#### **A. CONSTITUTIONAL ISSUES:**

##### **1. Applicability of Municipality/County Mandates Provision:**

Not applicable. The bill does not appear to: require counties or municipalities to spend funds or take an action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with counties or municipalities.

##### **2. Other:**

None

#### **B. RULE-MAKING AUTHORITY:**

None

#### **C. DRAFTING ISSUES OR OTHER COMMENTS:**

None

### **IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES**

On March 17, 2009, the Roads, Bridges & Ports Policy Committee adopted a strike-all amendment to HB 1331. The amendment replaced the original bill's local government approval requirement with a process requiring DOT to notify local governments prior to finalizing the design on a project that would impede access. The amendment also requires the local government to review and receive public input regarding the proposed project. DOT is required to consider these comments in its final design for the project. The bill was reported favorably as a committee substitute.