

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 481 Orlando-Orange County Expressway Authority
SPONSOR(S): Brummer
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Transportation		Pugh	Miller
2) Local Government & Veterans Affairs			
3) Appropriations			
4)			
5)			

SUMMARY ANALYSIS

The Orlando-Orange County Expressway Authority (OOCEA) was statutorily created in 1963 to build, operate, and maintain toll facilities in Orange County, although it has the ability to enter into agreements with other counties to extend its transportation system into their jurisdictions. Its toll roads include State Roads 408, 417, 429 and 528, and its long-range plan includes improvements or extensions to these roads. The OOCEA can not acquire right-of-way for a project within the boundaries of a municipality within Orange County unless and until the project's route has been approved by the affected city commission.

HB 481 specifies that the OOCEA shall not begin acquiring right-of-way for a transportation project in unincorporated Orange County unless and until the Orange County Commission approves the project.

The bill has no fiscal impact on state revenues, nor does it raise any apparent constitutional issues.

HB 481 takes effect upon becoming a law.

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 481 does not reduce government because it creates an additional level of approval by the Orange County Commission before the OOCEA can proceed with projects that impact the unincorporated areas of the county.

B. EFFECT OF PROPOSED CHANGES:

Background

The Orlando-Orange County Expressway Authority (OOCEA) was created by the Legislature in 1963. It is one of nine such authorities specifically created in law, although there are several other local road or bridge authorities that operate under the general auspices of Part I of Chapter 348, F.S. The Orlando-Orange County Expressway Authority was statutorily created to build, operate, and maintain toll facilities in Orange County, although it has the ability to enter into agreements with other counties to extend its transportation system into their jurisdictions. Projects either have been started or are in OOCEA's plans for toll-road extensions into Osceola, Seminole and Lake counties, for example.

The OOCEA's board of directors is comprised of three private-sector members appointed by the governor to four-year terms, and two statutorily mandated ex-officio members, the current chair of the Orange County Commission and the Florida Department of Transportation District 5 secretary.

According to its 2003 Annual Report, OOCEA's system includes 92.9 total centerline miles, 11 main toll plazas, 44 ramp toll plazas, and 238 bridges. More than 186 million motorists annually use the toll lanes in fiscal year 2000. OOCEA has adopted a 2025 Expressway Master Plan that includes expansions of the current system to better link with I-4, adding new lanes, and upgrading its toll plazas. Its current five-year work program includes \$871 million in projects.

The annual report also indicated that toll revenues grew from \$142.4 million in FY 2001-2002 to \$153.3 million in FY 2002-2003. Total operating revenues last fiscal year topped \$154.7 million.

Pursuant to s. 348.754(4), F.S., the OOCEA can not acquire right-of-way for a project within the boundaries of a municipality within Orange County unless and until the project's route has been approved by the affected city commission. This provision was in the original 1963 legislation that created OOCEA. The primary intent was to give municipalities, which have no representation on the OOCEA board, input into its project-decision process.

No such requirement exists for the purchase of right-of-way in unincorporated Orange County, which apparently has created some friction between residents and the OOCEA, particularly in regards to two projects: the Wekiva Parkway and the Northwest Extension. The Wekiva Parkway, which has been the subject of two governor-appointed task forces, would extend State Road 429 from Apopka northeast to Interstate 4 in Sanford, completing a beltway around Orlando. The Northwest Extension would extend State Road 429 from Apopka northwest to Eustis. The exact routes of these projects still are being discussed. Both projects have generated similar concerns among area residents about the economic and environmental impacts to their property and their communities.

Effect of the bill

HB 481 would prevent the OOCEA from acquiring right-of-way for a transportation project in unincorporated Orange County unless and until the Orange County Commission approves the project. This requirement mirrors the current provision for Orange County municipalities.

This provision could create delays in OOCEA's road plans, if the Orange County Commission delayed its approval because unincorporated residents had concerns about a project's route. On the other hand, this provision also provides residents in unincorporated Orange County another forum besides OOCEA public hearings, to express their concerns and offer suggestions regarding project selection and routes.

C. SECTION DIRECTORY:

Section 1: Amends s. 348.754(4), F.S., to specify that notwithstanding any other provision in Part V, chapter 348, F.S. to the contrary, right-of-way acquisition by the OOCEA for any project within Orange County but not within the boundaries of any municipality in the county shall not begin unless and until approval by the county commission.

Section 2: Specifies this act shall take effect upon becoming a law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

Although there is no immediate fiscal impact to the OOCEA, the authority might experience future costs related to project redesign and to right-of-way acquisition if projects are delayed.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

HB 481 does not require counties or municipalities to expend local funds or to raise local funds, nor does it reduce their state revenue-sharing.

2. Other:

HB 481 does not raise any other constitutional issues.

B. RULE-MAKING AUTHORITY:

Expressway authorities are exempt from the Administrative Procedures Act, pursuant to s. 120.52, F.S.

C. DRAFTING ISSUES OR OTHER COMMENTS:

A lobbyist for the OOCEA indicates that his client opposes the bill. The Orange County Commission at its Feb. 10, 2004, meeting voted 5-2 in support of HB 481 if it is amended by the Legislature to include commission approval for OOCEA projects that extend into Orange County from another county, according to the county's public affairs director.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES