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HOUSE OF REPRESENTATIVES
COMMITTEE ON
TRANSPORTATION
BILL ANALYSIS & ECONOMIC IMPACT STATEMENT

BILL #: HB 675

RELATING TO: Transportation Administration

SPONSOR(S): Rep. Fuller

STATUTE(S) AFFECTED: ss. 316.302, 316.515, 316.516, 322.53, 334.27, 337.25, 338.161, 339.12, 339.121, 479.16, and 479.261, Florida Statutes.

COMPANION BILL(S): SB 98 (c)

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:
(1) TRANSPORTATION
(2) FINANCE & TAXATION
(3) TRANSPORTATION & ECONOMIC DEVELOPMENT APPROPRIATIONS
(4)
(5)

I. SUMMARY:

The basis for this bill is the Department of Transportation's (DOT) 1997 legislative proposals. Provisions in the bill address a number of areas related to department operations and are intended to allow DOT to operate more efficiently. The bill also addresses a number of local government transportation issues. Major provisions in the bill would:

1. Allows DOT to expend funds to promote electronic toll collection and to collect advertising revenues related to the promotions.

2. Allows DOT to use projected maintenance costs to offset valuations of surplus property parcels so that such parcels may be disposed of more efficiently.

3. Consolidates and revises two statutory provisions related to local governments advancing projects in the department 5-year work program.

4. Changes minimum signage required for LOGO program participation from 3 signs to 1 sign per interchange, increasing the number of interchanges eligible for the program.

6. Limits the liability of seaports for pre-existing soil or groundwater contamination on property acquired by the port.

The bill results in administrative cost-savings and increased departmental efficiencies which are expected to have an overall positive fiscal impact on DOT. Other provisions in the bill will have positive fiscal impacts on seaports and some businesses. However, the amount of these impacts cannot be accurately estimated [see Fiscal Analysis and Economic Impact Statement under Part III for details].

II. SUBSTANTIVE ANALYSIS:

Because of the varied nature of the bill's changes to current law, the Present Situation and Effect Of Proposed Changes for each provision are included in the following Section-By-Section analysis:

Sections 1 - 4 -- Trucking/Motor Carrier Compliance: Many of Florida's safety requirements for the operation of commercial motor vehicles are federal safety regulations adopted by statutory reference. Changes in these federal regulations require the state to update its references to the federal codes to include the latest versions. The bill updates the incorporation by reference of federal regulations regarding commercial motor vehicle safety requirements to include those regulations in effect on March 1, 1997. This change allows for state enforcement of trucking industry compliance with current federal regulations.

Current law provides that a driver of a commercial motor vehicle may drive only during the first 15 hours of any 24 hour period, and may only drive again after 8 hours of rest. According to the utility industry, this restriction hampers efforts to restore power during severe weather periods because drivers of service trucks cannot drive after the first 15 hours of being on duty until the 8 hour rest period is completed. The bill allows a limited exemption from these hours of service requirements for drivers of utility trucks and emergency vehicles during periods of severe weather and other emergencies.

Loads on trucks carrying automobiles or boats may currently extend four feet beyond the rear of the trailer. The trucking industry has indicated that longer automobiles (primarily vans and enlarged-cab pick-up trucks) are being hauled more frequently, and when loaded on a truck trailer may extend beyond this limit of four feet. The bill changes the length by which automobiles and boats may extend beyond the rear of the hauling vehicle to six feet.

Current law prohibits a load from extending more than three feet beyond the front wheels or bumper of a commercial motor vehicle. A number of transit systems have attempted to attract more ridership by providing a front rack on buses which can carry the bicycle of a transit system user. The transit systems that have attached these racks to buses have found that when loaded with bicycles, the front load extension limitation is exceeded. The bill exempts bicycle racks on public transit buses from the three foot load extension limit.

Certain straight utility trucks have lift equipment attached to the truck that also extend beyond this three foot limit, as well as exceed the maximum overall vehicle length limit. The bill provides an exemption from these limits for such vehicles if the vehicle is flasher-equipped, the front extension does not exceed 9 feet beyond the front bumper, and other operating requirements are met. If the vehicle exceeds 50 feet, the bill also requires an escort vehicle for operating at night.

DOT has established height, width and length penalties by administrative rule, with a statutory maximum of $1,000 for each height, width or length violation. The bill codifies these penalties in statute with a schedule of penalties for these dimensional violations as follows:

-For width and height violations the penalty is $250 per foot.

-For length violations the penalty is $40 for violations up to 2 feet; $100 for violations between 2 and 10 feet; and $250 for violations over 10 feet plus $250 per foot for each foot over 11 feet.

In 1996 the law relating to commercial driver's licenses (CDL) was amended to provide that a driver operating a bus owned and operated by a church would be exempt from CDL requirements when operating the bus for no compensation and when transporting people for church related activities. In August of 1996, the Federal Highway Administration notified Florida that this exemption does not comply with federal CDL regulations. Failure to comply with these regulations could cause Florida to be penalized by the withholding of federal funds. The bill would repeal the CDL exemption for volunteer church bus drivers.

