

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

TRANSPORTATION
Senator Latvala, Chair
Senator Evers, Vice Chair

MEETING DATE: Tuesday, February 22, 2011
TIME: 1:00 —3:00 p.m.
PLACE: Mallory Horne Committee Room, 37 Senate Office Building

MEMBERS: Senator Latvala, Chair; Senator Evers, Vice Chair; Senators Benacquisto, Bullard, Garcia, Joyner, and Storms

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 118 Bullard	Bicycle Safety; Revises safety standard requirements for bicycle helmets that must be worn by certain riders and passengers. Provides for enforcement of requirements for bicycle lighting equipment. Provides penalties for violations. Provides for dismissal of the charge following a first offense under certain circumstances.	TR 02/22/2011 CJ BC
2	SB 550 Hays (Identical H 4097)	Repealing Budget Provisions; Deletes certain budget summary requirements. Repeals a provision relating to Mobility 2000 funding. Conforms cross-references.	TR 02/22/2011 BC
3	SB 552 Hays (Identical H 4029)	Transportation Corporations; Removes provisions that provide for nonprofit corporations to act on behalf of the Department of Transportation to secure and obtain rights-of-way for transportation systems and to assist in the planning and design of such systems. Removes a provision for audits of transportation corporations by the Auditor General, to conform; providing an effective date, etc.	TR 02/22/2011 BC
4	SB 640 Bennett (Identical H 571)	Fire-fighting Equipment; Exempts such equipment from certain motor vehicle size and weight restrictions.	TR 02/22/2011 CA BC

COMMITTEE MEETING EXPANDED AGENDA

Transportation

Tuesday, February 22, 2011, 1:00 —3:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
5	CS/SB 654 Higher Education / Oelrich (Compare H 7)	Student Fees; Authorizes the Board of Trustees of Santa Fe College to establish a transportation access fee for students enrolled at Santa Fe College, including students enrolled in workforce education programs. Requires that revenue from the fee be used only to provide or improve access to transportation services. Requires that a referendum be held by the student government to approve the application of the fee. Prohibits the inclusion of the fee in calculating the amount a student receives under the Florida Bright Futures Scholarship Program awards, etc.	HE 02/08/2011 Fav/CS TR 02/22/2011 BC
6	SB 782 Latvala (Identical H 601)	Road and Bridge Designations; Designates the Sgt. Thomas J. Baitinger and Officer Jeffrey A. Yaslowitz Memorial Highway in Pinellas County.	TR 02/22/2011 BC RC
7	Presentation by the Florida Transportation Commission		
8	Presentation by the Florida Statewide Passenger Rail Commission		

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Transportation Committee

BILL: SB 118

INTRODUCER: Senator Bullard

SUBJECT: Bicycle Safety

DATE: February 16, 2011 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sookhoo	Spalla	TR	Pre-meeting
2.			CJ	
3.			BC	
4.				
5.				
6.				

I. Summary:

This bill revises safety standard requirements for bicycle helmets worn by minor riders and passengers to require the helmets to meet certain federal safety standards. The use of helmets purchased before October 1, 2011, in compliance with current statutory standards will be permitted until January 1, 2015. The bill also provides the option for law enforcement to issue a verbal warning and a safety brochure or to issue a citation to violators of the bicycle lighting equipment requirements; clarifies penalties for violations, and provides for dismissal of a first offense.

This bill substantially amends s. 316.2065 of the Florida Statutes.

II. Present Situation:

Current Bicycle Helmet Requirements

Under current law, a bicycle rider or passenger who is less than 16 years of age must wear a bicycle helmet properly fitted and fastened securely by a strap. The helmet must meet the standards of the American National Standards Institute (ANSI Z 90.4 Bicycle Helmet Standards), the standards of the Snell Memorial Foundation (1984 Standard for Protective Headgear for Use in Bicycling), or any other nationally recognized standards for bicycle helmets adopted by the Department of Highway Safety and Motor Vehicles. The term "passenger" includes a child who is riding in a trailer or semi trailer attached to a bicycle. A law enforcement officer or school crossing guard is specifically authorized to issue a bicycle safety brochure and a verbal warning to a rider or passenger who violates the helmet law. A law enforcement officer is authorized to issue a citation and the violator will be assessed a \$15 fine plus applicable court costs and fees. An officer may issue a traffic citation for a violation of this provision only if the violation occurs

on a bicycle path or road. A court is required to dismiss the charge against a bicycle rider or passenger for a first violation of the provision upon proof of purchase of a bicycle helmet in compliance with the law. Further, a court is authorized to waive, reduce or suspend payment of any fine imposed for a violation of the helmet law.

Current Bicycle Lighting Requirements

Currently, every bicycle in use between sunset and sunrise must be equipped with a lamp on the front exhibiting a white light visible from a distance of at least 500 feet to the front and a lamp and reflector on the rear, each exhibiting a red light visible from a distance of 600 feet to the rear. A bicycle or its rider may be equipped with lights or reflectors in addition to those required by law. Violation of bicycle lighting requirements is a non-criminal traffic infraction punishable as a pedestrian violation by a \$15 fine plus applicable court costs and fees.

Standards for Bicycle Helmet Manufacturing

Nearly 17 years ago, the United States Congress passed the Child Safety Protection Act of 1994, requiring the Consumer Product Safety Commission (CPSC) to develop mandatory bicycle helmet standards. The CPSC published 16 CFR Part 1203 in March, 1998 to apply to all helmets manufactured since March, 1999. The rule mandates several performance requirements related to impact protection, children's helmets head coverage, and chin strap strength and stability. Helmets meeting the requirements display a label indicating compliance with the standards.

III. Effect of Proposed Changes:

This bill amends bicycle helmet regulations effective October 1, 2011, to require compliance with the federal safety standard for bicycle helmets contained in 16 C.F.R., part 1203. Helmets purchased prior to October 1, 2011, in compliance with the existing statutory standards may continue to be worn legally by riders or passengers until January 1, 2015.

