

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 497 w/CS Interstate 95/Palm Beach County  
**SPONSOR(S):** Rep. Slosberg  
**TIED BILLS:** None **IDEN./SIM. BILLS:** SB 1936

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Transportation Systems (SUB)</u>	<u>9 Y, 0 N</u>	<u>PUGH</u>	<u>MILLER</u>
2) <u>Transportation</u>	<u>18 Y, 0 N w/CS</u>	<u>PUGH</u>	<u>MILLER</u>
3) <u>Public Safety &amp; Crime Prevention</u>	<u></u>	<u>Cole</u>	<u>De La Paz</u>
4) <u>Transportation &amp; Econ.Dev.App. (SUB)</u>	<u></u>	<u></u>	<u></u>
5) <u>Appropriations</u>	<u></u>	<u></u>	<u></u>

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### SUMMARY ANALYSIS

Florida ranks third in the nation in fatal traffic accidents involving commercial motor vehicles, according to a Federal Highway Administration crash database, while Palm Beach County ranks near the top of Florida's 67 counties in terms of total heavy-truck accidents and fatal crashes. The major driver-related causes of these type accidents in 2001 were: erratic or reckless driving; failure to yield; and failure to stay in the proper lane.

The Florida Department of Transportation (FDOT) and the Florida Highway Patrol are the state's lead agencies in improving highway and motorist safety. FDOT's responsibilities are two-fold under federal and state law – ensuring that roads and bridges are designed, built, and maintained with travelers' safety in mind, and enforcing commercial vehicle regulations through its law enforcement arm, the Motor Carrier Compliance Office.

FDOT employs a number of strategies to make the roadways safe, including left-lane restrictions on I-75 and I-95 at specified times and locations for heavy commercial trucks. According to a study by the Center for Urban Transportation (CUTR), on behalf of FDOT, these restrictions appear to have created no change in safety and operation of vehicles on the specified highways, but compliance is high and public response is positive.

Twenty-three other states also use, or have experimented with, similar restrictions with mixed results, according to FDOT research.

HB 497 with CS creates a two-year pilot project on I-95 in Palm Beach County, whereby large commercial vehicles would be restricted to the two outermost, right-hand lanes except when preparing for a left turn, when avoiding a hazardous road condition, or when otherwise directed by law enforcement. Vehicles falling under the restricted lane usage are those with three or more axles. Violation of the bill's restricted lane provision is a noncriminal traffic infraction, punishable as a moving violation pursuant to chapter 319, F.S.

The bill also directs FDOT to erect suitable signs informing motorists of the lane restrictions, which has an indeterminate, but likely minimal, fiscal impact. The pilot project is repealed on October 1, 2005.

HB 497 with CS raises no apparent constitutional issues. It takes effect upon becoming law.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

**STORAGE NAME:** h0497c.ps.doc  
**DATE:** April 4, 2003

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. DOES THE BILL:

- |                                      |                              |  |   |
|--------------------------------------|------------------------------|--|---|
| 1. Reduce government?                | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/>            |
| 2. Lower taxes?                      | Yes <input type="checkbox"/> | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom?        | Yes <input type="checkbox"/> | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 5. Empower families?                 | Yes <input type="checkbox"/> | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |

HB 497 with CS does not reduce government because it creates a government-sponsored pilot project, of an indeterminate but likely minimal cost, to determine whether there are benefits to restricting heavy, commercial truck traffic to the two outermost right-hand lanes on I-95 in Palm Beach County.

#### B. EFFECT OF PROPOSED CHANGES:

##### Background

From 1998-2001, Florida ranked third in the number of fatal highway crashes involving commercial motor vehicles, although its percentage of fatal accidents per vehicle miles traveled has declined. Among Florida's 67 counties in 2001, Palm Beach ranked second in the number of fatal crashes involving large commercial trucks (with 18) and third in total crashes (with 219), according to the Federal Highway Administration's "Crash Profiles Online" website.

The major driver-related causes of these type accidents in 2001 were: erratic or reckless driving; failure to yield; and failure to stay in the proper lane.

Palm Beach County officials have expressed concerns about traffic safety on I-95, which is the site of 13 FDOT construction projects in 2003 alone, ranging from major interchange improvements, to lane construction, to landscaping, according to FDOT's 2003-2008 Work Program. Over the next five to six years, FDOT will widen I-95 from six lanes to 10.

County commissioners in February persuaded the Palm Beach County Metropolitan Planning Organization (MPO) to include in its Freight and Goods Movement Study research on the value of lane restrictions for large commercial carriers. FDOT District 4 staff will assist the MPO with its study. February 2003 correspondence between FDOT's District 4 and the county indicated that the agency would prefer that any heavy-truck restrictions on lane usage should wait until the I-95 widening project is completed. However, FDOT staff testified before the Transportation Committee on March 26 that the agency can support the proposal to restrict heavy truck traffic to the two right outermost lanes of I-95.

##### Truck-restricted lanes

Florida is one of 24 states that use, or have experimented with, truck-restricted lanes with mixed results. The most common reasons cited by states when implementing lane restrictions are: to reduce accidents, to promote even wear-and-tear on pavement, to improve highway operations, and to ensure safer traffic flow through construction zones. Studies also indicate a psychological benefit to restricting trucks to certain lanes, at least from the perspective of passenger-car motorists, who may feel intimidated or frightened when surrounded by trucks or passed by a truck driving at higher speeds.

A November 2002 research paper co-authored by an FDOT traffic engineer concluded that truck-lane restrictions generally reduced speed and capacity on highways, and reduced the number of lane-changes when two or more lanes were provided for the trucks. The research paper also noted that truck lanes may be more suitable for rural freeway operations, rather than on urban highways, where the need to make the best use of road capacity is greater.