Section 5 -- Pollution Liability Limitation/Seaport Property: Current law provides that when property is acquired for transportation purposes, governmental transportation entities are not liable for preexisting pollution contamination under Chapters 376 and 403, F.S., due solely to ownership. The term "governmental transportation entity" means DOT; a city; a county; or a statutorily created expressway, bridge, and transportation authority. Past and future owners are not relieved of pollution contamination liability, and the transportation entity is still liable for its actions which create or exacerbate a pollution source. The bill provides seaports with the same limitation on pollution liability as currently provided to other transportation entities.

Section 6 -- Disposal of DOT Surplus Property: When DOT completes construction of transportation projects, small or odd-shaped parcels of acquired property are often left over that were not needed for the project. A recent DOT inventory indicated 805 such parcels have been owned by the department for an average of 19 years. Currently DOT may sell property if it is determined that the parcel is not needed for transportation purposes. The law generally requires that sales of surplus property be at fair market value. Often these parcels have little or no use to anyone but the abutting property owner and few abutting property owners have purchased surplus property at the estimated market value. The bill would allow DOT to reduce the market value of surplus property by the amount of estimated maintenance costs over five years, if the property will require significant maintenance costs to be incurred or if ownership exposes DOT to significant liability risks. The reduced market value would be used to establish a sale value, even if the value is zero.

Section 7 -- Electronic Toll Collection/Marketing: DOT is planning to implement an electronic toll collection system on the turnpike called SunPass. Under this system a motorist will apply for a SunPass account and be provided a transponder to attach to the vehicle. When the vehicle passes through the SunPass toll lane, the transponder will make electronic contact with a receiver in the lane and identify the vehicle. The amount of the toll will automatically be deducted from the motorist's prepaid account without the vehicle having to stop. The SunPass system is intended to reduce toll collection costs and will be a more convenient method of payment for both individual motorists and for business fleets. Because vehicles do not have to come to a complete stop to pay a toll, use of the SunPass system will reduce congestion at toll plazas and increase the capacity of the Turnpike. However, current state comptroller practice precludes the purchase of paid advertisement or promotional expenses without specific statutory authority for making such purchases. This bill would allow DOT to promote SunPass and educate the public through paid marketing and advertising services. The bill also allows the department to receive payments from business entities or other groups for advertising on SunPass products and promotional materials.

<u>Sections 8 & 11</u> - Local Government Advance and Reimbursement Program: Two statutory sections contain the Local Government Advance and Reimbursement Programs. These programs provide that any governmental entity may aid DOT in any State Highway System project (s. 339.12, F.S.) or public transportation project (s. 339.121, F.S.). The programs allow local governments to have projects begin at an earlier date than scheduled in the department's Five Year Work Program. If DOT determines that a local governmental proposal is feasible, the department and the local government sign a joint participation agreement to undertake the project. Then depending on the agreement, either the department or the local government completes the project using local funds and DOT reimburses the local government beginning in the year that the project was originally scheduled. The bill consolidates these two statutory provisions into one section that will cover both highway and public transportation projects, and repeals the current provision that relates only to public transportation projects. The bill allows any project or project phase in the adopted work program, or certain types of project phases (i.e., acquisition of right-of-way, construction and construction inspection) not in the adopted work program, to be advanced through an agreement between the department and a local governmental entity.

<u>Section 9</u> -- Outdoor Advertising/Rural Business Signs: The federal government requires the states to control outdoor advertising on the interstate and federal highway systems. Failure to comply with federal requirements controlling outdoor advertising may result in a 10 percent reduction of the state's apportionment of federal highway funds. Florida has adopted a DOT administered permitting system to control the erection of such signs. Current law lists 15 categories of signs that do not require a permit. Examples of some types of signs that do not require a permit include:

-All official traffic control signs and danger warnings, public safety signs, historical markers, aviation markers and governmental notices and advertisements;

-Signs located on the premises of the business which is being advertised;

-Signs owned by churches, civic or charitable organizations, and governmental agencies not exceeding 8 square feet to identify facilities and activities; and

-Signs not exceeding 8 square feet located at a road junction with a state highway denoting the distance and direction of a residence or farm operation are also exempt.

The bill amends this latter exemption to include distance and direction signs which do not exceed 8 square feet in rural areas where a hardship is created for a small business because it is not visible from the road junction with the state highway system. All such signs must still comply with other provisions which: prohibits the location of signs on the right of way of any highway in the state, interstate, or federal-aid primary highway system; imitates official signs such as "stop" or "danger" signs; and signs with intermittent lights, or signs obstructing motorist vision. The bill provides that this exemption will not be implemented if federal funds are adversely affected.