The bill allows law enforcement officers to issue bicycle safety brochures and verbal warnings to bicycle riders and passengers who violate bicycle lighting equipment standards in lieu of issues a citation. At the discretion of the law enforcement officer, a bicycle rider who violates the bicycle lighting equipment standards may still be issued a citation and assessed a fine as described above. However, the bill requires the court to dismiss the charge against a bicycle rider for a first violation of this offense upon proof of purchase and installation of the proper lighting equipment.

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:

Since the CPSC standards were established 10 years ago, the number of helmets not meeting the standards has diminished significantly. Further, the bill allows helmets purchased before the effective date to be used without penalty until 2015. This minimizes fiscal impact to individuals since these helmets likely will have been outgrown or otherwise need to be replaced.

C. Government Sector Impact:

There is a likely positive yet indeterminate fiscal impact due to a presumed reduction of public health costs.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Transportation Committee

BILL: SB 550

INTRODUCER: Senator Hays

SUBJECT: Repealing Budget Provisions/Mobility 2000

DATE: February 10, 2011 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Eichin	Spalla	TR	Pre-meeting
2.	_____	_____	BC	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

Chapter 216, F.S., the planning and budgeting law, provides guidelines to the Governor, the judicial branch, and state agencies for developing and submitting legislative budget requests and administering legislative appropriations. This bill repeals requirements related to unit cost data which have been found to be limited in their usefulness as budgeting, policy-making, and accountability tools.

The bill also repeals obsolete language which created the Mobility 2000 initiative within the Florida Department of Transportation. The Mobility 2000 initiative has been completed.

This bill substantially amends sections 216.013, 216.023, and 489.145, F.S.

This bill repeals s. 339.1371, F.S.

II. Present Situation:

Chapter 216, F.S., the planning and budgeting law, provides guidelines to the Governor, the judicial branch, and state agencies for developing and submitting legislative budget requests and administering legislative appropriations.

Section 216.023, F.S., requires each agency to include in its legislative budget request the legislatively-approved output and outcome performance and accountability measures and any revisions proposed by the agency. Subsection (4)(b) provides that “it is the intent of the

Legislature that total accountability measures, including unit-cost data, serve not only as a budgeting tool but also as a policymaking tool and an accountability tool.” Accordingly, each state agency and the judicial branch is required to submit a one-page summary of information for the preceding year that must contain:

1. The final budget for the agency and the judicial branch.
2. Total funds from the General Appropriations Act.
3. Adjustments to the General Appropriations Act.
4. The line-item listings of all activities.
5. The number of activity units performed or accomplished.
6. Total expenditures for each activity, including amounts paid to contractors and subordinate entities. Expenditures related to administrative activities not aligned with output measures must consistently be allocated to activities with output measures prior to computing unit costs.
7. The cost per unit for each activity, including the costs allocated to contractors and subordinate entities.
8. The total amount of reversions and pass-through expenditures omitted from unit-cost calculations.

The Legislature is required to reduce an agency’s General Appropriations Act allocation by at least 10 percent if the agency does not submit this information.

According to a report¹ prepared by the Office of Program Policy Analysis and Government Accountability, agencies have submitted the information. However, inherent differences in methodologies used by the various agencies in calculating their direct and indirect activity costs, “limit the Legislature’s ability to validly compare the efficiency of similar activities performed by different agencies or to assess changes in agency performance over time.”

Mobility 2000 was a program created during the 2000 Legislative Session in ch. 2000-257, L.O.F. The act allowed for the advancement of more than \$4 billion in transportation projects over a ten year period. To provide funding for the advancement of projects, the act:

- increased the percentage of the rental car surcharge deposited into the State Transportation Trust Fund (STTF);
- eliminated certain service charges; and
- appropriated funds from General Revenue to the STTF.

Section 339.1371, F.S. required the department, beginning in fiscal year 2000/2001, to allocate funds to implement the Mobility 2000 initiative. The section required the department to develop a plan to expend these revenues and amend the current tentative work program for the time period 2000-2001 through 2004-2005 prior to adoption to include Mobility 2000 projects. The department was required to submit a budget amendment prior to work program adoption requesting budget authority needed to implement the Mobility 2000 initiative. The section also provides that in fiscal year 2001-2002 and each year thereafter, the increase in revenue to the

¹ *More Uniform Methodology Is Needed for State Agencies’ Unit Cost Information*, Report No. 05-35, May 2005
<http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/0535rpt.pdf> (last visited on Feb. 10, 2011)

STTF derived from specified sections of ch. 2000-257, L.O.F. must be first used by FDOT to fund the Mobility 2000 initiative. Any remaining funds were to be used to fund the Florida Strategic Intermodal System created pursuant to s. 339.61, F.S. The increased revenues provided for in the section are not subject to s. 206.46(3), F.S., and s. 206.606(2), F.S., which require minimum annual commitments or allocations of STTF funds to public transportation.

All Mobility 2000 funds have been allocated.

III. Effect of Proposed Changes:

Section 1 amends s. 216.023, F.S., to remove legislative intent related to accountability measures, including unit-costs from requirements for submission of legislative budget requests by agencies and the judicial branch.

Section 2 repeals s. 339.1371, F.S., to eliminate the obsolete Mobility 2000 program.

Section 3 amends s. 216.013, F.S., to conform a cross-reference made obsolete by Section 1 of the bill.

Section 4 amends s. 489.145, F.S., to conform a cross-reference made obsolete by Section 1 of the bill.

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:

FDOT reports no fiscal impact from the provisions of the bill relating to unit costs reporting.

Section 339.1371(2), F.S., stipulates the increase in revenue to the STTF derived from specified sections of ch. 2000-257, L.O.F. is not subject to the minimum public transportation funding percentages required by s. 206.46(3), F.S., and s. 206.606(2), F.S. The repeal of s. 339.1371, F.S., (Mobility 2000) will result in those revenues becoming subject to the minimum funding percentages. Since the base amount from which the percentages is being increased, minor revisions to the FDOT work program may be required in outer years to ensure the minimum funding requirements are maintained.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Transportation Committee

BILL: SB 552

INTRODUCER: Senator Hays

SUBJECT: Transportation Corporations

DATE: February 11, 2011 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davis	Spalla	TR	Pre-meeting
2.	_____	_____	BC	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill repeals ss. 339.401 through 339.421, F.S., which create the “Florida Transportation Corporation Act.” This act was created in 1988, to allow certain corporations authorized by the Florida Department of Transportation (FDOT or department) to secure and obtain right-of-way for transportation systems and to assist in the planning and design of such systems. The act contains statutory provisions related to those corporations. According to FDOT, the provisions of this act have never been used.

