

**The Florida Senate**  
**VETO MESSAGE BILL ANALYSIS**

(This document is based on the enrolled bill, as presented to the Governor.)

Prepared By: The Professional Staff of the Transportation Committee

**BILL:** CS/CS/SB 1842

**INTRODUCER:** Community Affairs Committee, Transportation Committee, and Senators Bennett and Lynn

**SUBJECT:** Transportation Projects

**DATE:** June 29, 2010                      **REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Eichin</u>	<u>Meyer</u>	<u>TR</u>	<u>Fav/CS</u>
2.	<u>Howes</u>	<u>Yeatman</u>	<u>CA</u>	<u>Fav/CS</u>
3.	<u>Carey</u>	<u>Noble</u>	<u>TA</u>	<u>Fav</u>
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**I. Summary:**

This bill requires the Florida Department of Transportation (FDOT, department) to notify affected local governments of proposed changes to state highways when the project:

- divides a state highway;
- erects a barrier median which would modify vehicle turning movements; or
- has the effect of closing or modifying existing access to adjacent property.

The notification must occur at least 180 days before the design of the project is finalized. The bill also allows the local government to present alternatives which would relieve the impacts to the business properties. The bill also requires FDOT to hold at least one public hearing in the jurisdiction where the project is located and receive public input.

This bill creates s. 335.199 of the Florida Statutes.

**II. Present Situation:**

Access management addresses the location, design, and operation of medians and median openings, driveways, interchanges, and street connections on public roadways. The core goal of access management is the elimination or limitation of traffic conflict points along a roadway by limiting the number of driveways and median openings and restricting certain movements at some median openings. Access management's inherent reduction in traffic conflict points increases safety and improves traffic flow. The department uses access management standards, guidelines, and designs created from national standards and research.

**Florida’s Access Management Act**

Sections 335.18 through 335.188, F.S. create the “State Highway System Access Management Act.” The act establishes the Legislature’s finding that 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 or goods within the state.”

Section 335.181(2), F.S., gives property owners whose property abuts the State Highway System the right to reasonable access, but not unregulated access to the property. The paragraph also provides for FDOT to restrict the operational characteristics of access connections. These access rights are “subject to reasonable regulation to ensure the public’s right and interest in a safe and efficient highway system.”

Access to all roads on the State Highway System is limited or controlled. FDOT has implemented access management guidelines and standards by rule to provide guidance on access management issues. The guidelines address the location, design, and operation of driveways, median openings, interchanges, and street connections. The goal of these guidelines is to properly balance access and mobility in the design of state roadways.

Rule 14-97, F.A.C., establishes seven classifications for state highways and the criteria and procedures for assigning these classifications to specific roads.<sup>1</sup> Essentially, the classifications allow for consistent application of access management standards by identifying the functional purpose of the road on a scale with high-speed through-traffic on one end, and lower speed local traffic with numerous interactions with adjacent land use on the other end.

For example, Access Class 1 consists of limited access facilities, *i.e.*, roadways which do not provide direct property connections but provide for high speed and high volume traffic movements serving interstate, interregional, and intercity, and, to a lesser degree, intracity, travel needs. Interstate highways and Florida’s Turnpike are typical of this class. Interchange spacing standards for Access Class 1 are shown in Table 1 below. Access Classes 2 through 7 consist of controlled access facilities. Intersection spacing, median type, median opening, and connection (driveway) spacing is shown in Table 2 below. Generally the roadways serving areas without existing extensive development are classified in the upper portion of the range (Access Class 2, 3, and 4). Those roadways serving areas with existing moderate to extensive development are generally classified in the lower portion of the range (Access Class 5, 6, and 7). The access management standards for each access class are further determined by the posted speed limit, as shown in Table 2 below. Medians and median openings are regulated through the requirement for a restrictive median in certain classes. For those classes, spacings between median openings are regulated.

Table 1 Access Management Standards for <b>Limited</b> Access Facilities		
Access Class	Segment Location	Applicable Interchange Spacing Standard
1	Area Type 1 – CBD & CBD Fringe for Cities in Urbanized Areas	1 Mile

<sup>1</sup> <https://www.flrules.org/gateway/ChapterHome.asp?Chapter=14-97>.