<u>Section 10</u> -- LOGO Program: Under the LOGO program the department provides specific information panels on the Interstate Highway System. The panels provide information about food, gas, camping, and lodging businesses near interstate interchanges. LOGO program participation is currently limited to interchanges which have the necessary space to accommodate all traffic control signs, plus three LOGO sign structures on the main road and three LOGO sign structures on the exit ramp. This has limited the number of interchanges which can participate in the LOGO program. The bill would allow an interchange to have LOGO signing if there was space available for at least one sign structure on the main road and one sign structure on the ramp. This would increase the number of interchanges eligible for LOGO signing.

Section 12. The bill takes effect upon becoming law.

A. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

To the extent that sections 1, 2, and 9 of the bill create exemptions from certain requirements for utilities, auto/boat haulers, public transit systems, and other businesses, these entities will have a reduction in obligations or work.

Section 4 of the bill eliminates the exemption from CDL requirements for volunteer church bus drivers and this could increase the obligation of such drivers to obtain a CDL.

Section 5 of the bill limits the liability of seaports for pre-existing contamination on property acquired by the port and this could reduce the obligation of seaports for clean-up and remediation of such contamination.

(3) any entitlement to a government service or benefit?

No.

b. If an agency or program is eliminated or reduced:

Not applicable.

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

(2) what is the cost of such responsibility at the new level/agency?

(3) how is the new agency accountable to the people governed?

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No.

b. Does the bill require or authorize an increase in any fees?

No.

c. Does the bill reduce total taxes, both rates and revenues?

No.

d. Does the bill reduce total fees, both rates and revenues?

No.

e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

Businesses that will benefit from more interchanges being eligible for the LOGO program due to the changes in section 10 of the bill will pay the cost of running the program through permit fees.

4. Individual Freedom:

a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

To the extent that sections 1, 2, and 9 of the bill create exemptions from certain requirements for utility companies, auto/boat haulers, and other businesses, these entities will have more freedom to conduct their own affairs.

b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

Section 4 of the bill eliminates the exemption from CDL requirements for volunteer church bus drivers. This prohibits such driver's from operating without a CDL, as current state law authorizes.

5. Family Empowerment:

a. If the bill purports to provide services to families or children:

Not applicable.

(1) Who evaluates the family's needs?

(2) Who makes the decisions?

(3) Are private alternatives permitted?

(4) Are families required to participate in a program?

(5) Are families penalized for not participating in a program?

b. Does the bill directly affect the legal rights and obligations between family members?

No.

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

Not applicable.

(1) parents and guardians?

(2) service providers?

(3) government employees/agencies?

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None.

2. Recurring Effects:

Section 6 of the bill should allow DOT to dispose of surplus real property more efficiently, and this should have a positive fiscal impact on the State Transportation Trust Fund. The amount of this impact cannot be accurately estimated because the additional amount of surplus property sold due to these changes cannot be predicted.

Section 7 will allow DOT to expend funds to promote SunPass, its electronic toll collection system, and this may result in additional expenditures of state funds. This expenditure should be offset by reduced toll collection costs and by revenues from other advertising in conjunction with SunPass promotions as authorized by the bill.

Section 10 should increase the number of interchanges eligible for the LOGO sign program. However, this should not increase program costs because LOGO sign permit fees are statutorily required to offset the cost of administering the program.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

   Overall positive fiscal impact to the State Transportation Trust Fund, but the precise amount is unknown.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

   None.

2. Recurring Effects:

   Section 5 of the bill limits the liability of seaports for certain pre-existing environmental contamination on property acquired by the ports. Because many of the seaports are owned and operated by local governments or authorities, this limitation should have a positive fiscal impact. Because the amount of this impact depends on whether a particular seaport is acquiring property and whether the property has environmental contamination, the amount of this impact is unknown.

3. Long Run Effects Other Than Normal Growth:

   None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

   None.

2. Direct Private Sector Benefits:

   To the extent that sections 1, 2, and 9 of the bill create exemptions from certain requirements for utility companies auto/boat haulers, and other businesses, these entities will benefit from the legislation.

   Businesses wishing to participate in the LOGO sign program will benefit from more interchanges being eligible for LOGO signing under section 10 of the bill.

3. Effects on Competition, Private Enterprise and Employment Markets:

   None.

D. FISCAL COMMENTS:

None.

IV. <u>CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION</u>:

A. APPLICABILITY OF THE MANDATES PROVISION:

Not applicable. This bill does not require counties or municipalities to spend funds or to take action which requires the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

Not applicable. This bill does not reduce the authority of counties or municipalities to raise revenues.

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

Not applicable. This bill does not reduce the percentage of state tax shared with counties and municipalities.

V. <u>COMMENTS</u>:

None.

VI. <u>AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES</u>:

None.

VII. <u>SIGNATURES</u>:

COMMITTEE ON TRANSPORTATION:
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