The bill also repeals s. 11.45(3)(m), F.S., authorizing the Auditor General to audit these corporations.

This bill repeals the following sections of the Florida Statutes: 339.401, 339.402, 339.403, 339.404, 339.405, 339.406, 339.407, 339.408, 339.409, 339.410, 339.411, 339.412, 339.414, 339.415, 339.416, 339.417, 339.418, 339.419, 339.420, 339.421 and 11.45(3)(m).

II. Present Situation:

Sections 339.401 through 339.421, F.S., creates the “Florida Transportation Corporation Act.” This act was created in 1988 to allow certain nonprofit corporations authorized by FDOT to act in the department’s behalf in assisting with project planning and design, assembling right of way and financial support, and generally promoting projects included in the adopted five-year work program of the department.

Among the specific activities of transportation corporations authorized under Florida statute are:

- acquiring, holding, investing and administering property and transferring title to the FDOT for project development;
- performing preliminary and final alignment studies;
- receiving contributions of land for right-of-way, and cash donations to be applied to the purchase of right-of-way or design and construction projects; and,
- making official presentations to groups concerning the project an issuing press releases and promotional materials.

Florida transportation corporations cannot issue bonds and are not empowered to enter into construction contracts or to undertake construction. They are enabled to otherwise borrow money or accept donations to help defray expenses or needs associated with the corporation of the transportation project.

According to FDOT, the provisions of this act have never been used. Section 11.45(3)(m), F.S., authorizes the Auditor General to audit corporations acting on behalf of FDOT pursuant to the Florida Transportation Corporation Act.

III. Effect of Proposed Changes:

The bill repeals the Florida Transportation Corporation Act in ss. 339.401 through 339.421, F.S. The bill also repeals s. 11.45(3)(m), F.S., authorizing the Auditor General to audit these corporations.

The bill has an effective date of July 1, 2011.

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:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Transportation Committee

BILL: SB 640

INTRODUCER: Senator Bennett

SUBJECT: Fire-fighting Equipment - Exemptions

DATE: February 16, 2011 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Eichin	Spalla	TR	Pre-meeting
2.	_____	_____	CA	_____
3.	_____	_____	BC	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill exempts certain motor vehicles used by a fire department from the height, width, weight, length, and load restrictions provisions of ch. 316, Florida Statutes. The bill additionally exempts such motor vehicles when being operated by a manufacturer or sales organization for the purpose of sale, demonstration, exhibit, or delivery to a fire department.

This bill creates an unnumbered section of the Florida Statutes.

II. Present Situation:

Federal law¹ and s. 316.535(5), F.S., require the overall gross weight of any vehicle or combination of vehicles may not exceed 80,000 pounds, including all enforcement tolerances, for both the Interstate and non-interstate highway system. Generally, the rate of damage to roads and bridges increases as vehicle weight increases resulting in higher maintenance and replacement costs and potentially creating unsafe conditions. For practical and safety reasons, maximum legal vehicle weight limits are established for all public roads and bridges. Except as provided, no vehicle or combination of vehicles exceeding the gross weights specified shall be permitted to travel on the public highways within the state.

The maximum vehicle weights published by the Department of Transportation (FDOT, department) allow compliant vehicles to travel most public highways of the state without causing excessive road damage or bridge failures. However, some roads and bridges have lower weight

¹ 23 CFR 658.17(b): “The maximum gross vehicle weight shall be 80,000 pounds except where lower gross vehicle weight is dictated by the bridge formula.”

limits due to their age, condition, or design. These facilities have *posted* weight limits, *i.e.*, their lower weight limits are identified through signage at the facility.² Vehicles exceeding the maximum weight limits on a facility, including posted facilities, are presumed to damage the highways of the state and are subject to fines³.

Gross vehicle weight (GVW) is the total weight of a vehicle or combination of vehicles and any cargo carried by the vehicle or combination of vehicles. Federal regulations and s. 316.535, F.S., provide maximum allowable GVW limits for public roads and bridges in Florida. Legal GVW may not, without a special permit, exceed 80,000 pounds for both the Interstate and non-interstate highway system. However, in some cases, a vehicle's GVW limit will be lower.

Federal law (see 23 CFR 658.17(h)) and s. 316.550, F.S., authorize the FDOT or local authority to issue special permits authorizing the applicant to operate or move a *nondivisible load* of a size or weight exceeding the maximum specified, or otherwise not in conformity, upon any highway. The permit must describe the vehicle or vehicles and load to be operated or moved and the highways for which the permit is requested.

Section 316.550(4)(a), F.S., authorizes the department or local authority to issue permits allowing commercial vehicles not exceeding the weight limits of s. 316.535(5), F.S., plus the scale tolerance provided in s. 316.545(2), F.S., to operate on non-interstate highways on designated routes specified in the permit. These permits do not take into consideration whether the load is divisible. The designated route must avoid any bridge which the department determines cannot safely accommodate vehicles with a gross vehicle weight authorized in s. 316.550(4)(a), F.S. Since the provisions of s. 316.550(4)(a), F.S., directly conflict with federal law described above as to the divisibility of loads, the provisions are limited to non-interstate highways to avoid the potential for a 10% annual reduction in federal highway funding.⁴

Federal law (23 CFR 658.5) authorizes states to issue special permits in accordance with state law for the carriage of nondivisible loads on Interstate highways and to issue special permits to other vehicles exceeding the federal maximum weight limits.