An earlier study by the Center for Urban Transportation (CUTR), on behalf of FDOT, surveyed the results of truck-lane restrictions in other states. The conclusions from these other states were that there was no apparent change in safety and operation of vehicles on the specified highways, but compliance was high and public response was positive.

Researchers have indicated that problems exist whether trucks are restricted to right-hand lanes or the left-hand lanes. Restricting trucks to the right-hand lanes can make it difficult for oncoming ramp traffic to maneuver safely onto the highway; prevent trucks from passing slower vehicles, and prevent motorists from seeing signs on the right shoulder of the road. Left-lane restrictions pose the problem of lane-shifting by trucks that have to exit to the right, either to enter a weigh station or to leave the freeway.

#### Florida's experience

Florida Statutes give FDOT broad authority to manage state highways and impose regulations. For example, s. 316.555, F.S., specifies:

*The Department of Transportation or local authority may, by like notice, regulate or prohibit, in whole or in part, the operation of any specified class or size of motor vehicles, trailers, or semitrailers on any highways or specified parts thereof under its or their jurisdiction, whenever in its or their judgment, such regulation or prohibition is necessary to provide for the public safety and convenience on the highways, or parts thereof, by reason of traffic density, intensive use thereof by the traveling public, or other reasons of public safety and convenience. The notice or the substance thereof shall be posted at conspicuous places at terminals of all intermediate crossroads and road junctions with the section of highway to which the notice shall apply. After any such notice has been posted, the operation of any motor vehicle or combination contrary to its provisions shall constitute a violation of this chapter. However, no limitation shall be established by any county, municipal, or other local authorities pursuant to the provisions of this section that would interfere with or interrupt traffic as authorized hereunder over state roads, including officially established detours for such highways, including cases where such traffic passes over roads, streets or thoroughfares within the sole jurisdiction of the county, municipal or other local authorities unless such limitations and further restrictions have first been approved by the Department of Transportation*

Pursuant to this provision in law, FDOT imposed left-lane restrictions on portions of I-95 and I-75 for trucks with three or more axles (meaning at least six wheels).

The I-95 restrictions through Dade, Broward and Palm Beach counties were imposed in the mid-1970s, but when the highway was widened in Broward and Dade, the restrictions were removed in those counties. The Palm Beach County I-95 left-lane restriction remains in effect. In fact, in 1997, FDOT District 4 did a study that indicated crashes involving heavy commercial motor vehicles had been reduced, and decided to leave the restriction intact in Palm Beach County. Under the restriction, heavy trucks are prohibited from using the far left lane of I-95 in Palm Beach County from 7 a.m. to 7 p.m.; in Boca Raton and southern Delray Beach, heavy trucks are prevented from using the two far-left carpool lanes from 7 a.m. to 7 p.m.

In 1998, FDOT imposed right-lane restrictions for heavy trucks on I-75 through Alachua, Columbia, Hamilton, Sumter and Suwannee counties in 1998. This corresponds with Georgia law restricting heavy trucks to the right lanes on I-75, except in metropolitan Atlanta.

### Effect of HB 497 w/CS

This bill creates a two-year pilot project, beginning October 1, 2003, whereby commercial vehicles with three or more axles must travel in the two outermost right-hand lanes, except when: they need to exit from the left; are trying to avoid a hazardous road condition; or are directed to do so by a law enforcement officer.

Violators shall be subject to a fine of \$60 for a non-criminal, moving violation, plus any additional penalties for speeding, if applicable.

HB 497 with CS also directs FDOT to erect suitable signs informing truck operators and other motorists of the lane restrictions. No citation shall be written for violators unless the signs are erected and readily visible to all motorists.

The provisions of HB 497 with CS are repealed on October 1, 2005.

The bill does not address whether there is a need for additional law enforcement officers because they are patrolling I-95 now, nor require a report from FDOT at the end of the pilot project, because the information is public record and readily attainable.

#### C. SECTION DIRECTORY:

**Section 1:** Creates the "Interstate 95 Lane Designation Pilot Project" in Palm Beach County. Specifies purpose of project. Directs heavy trucks having three or more axles to travel in the two outermost lanes on I-95 in Palm Beach County. Lists conditions under which the trucks don't have to comply with those restrictions. Specifies a penalty. Specifies erection of signs. Specifies a repeal date.

**Section 2:** Provides that this act shall take effect October 1, 2003.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

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

##### 1. Revenues:

None.

##### 2. Expenditures:

FDOT will have an indeterminate cost of erecting signs notifying motorists and truckers that the lane restrictions. These costs will likely have a minimal fiscal impact on the state.

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

##### 1. Revenues:

None.

##### 2. Expenditures:

None.

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

Drivers of heavy commercial trucks that fail to comply with the lane restriction will be penalized \$60 for a non-criminal, moving violation. Additional fines will apply if the truck driver was speeding or engaged in other unlawful activity.

It is unknown how many truck drivers would be cited under the provisions of HB 497 with CS.

D. FISCAL COMMENTS:

None.

**III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. HB 497 with CS does not impact the fiscal resources of cities or counties.

2. Other:

HB 497 with CS raises no apparent constitutional issues.

B. RULE-MAKING AUTHORITY:

FDOT has sufficient rule-making authority to implement the provisions of HB 497 with CS.

C. DRAFTING ISSUES OR OTHER COMMENTS:

FDOT and the Florida Trucking Association are on record as supporting HB 497 with CS.

**IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES**

The Transportation Committee at its March 26, 2003, meeting adopted without objection one amendment offered by the bill sponsor to remove the phrase highway "wear and tear" from the list of reasons why the bill proposes to limit heavy trucks to the two outermost lanes of I-95 in Palm Beach County. The committee then passed the bill by a vote of 18-0.