Area Type 2 – Existing Urbanized Areas Other Than Area Type 1	2 Miles
Area Type 3 – Transitioning Urbanized Areas and Urban Areas Other Than Area Type 1 OR 2	3 Miles
Area Type 4 – Rural Areas	6 Miles

Table 2  
Access Management Standards for **Controlled** Access Facilities

Access Class	Median	Median Opening Spacing Standard (feet)		Signal Spacing Standard (feet)	Connection Spacing Standard (feet)	
		Full	Directional		> 45 MPH	≤ 45 MPH
2	Restrictive	2,640	1,320	2,640	1,320	660
3	Restrictive	2,640	1,320	2,640	660	440
4	Non-restrictive			2,640	660	440
5	Restrictive	2,640 when > 45 MPH			2,640 when > 45 MPH	
		1,320 when ≤ 45 MPH			1,320 when ≤ 45 MPH	
6	Non-restrictive			1,320	440	245
7	Both Types	660	330	1,320	125	125

**Medians**

Restrictive medians and well designed median openings are the most effective means of reducing traffic conflict points primarily through the elimination of left-turning traffic movements.<sup>2</sup> Properly implemented median management will result in improvements to traffic operations, minimize adverse environmental impacts, and increase highway safety. As traffic flow is improved, delay is reduced as are vehicle emissions. In addition, roadway capacity and fuel economy are increased, and most importantly, crashes are less numerous and/or less severe.

**Public Involvement in Transportation Planning**

Section 339.155(6), F.S., provides for public participation in FDOT’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, FDOT is required to hold one or more public hearings, including a hearing 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 a transportation project’s design features, FDOT is required to notify property owners of record within 300 feet of the centerline of the proposed facility and those whom FDOT determines will be substantially affected environmentally, economically, socially, or safetywise.

**III. Effect of Proposed Changes:**

**Section 1** creates s. 335.199, F.S., to require FDOT to notify all affected property owners, municipalities, and counties of proposed changes to state highways, when the project:

- divides a state highway;

<sup>2</sup> FDOT Median Handbook, <http://www.dot.state.fl.us/planning/systems/sm/accman/pdfs/mhb06b.pdf>.

- erects a barrier median which would modify vehicle turning movements; or
- have the effect of closing or modifying existing access to adjacent property.

The written notification must be given at least 180 days before the design of the project is finalized and must provide a written explanation regarding the need for the project and indicate that all affected parties will be given an opportunity to provide comments to the department regarding the potential impacts of the project. The notification must also be given to the chief elected official of the municipality or county, depending on whether the project is within or outside of municipal boundaries.

The bill also requires FDOT to consult with the local government on its final design proposal if the department intends to divide a state highway, erect median barriers, or close or modify existing access to abutting commercial business properties. The local government may also present alternatives which would relieve the impacts to the business properties. The bill also requires FDOT to hold at least one public hearing in the jurisdiction where the project is located and receive public input on the potential economic impact of the project on the local business community. The department must review and consider the comments and any alternatives presented by a local government in preparing the final design of the project.

**Section 2** provides an effective date of July 1, 2010.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

**C. Government Sector Impact:**

The expanded notification process may result in the department incurring marginal expenses which can be accommodated within existing resources. The need for additional appropriation is not anticipated.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Veto:****A. Governor's Stated Reason for Veto:**

The Governor's veto message (dated June 4, 2010) states:

The bill creates additional requirements and conditions in order for a roadway design to include a median with turning lanes.

The safe and efficient movement of people, goods and services on our roadways continues to be an important priority for my administration. Current law provides citizens, businesses and local governments the opportunity to provide their input into the decision-making process through public hearings. The bill creates confusion by duplicating existing processes for public notice and hearings and applying it only to modifications of access. It introduces but does not define "affected property owners," again, only related to modifications of access. These important public safety projects should not be subjected to unnecessary delays.

**B. Professional Staff Comments:**

None.