Federal law (see 49 CFR 658.5) exempts the operation of fire trucks and rescue vehicles while involved in emergency and related operations from general applicability of height, width, weight, length, and load restrictions. Additionally, FDOT exempts governmental entities from fee requirements for special permits, but only when being operated for non-commercial purposes; *i.e.*, governmentally owned vehicles engaged in the non-commercial purpose of responding to an emergency. (14-26.0009 F.A.C.) Motor Carrier Compliance officers take no enforcement action

² FDOT, *Commercial Motor Vehicle Manual*, p. 14 <http://www.dot.state.fl.us/mcco/downloads/TruckingManual%20-%206th%20Edition%202006%20english.pdf>

³ Similarly, FDOT posts warning signs when overhead clearance is less than the standard 14 feet, six inches. Operators of vehicles exceeding the standard or posted height which damage the overhead object may be liable for damages to people and property.

⁴ 23 CFR 657.19: "If a State fails to certify as required by this regulation or if the Secretary determines that a State is not adequately enforcing all State laws respecting maximum vehicle sizes and weights on the Interstate System and those routes which, prior to October 1, 1991, were designated as part of the Federal-aid primary, Federal-aid secondary or Federal-aid urban systems, notwithstanding the State's certification, the Federal-aid funds for the National Highway System apportioned to the State for the next fiscal year shall be reduced by an amount equal to 10 percent of the amount which would otherwise be apportioned to the State under 23 U.S.C. 104, and/or by the amount required pursuant to 23 U.S.C. 127."

against such vehicles when responding to emergencies but do require overweight and/or overdimensional permits to otherwise operate on state owned roadways.

III. Effect of Proposed Changes:

The bill exempts any motor vehicle and attached apparatus that is designed for use and used by a fire department, independent special fire control district, or volunteer fire department from the provisions of ch. 316, F. S., relating to height, width, weight, length, and load restrictions for motor vehicles. The bill additionally exempts any such motor vehicle and attached apparatus being operated by a manufacturer or sales organization for the purpose of sale, demonstration, exhibit, or delivery to a fire department, independent special fire control district, or volunteer fire department from those provisions.

Other Potential Implications:

Since federal law already provides an exemption from height, width, weight, length, and load restrictions for emergency-response equipment used during the course of an emergency, the bill has little to no impact with respect to emergency response. However, the provisions' exemptions also apply when such motor vehicle and attached apparatus is being operated by a manufacturer or sales organization for the purpose of sale, demonstration, exhibit, or delivery. In such instances, the vehicle is being operated in commerce or in the course of a commercial activity and federal law explicitly makes no exception for such commercial operation for this type of vehicle manufacturer or for any other. Thus, the bill would be in direct conflict with federal law and would subject the state to a potentially severe financial penalty. Further, this bill would provide a competitive advantage to a subset of the vehicle manufacturing industry, and would allow presumed damage to the State's highways and bridges to occur without recourse.

According to FDOT, the primary reason for requiring overweight/overdimensional permits is safety. Such restrictions help to ensure protection against highway damage, sideswipes, bridge collapses, and overhead bridge strikes. The bill does not exclude bridges posted for weight or height limitations from its applicability. As a result, a manufacturer or sales organization – perhaps with no or outdated knowledge of local infrastructure conditions – is free to travel any route and cross over or under any bridge without regard to the vehicle's weight or height, nor a posted bridge's weight or height limit. Thus, the potential for damage, injury, and death is increased.

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:

Manufacturers of fire-fighting and emergency response vehicles would receive a positive but indeterminate benefit from the bill.

C. Government Sector Impact:

According to FDOT, in addition to the cost of repairing potential and presumed damage to highways and bridges, failure to comply with applicable federal rules and regulations relating to the operation of commercial motor vehicles would subject FDOT to a penalty of up to 10% of annual federal highway funding, which would equal approximately \$145 million per year.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Transportation Committee

BILL: CS/SB 654

INTRODUCER: Higher Education Committee and Senator Oelrich

SUBJECT: Student Fees

DATE: February 17, 2011 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Harkey	Matthews	HE	Fav/CS
2.	Davis	Spalla	TR	Pre-meeting
3.			BC	
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

This bill authorizes the board of trustees of Santa Fe College to establish a transportation access fee if the fee is approved by a referendum held by student government. The fee may not exceed \$6.00 per credit hour. The fee would not be covered by the Bright Futures Scholarship Program.

This bill amends ss. 1009.22 and 1009.23, Florida Statutes.

II. Present Situation:

College Fees

Sections 1009.22 and 1009.23, F.S., authorize community college boards of trustees to charge tuition and specified fees for postsecondary workforce education students and community college students. A community college may not charge any fee except as authorized by law. Community colleges do not have statutory authority to charge transportation access fees.

University Transportation Access Fees

Under s. 1009.24(13), F.S., state universities are authorized to charge transportation access fees. An example of how a university may use the transportation access fee can be seen in the way in

which the University of Florida and the City of Gainesville entered into an interlocal agreement. The goal of the agreement was to mitigate the impact of university transportation related issues, specifically by taking cars off the road and by reducing the demand for on-campus parking. To accomplish this goal, the university has contracted with Gainesville's Regional Transportation System (RTS) to provide students unlimited access to the city bus system. At the end of October 2010, RTS had provided 9 million rides in the preceding fiscal year, amounting to a daily ridership of almost 50,000. When school is in session, approximately 75 percent of the daily riders are university students. A committee of students and administrators assist RTS in determining which routes and service will be included in each annual contract. Through this negotiation, the level and frequency of service are funded through a fee that students and administrators agree upon. Service ranges from higher levels that provide a bus every 10 to 15 minutes to lower levels that provide a bus every 30 minutes. Several intercampus routes allow students, faculty, and staff to travel from one part of campus to another. In general, hours of service are from 6:00 am to 2:00 am. According to the Board of Governors, the 2010-2011 transportation access fee at the University of Florida is \$7.33 per credit hour. The university anticipates that the fee will increase to \$7.88 in August 2011.

III. Effect of Proposed Changes:

This bill authorizes the board of trustees of Santa Fe College to establish a transportation access fee for postsecondary workforce education students and community college students if the fee is approved by a referendum held by the student government. The fee could not exceed \$6.00 per credit hour. Revenues from the transportation access fee could only be used for the provision or improvement of access to transportation services for students. An increase in the fee could only occur once each year and would have to be implemented in the fall term. The fee would not be covered by the Bright Futures Scholarship Program.

