

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.)

Date: April 7, 1998 Revised: _____

Subject: The Old Keys Bridges located in Monroe County

	<u>Analyst</u>	<u>Staff Director</u>	<u>Reference</u>	<u>Action</u>
1.	<u>Caridi</u>	<u>Johnson</u>	<u>TR</u>	<u>Fav/1 amendment</u>
2.	<u>Gee</u>	<u>Voigt</u>	<u>NR</u>	<u>Favorable</u>
3.	<u> </u>	<u> </u>	<u>WM</u>	<u> </u>
4.	<u> </u>	<u> </u>	<u> </u>	<u> </u>
5.	<u> </u>	<u> </u>	<u> </u>	<u> </u>

I. Summary:

This bill amends chapter 86-304, L.O.F., to implement the recommendations of the Old Keys Bridges Task Force established by Governor Chiles' Executive Order 97-253. The bill clarifies that title to the Old Keys Bridges located in Monroe County is given to the Board of Trustees of the Internal Improvement Trust Fund (Trustees), except the portion of the Seven Mile Bridge from Knights Key to Pigeon Key, which remains with the Department of Transportation (DOT). The bill allows the Trustees to lease the bridges primarily for public purposes and in compliance with the recommendations of the task force, the local comprehensive plan, and applicable zoning requirements.

This bill substantially amends chapter 86-304, L.O.F.

II. Present Situation:

According to the report to Governor Lawton Chiles of the Old Keys Bridges Task Force, there are 23 Old Keys Bridges that were abandoned to vehicular traffic in the 1980s when replacement bridges were built. The DOT converted eight of these bridges into fishing piers by removing the decking that had been added in the 1930's, installing handrails and developing parking areas. The DOT removed the center spans from some bridges to ensure safe navigation and removed other spans to isolate certain sections of bridges that were not safe. The remaining bridges were abandoned to public use but can still be accessed by foot. The DOT has transferred title to the bridges (except for that portion of Seven Mile Bridge between Pigeon Key and Marathon) to the Trustees.

The DEP's Division of State Lands began looking into possible management options for the bridges in 1996. Over the years several private persons have expressed interest in leasing one or

more of the bridges. None of these inquiries ever materialized into a bridge actually being leased. While there is interest in the bridges, there is significant concern over the cost of management, maintenance, and structural liability.

As a result of many complaints and concerns regarding the Old Keys Bridges, on August 14, 1997, Governor Chiles created by Executive Order 97-253, the Old Keys Bridges Task Force. The Task Force was charged with the responsibility of reviewing and analyzing all aspects of the Old Keys Bridges and recommending a course of action for their future use or disposition, and any necessary changes to Chapter 86-304, Laws of Florida, which governs the Old Keys Bridges.

When the bridges were taken out of use, no managing agency was designated to care for them nor were any recurring revenues identified to fund maintenance. This oversight has led to many problems with the bridges. Even though the bridges are no longer part of the state transportation system, until recently the DOT continued to provide minimal litter control and roadside maintenance. Currently, the DEP's Division of Recreation and Parks is paying for this service with funds appropriated to it during the 1997-98 fiscal year. Without an agency responsible for day-to-day management, the level of abuse has been quite high. Visitors to the bridges are apt to find trash, broken glass, dead fish, fishing tackle, people camping on the bridges, and vandalism. These conditions are greater at the bridges that are more heavily used. Numerous complaints have been received about the poor condition of the bridges.

The task force's report recommended that the Old Keys Bridges be used as part of a greenway and trail system in Monroe County and made the following interim recommendations:

1. A comprehensive and detailed master plan for a greenway/trail stretching from Key Largo through Key West needs to be completed under the lead of Monroe County. The DEP should be appropriated sufficient funds to assist Monroe County in this effort.
2. While the master plan is being developed, the bridges should not be converted to any other uses but should continue to be maintained for open public uses. The 1997-98 fiscal year appropriation should be increased to provide a level of service necessary to meet expressed public demand, including temporary sanitary facilities.
3. DEP should receive a 1998-99 fiscal year appropriation sufficient to contract for an engineering study of the bridges to determine their structural condition by June 30, 1999.
4. Chapter 86-304, Laws of Florida, should be amended (SB 1750 contains these amendments).
5. The County and DOT should make every effort to quickly conclude their discussions relating to the disposition of the old Seven Mile Bridge between Pigeon Key and Marathon.
6. If necessary the Task Force should be reconvened when the master plan has been completed to reconsider how the bridges can best be used to serve the people of Monroe County and the State of Florida.

III. Effect of Proposed Changes:

The bill deletes obsolete language in ch. 86-304, L.O.F. and clarifies that title to the bridges is vested with the Trustees, except for that portion of the Seven Mile Bridge from Knights Key to Pigeon Key, which will continue to be owned by the DOT.

The board is authorized to lease the bridges to governmental or non-profit organizations and to commercial entities through requests for proposal. The primary use of the bridges must be for public recreational purposes and any commercial use of the bridges must support the public recreational use without any permanent structures. Any lease must be in compliance with the local comprehensive plan, applicable zoning requirements, and be consistent with the task force's recommendations.

The bill revises one of the factors to be used in evaluating lease proposals, deleting "originality of concept" and adding "the proposal's compatibility with the aesthetic"... qualities of the bridges and the region.

Provisions permitting the use of rights-of-way for emergency transportation purposes are deleted, and the use of bridges in emergencies is limited to practicable uses. Provisions requiring cancellation clauses in leases should the DOT need to use the leased areas are also deleted, as is an outdated appropriation.

The whereas clauses of ch. 86-304, L.O.F., are repealed. These clauses stated that the replaced bridges were the following: surplus to transportation needs, the responsibility of DOT, a possible future transportation alternative, and more costly than the public could afford to maintain. The clauses also prohibited the interference of any lease with the facilities of a utility already in existence on a bridge, referenced the State Bridge Management Committee's recommendation of a management plan, and directed DOT and the Trustees to work together in implementing a plan that serves a public purpose. The clauses may no longer be considered as evidence of the intent of the Legislature in adopting ch. 86-304, L.O.F., or any amendments thereto.

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:

The public would benefit from better managed bridges through increased recreational use. Any persons leasing bridges could realize profits from the enterprise. If the bridges do become part of a recreational trail system, there could be increased opportunities for service-based businesses.

C. Government Sector Impact:

The DEP has requested continuation of the \$100,000 appropriation for OPS support to maintain the bridges. The department also has requested a planning manager position at a total cost of \$61,174.

If the task force's final report indicates a need for substantial repairs, there are no funds currently available for that purpose.

VI. Technical Deficiencies:

One sentence in the bill is unnecessarily repeated. Deleting that sentence would avoid the repetition and make this bill identical to HB 3093. (See Amendment #1 by Transportation.)

VII. Related Issues:

None.

VIII. Amendments:

#1 by Transportation:
Deletes unnecessarily repeated language.