The fee could assist the college in mitigating the effect of transportation related issues by taking cars off the road and reducing the demand for on-campus parking.

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:

If Santa Fe College imposed the transportation access fee, students at the college would have to pay the fee. The fee is capped at \$6.00 per credit hour.

C. Government Sector Impact:

According to the Department of Education, based on the 2010-11 FTE-1A Report, including workforce education students, an estimated a total of 378,890 credit hours of instruction will be provided by Santa Fe College during the year. If the college assessed the fee at the maximum amount of \$6 per credit hour, the estimated revenues would be \$2,243,340.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Higher Education on February 8, 2011:

The committee substitute authorizes the board of trustees of Santa Fe College to establish a transportation access fee if the fee is approved by a referendum held by the student government.

B. Amendments:

None.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Transportation Committee

BILL: SB 782

INTRODUCER: Senator Latvala

SUBJECT: Road and Bridge Designations

DATE: February 17, 2011 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sookhoo	Spalla	TR	Pre-meeting
2.			BC	
3.			RC	
4.				
5.				
6.				

I. Summary:

Section 334.071, F.S., specifies the purpose and effect of the designation of roads, bridges, and other transportation facilities for honorary or memorial purposes by the Florida Legislature. These designations are for honorary purposes only, and do not require changing of street signs, mailing addresses, or 911 listings. The bill designates the following road as follows:

State Road 687 in Pinellas County from I-275 to I-175 as “Sgt. Thomas J. Baitinger and Officer Jeffrey A. Yaslowitz Memorial Highway.”

This bill creates an undesignated section of law.

II. Present Situation:

Section 334.071, F.S., provides: (1) Legislative designations of transportation facilities are for honorary or memorial purposes, or to distinguish a particular facility, and may not be construed to require any action by local governments or private parties regarding the changing of any street signs, mailing addresses, or 911 emergency telephone number system listings, unless the legislation specifically provides for such changes; (2) When the Legislature establishes road or bridge designations, the Florida Department of Transportation (FDOT) is required to place markers only at the termini specified for each highway segment or bridge designated by the law creating the designation, and to erect any other markers it deems appropriate for the transportation facility; and (3) The FDOT may not erect the markers for honorary road or bridge designations unless the affected city or county commission enacts a resolution supporting the designation. When the designated road or bridge segment is located in more than one city or

county, resolutions supporting the designations must be passed by each affected local government prior to the erection of markers.

III. Effect of Proposed Changes:

The effects of the bill are as follows:

Section 1: The bill designates State Road 687 in Pinellas County from I-275 to I-175 as “Sgt. Thomas J. Baitinger and Officer Jeffrey A. Yaslowitz Memorial Highway”. Also this bill directs FDOT to erect suitable markers.

Sgt. Thomas J. Baitlinger served as a law enforcement officer at the St. Petersburg Police Department for over 15. He voluntarily served as a mentor for students at Gibbs High School, and Sgt. Baitlinger also volunteered for other various committees including the police pension board.

Officer Jeffrey A. Yaslowitz served as a law enforcement officer at the St. Petersburg Police Department for over 11 years. Officer Yaslowitz proved to be an invaluable asset to the department by exemplifying characteristics of public service. He is remembered by his colleagues for his bravery and drive for excellence during his years of service.

Sgt. Thomas J. Baitinger and Officer Jeffrey A. Yaslowitz died in the line of duty on January 24, 2011, while responding to a call for back up. Sgt. Baitinger is survived by his wife, Paige, and Officer Yaslowitz is survived by his wife, Lorraine, and three children.

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 FDOT will incur costs of approximately \$800 (from the State Transportation Trust Fund) for erecting markers for the designation. This is based on the assumption that two markers will be erected at a cost of \$400 per marker. The FDOT will also have to pay the recurring cost of maintaining these signs over time, and for future replacement of the signs as necessary.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.



589632

LEGISLATIVE ACTION

Senate	.	House
	.	
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	.	
	.	

The Committee on Transportation (Joyner) recommended the following:

Senate Amendment (with title amendment)

Between lines 18 and 19
insert:

Section 2. Officer Jeffrey A. Kocab and Officer David L. Curtis Memorial Highway; Department of Transportation to erect suitable markers.

(1) State Road 583/North 50th Street in Hillsborough County from Melbourne Blvd/East 21st Avenue to State Road 574/Martin Luther King Jr., Blvd is designated as "Officer Jeffrey A. Kocab and Officer David L. Curtis Memorial Highway".

(2) The Department of Transportation is directed to erect



589632

13 suitable markers designating the Officer Jeffrey A Kocab and
14 Officer David L. Curtis Memorial Highway as described in
15 subsection (1).

16 ===== T I T L E A M E N D M E N T

17 =====

18 And the title is amended as follows:

19 Delete line 5

20 and insert:

21 County; designating the Officer Jeffrey A. Kocab and
22 Officer David L. Curtis Memorial Highway in
23 Hillsborough County; providing an effective date.



694542

LEGISLATIVE ACTION

Senate

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. .
. .
. .
. .

House

The Committee on Transportation (Latvala) recommended the following:

Senate Amendment (with title amendment)

Delete lines 9 - 10

and insert:

Section 1. Sgt. Thomas J. Baitinger, Officer Jeffrey A. Yaslowitz, and Office David S. Crawford Memorial Highway designated; Department of

Delete lines 13 - 14

and insert:

is designated as "Sgt. Thomas J. Baitinger, Officer Jeffrey A. Yaslowitz, and Officer David S. Crawford Memorial Highway."

Delete lines 16 - 17



694542

13 and insert:
14 suitable markers designating the Sgt. Thomas J. Baitinger,
15 Officer Jeffrey A. Yaslowitz, and Officer David S. Crawford
16 Memorial Highway as described in
17

18 ===== T I T L E A M E N D M E N T =====

19 And the title is amended as follows:

20 Delete lines 3 - 4

21 and insert:

22 designating the Sgt. Thomas J. Baitinger, Officer
23 Jeffrey A. Yaslowitz, and Officer David S. Crawford
24 Memorial Highway in Pinellas

Florida Transportation Commission



Presentation to the Senate Transportation Committee

Marcos Marchena, Commissioner
February 22, 2011

Who we are...

- **Created by 1987 Legislature**
- **9 members representing Florida**
- **Appointed by Governor; confirmed by Senate**
- **Requires private sector business managerial experience**
- **Prohibited from direct or indirect interest in contracts awarded**
- **Prohibited from involvement in day-to-day operations**

Commissioners

- **Marty Lanahan, Chairman, Jacksonville**
- **Bart Pullum, Vice Chair, Navarre**
- **Garrett Walton, Secretary, Pensacola**
- **Ronald Howse, Cocoa**
- **Marcos Marchena, Orlando**
- **Joseph M. Mazurkiewicz, Cape Coral**
- **Manuel S. Rose, Clearwater**
- **Two Vacancies**

What we do...

- **Recommend major transportation policy and initiatives**
- **Serve as an independent oversight body of FDOT and Transportation Authorities**
- **Serve as nominating commission for Secretary**
- **Serve as an advocacy body**

FTC Objectives

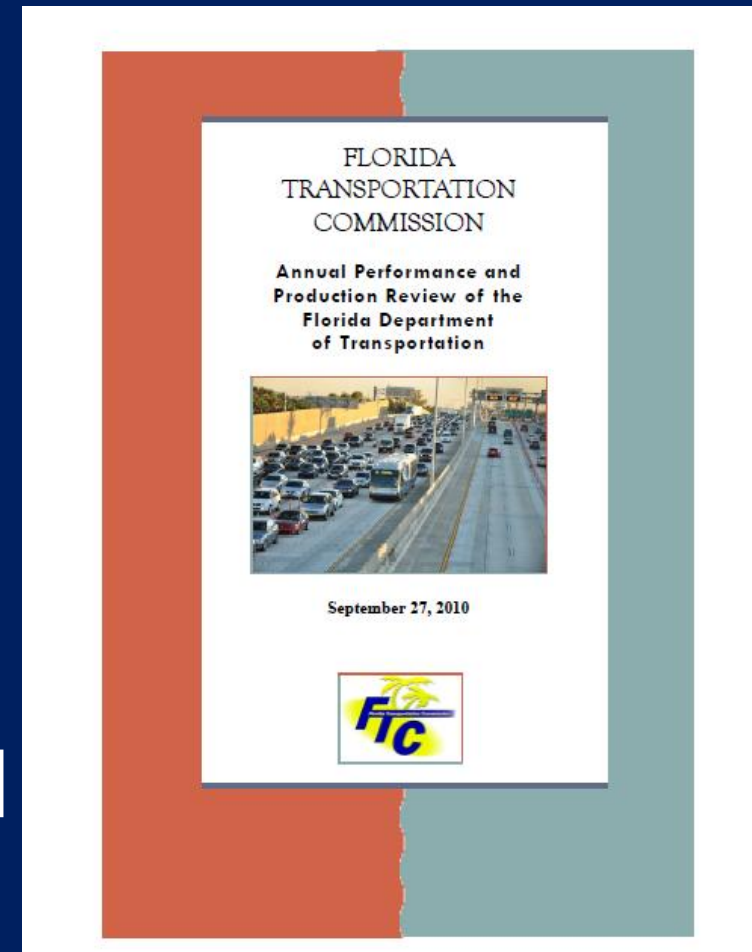
- **Provide leadership on major transportation issues**
 - **Transportation Funding/Jobs**
 - **Return on Investment**
 - **Succession Planning**
- **Increase efficiency & effectiveness**
- **Ensure responsible fiscal practices**
- **Ensure public accountability**

Performance Measures

- **19th annual review**
- **Diverse Performance Measures Working Group**
- **Measures address :**
 - **Production, finance and administration, preservation, safety, capacity improvements, and DBE/MBE**
- **Process is dynamic**

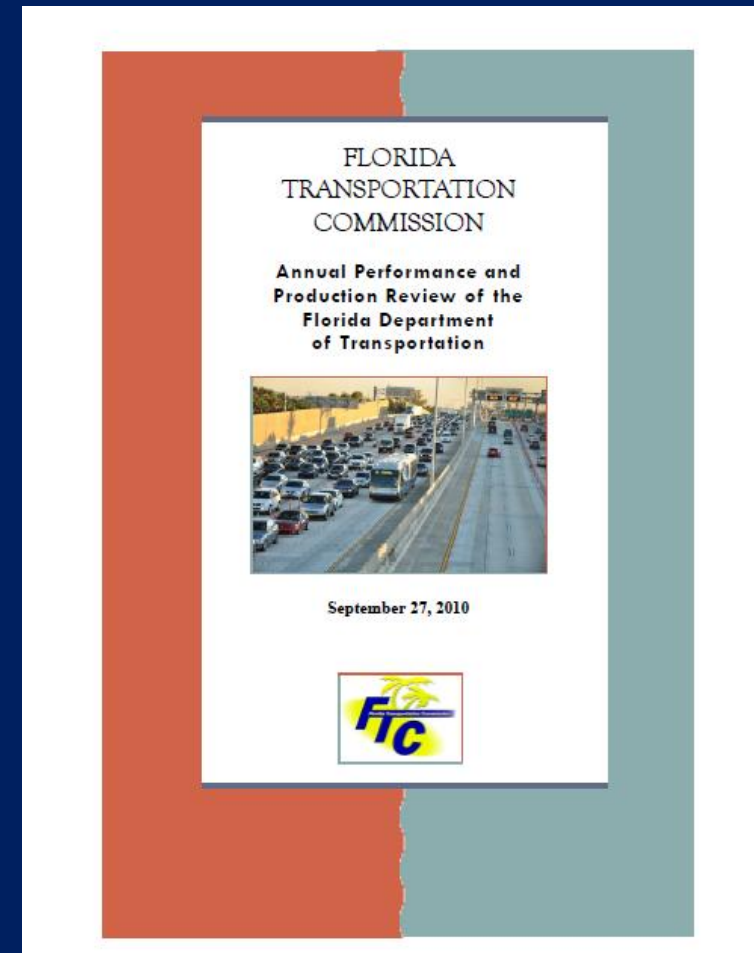
FY 09/10 Performance and Production Review

- **Met 17 of 20 Primary Measures**
- **177 lane miles of capacity**
- **3,072 lane miles of resurfacing**
- **Let 99% of planned construction contracts**



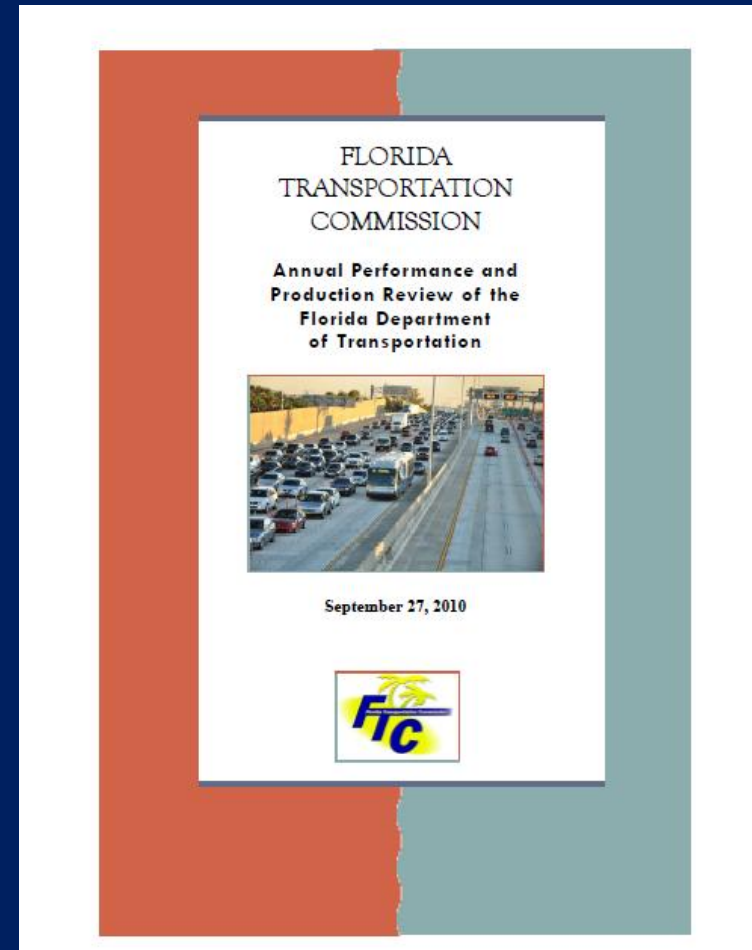
FY 09/10 Performance and Production Review

- **95.4% of bridges rated excellent or good.**
- **Only 0.18% of bridges have weight restrictions**
- **Let \$2.3 billion in new construction**
- **Completed 372 projects valued at \$2.7 billion**



FY 09/10 Performance and Production Review

- **Time: 90.3% of goal** [Goal: No less than 80% of contracts completed within 20% of original contract time]
- **Cost: 89.5% of goal** [Goal: No less than 90% of contracts within 10% of original contract amount]



Commission's Charge

- **In 2007, HB 985 amended Section 20.23 F.S., expanding the Commission's oversight role**
- **Monitor the efficiency, productivity, and management of the authorities created under Chapters 343 and 348**
- **Conduct periodic reviews of each authority's operations**

Authorities Monitored

● Toll Authorities

- Miami-Dade Expressway Authority (MDX)
- Orlando-Orange County Expressway Authority (OOCEA)
- Santa Rosa Bay Bridge Authority (SRBBA)
- Tampa-Hillsborough County Expressway Authority (THEA)
- Northwest Florida Transportation Corridor Authority (NFTCA)
- Southwest Florida Expressway Authority (SWFEA)
- Tampa Bay Area Regional Transportation Authority (TBARTA)

● Transit Authorities

- Central Florida Regional Transportation Authority - (CFRTA / LYNX)
- South Florida Regional Transportation Authority - (SFRTA / Tri-Rail)
- Jacksonville Transportation Authority (JTA)

Summary by Authority

Miami-Dade Expressway Authority (MDX)

- **Met 16 of 17 performance measures**
- **Measure not met**
 - Safety
- **Revenue decreased 2.5%**
- **Routine Maintenance expenses increased 18%**
- **Toll collection costs increased 12%**
- **Administrative expenses increased 34 %**

Summary by Authority

Orlando-Orange County Expressway Authority (OOCEA)

- **Met 14 of 16 performance measures**
- **Measures not met:**
 - **Safety**
 - **Debt Service Coverage - Bonded Debt (covenant compliance was met)**
- **FY 2009 revenue increased 0.2%**
- **Operating expenses decreased by 20%**
- **Routine maintenance costs decreased by 5%**

Summary by Authority

- **Santa Rosa Bay Bridge Authority (SRBBA)**
 - **Met 6 of 12 applicable performance measures**
 - **Measures not met:**
 - **ETC Transactions**
 - **Cost to Collect a Toll Transaction**
 - **OM&A forecast variance**
 - **All 3 Debt Service Coverage measures**
 - **In technical default on bonds**
 - **Revenue projected insufficient to make debt service payments**
 - **Debt Service Reserve Fund projected to be depleted in FY 2012**
 - **Bonds were further downgraded by all 3 rating agencies**
 - **Inadequate governance of the Authority**

Summary by Authority

- **Tampa-Hillsborough County Expressway Authority (THEA)**
 - **Met 12 of 17 applicable performance measures**
 - **Measures not met:**
 - **Bridge Condition Rating**
 - **Safety**
 - **Cost to Collect a Toll Transaction**
 - **Two Debt Service Coverage measures (in compliance with bond covenants)**
 - **Transactions and revenue decreased 3%**
 - **Operating expenses increased by 2%**

Summary by Authority

- **Central Florida Regional Transportation Authority (LYNX)**
 - **Met 5 of 12 performance measures**
 - **Measures not met:**
 - **Average Headway**
 - **Operating Expense per Revenue Mile**
 - **Operating Expense per Revenue Hour**
 - **Operating Expense per Passenger Trip**
 - **Operating Expense per Passenger Mile**
 - **Revenue Miles between failures**
 - **Revenue Miles versus Vehicle Miles**
 - **LYNX did achieve the on-time performance objective**
 - **LYNX provides 6 intermodal connections**

Summary by Authority

● **South Florida Regional Transportation Authority (Tri-Rail)**

- **Met 8 of 11 performance measures**
- **Measures not met**
 - **Operating Revenue per Operating Expense**
 - **On-Time Performance**
 - **Response time to customer complaints**
- **Tri-Rail reported lowest operating cost per passenger mile since 2004**
- **Reliability increased to more than 64,000 miles between failures**

Summary by Authority

● **Jacksonville Transportation Authority (JTA)**

- **Met 7 of 12 performance measures**
- **Measures not met**
 - **Ratio of operating revenue to expense**
 - **Operating expense per passenger mile**
 - **Revenue miles between incidents**
 - **Revenue miles between failures**
 - **On time performance**
- **Met 5 of 12 measures for Skyway**
- **Met 4 of 4 measures for highways**

Oversight Summary

- **Although similarly created, each transportation authority is unique**
 - **Span of control**
 - **Bond covenants**
 - **Lease-purchase agreements**
- **Each authority does have control over Governance of the organization**

Purpose of TWP Review

- **The purpose of the Commission's review is to provide assurance to the public that the TWP was developed in compliance with all applicable laws and policies.**
- **By Law the commission may not consider individual construction projects.**

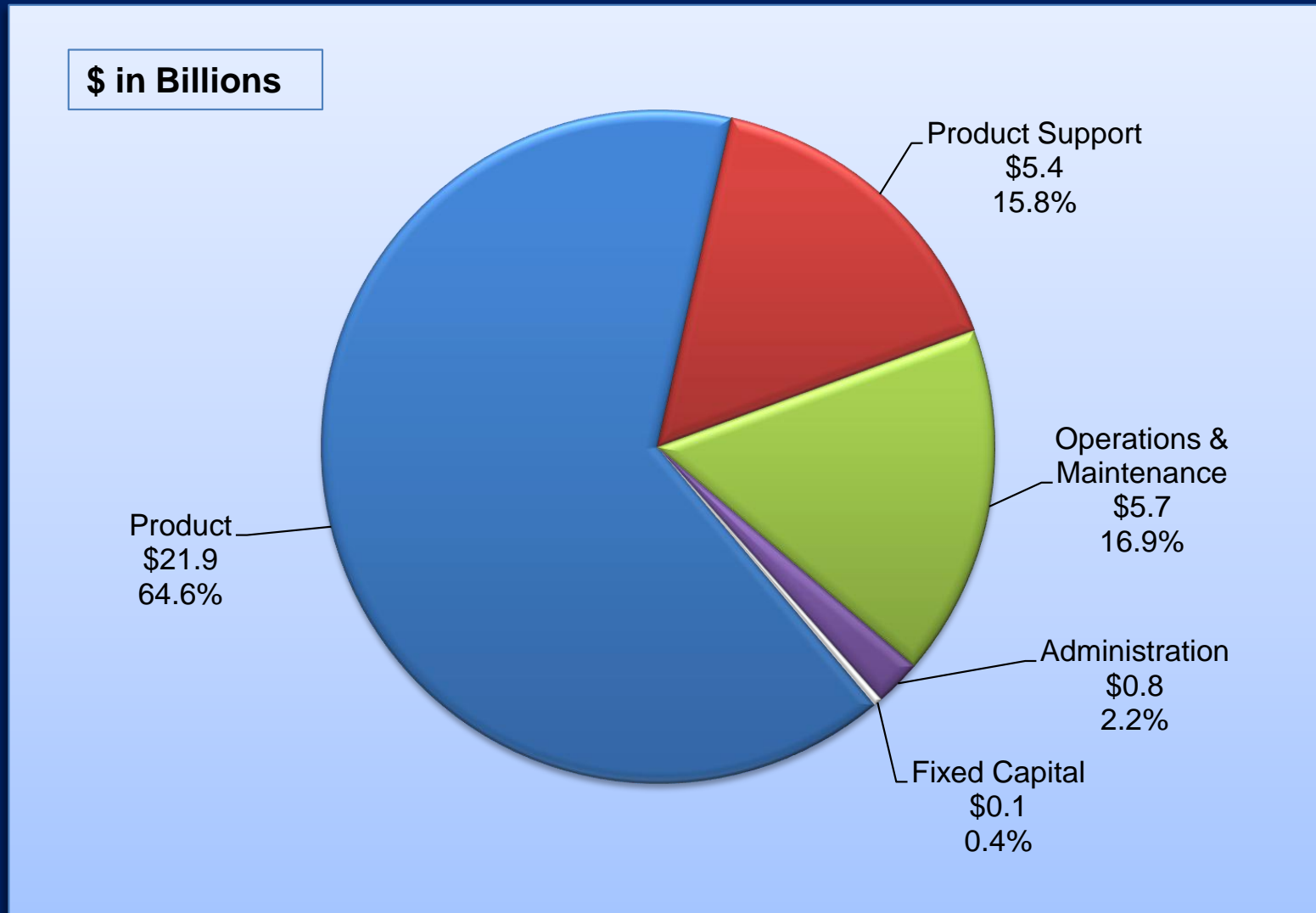
Department General Operations

- **Operates on a cash flow and commitment basis**
- **Federal and state dedicated sources of funding**
- **Forecast revenues and develop Finance Plan**
- **Must be balanced to a 36-month cash forecast and 5-year finance plan**

Work Program

- **Five year specific list of projects**
- **Governed by s. 339.135, F.S.**
- **Objectives and priorities set by law as further defined in the Florida Transportation Plan**
- **Bottom up process – developed by the districts, working with MPOs and local governments**

General Overview of the TWP



Total Work Program \$33.8 Billion

Impacts to Transportation Funding

- **Impact of Current Revenue Reductions**
 - \$2.9 billion reduction in cash
 - \$3.2 billion impact to commitments
- **C.A.F.E. Standards/Fuel Efficiency**
- **Fuel Consumption levels have stabilized for now**



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