

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 603                      Bicycle Lanes and Pedestrian Ways  
**SPONSOR(S):** Gannon  
**TIED BILLS:**                              **IDEN./SIM. BILLS:** SB 1040

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Growth Management Committee		Porter	Grayson
2) Transportation Committee			
3) Transportation & Economic Development Appropriations Committee			
4) State Infrastructure Council			
5) _____			

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### SUMMARY ANALYSIS

HB 603 requires the incorporation of bicycle and pedestrian ways into the planning and development of transportation facilities, including state, regional, and local transportation plans.

The bill requires the Department of Transportation to create a grant program under the Safe Paths to Schools Program to assist local governments with the creation of bicycle and pedestrian ways.

The bill requires the Department of Transportation to establish a standard shoulder width of 5 feet where right of way exists.

The bill requires the Department of Transportation to include bicycle and pedestrian ways into the planning and design of standards for scenic highways.

The bill has an anticipated fiscal impact of between \$30-40 million to the Department of Transportation.

The bill provides for an effective date of July 1, 2005.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

Provide for Limited Government – The bill will require the construction of bicycle and pedestrian ways regardless of local government or concerned party opinion.

Safeguard Individual Liberty – The bill will result in an increase in the available bicycle and pedestrian ways.

#### B. EFFECT OF PROPOSED CHANGES:

##### Effect of Proposed Changes

##### Planning and Construction

HB 603 requires the incorporation of bicycle and pedestrian ways into the planning and development of transportation facilities, including state, regional, and local transportation plans. The Department of Transportation (DOT) is currently only required to consider bicycle and pedestrian ways in the planning and development of transportation facilities.

The bill requires the DOT to include bicycle and pedestrian ways into the planning and design of standards for scenic highways.

##### Road Shoulders and Bicycle Paths

The bill requires the DOT to establish a standard shoulder width of 5 feet where right of way exists. The requirement to increase minimum shoulder width to 5 feet will have an increased fiscal cost since additional materials are required to fulfill this requirement. It is difficult to estimate the fiscal impacts from this requirement since the impact is dependent on how many roads are constructed that are affected by this provision. The costs of implementing the bill will most likely be substantial since all state roads constructed will be required to incorporate bicycle and pedestrian ways unless they can produce evidence to prove that they are either contrary to public safety; the cost would be excessively disproportionate to the need or probable use; the absence of need; or the necessary right of way is not available. The DOT could also be required to produce studies to substantiate these findings at an additional cost to tax payers not currently required.

A representative of the DOT<sup>1</sup> stated that there are currently around 1,100 miles of state highways that would be affected by this requirement at a cost of approximately \$30-40 million. The DOT representative also stated that the bill would require the provision of these shoulders regardless of whether a local government or group is opposed to the increased shoulder width and regardless of the location of the road (i.e. rural road seldom used for bicycles).

The bill requires the creation of bicycle lanes whenever there is construction, reconstruction, or other change of any state transportation facility and there is available right of way. The bill does provide that currently approved exceptions shall remain in force.

##### Grant Program

The bill makes it mandatory that the DOT create a grant program to fund local, regional, and state bicycle and pedestrian projects to support the Safe Paths to Schools Program. The creation of a grant program that does not currently exist will require an appropriation to fund the grant and administrative

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<sup>1</sup> Kevin J. Thibault, P.E. – Assistant Secretary, Engineering & Operations, Department of Transportation.

costs to administer the grant program that may not currently be provided to DOT. However, the bill does not contain an appropriation for this grant program.

## Background

### Planning

The current statute relating to bicycle paths and public highways has been in its current state since 1994. The Department of Transportation has been required since that time to give full consideration to bicycle paths and pedestrian ways in the planning and development of transportation facilities. However, full consideration is less than a requirement that they be included into the planning and development of facilities.

### Grant Program

The Legislature passed the Safe Paths to Schools Act in 2002. The program was intended to facilitate the consideration of bicycle paths into the planning and construction of roads in the state. The act also allowed the Department of Transportation to create a grant program to assist local governments in the provision of bicycle and pedestrian paths within their communities. The act, however, did not contain an appropriation to fund such a grant program.

#### C. SECTION DIRECTORY:

Section 1. Amends s. 335.065, F.S., relating to bicycle and pedestrian ways.

Section 2. Amends s. 335.066, F.S., relating to the Safe Paths to Schools Program.

Section 3. Amends s. 335.093, F.S., relating to scenic highway designation.

Section 4. Provides for an effective date of July 1, 2005.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

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

##### 1. Revenues:

The bill does not have an affect on state revenues.

##### 2. Expenditures:

The bill could have a substantial effect on the cost of road construction for the state. It is not clear to what extent the bill would require the construction of bicycle and pedestrian paths where they are not currently constructed so the costs of the bill could not accurately be determined at the time of analysis. However, the Department of Transportation estimated that around 1,100 miles of roads could be affected by the bill at an estimated cost of \$30-40 million<sup>2</sup>. The bill also requires the implementation of a grant program that is currently optional and could increase the costs to the state if the grant program is funded. However, the bill does not contain an appropriation for the grant program. Administrative cost estimates for the grant program could not be determined since there is no way of determining the activity level of the grant program without knowledge of the funding provided to the grant program for distribution.

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

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<sup>2</sup> Kevin J. Thibault, P.E., Assistant Secretary-Engineering & Operations – Florida Department of Transportation

1. Revenues:

The bill does not have a direct effect on local government revenues. However, local governments could receive additional revenues for the construction of bicycle and pedestrian ways if the grant program required by the bill was instituted and funded.

2. Expenditures:

The bill does not appear to have an effect on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Road construction contractors would experience an increase in cost and revenue per mile of road affected by the bill for the addition of bicycle and pedestrian paths.

D. FISCAL COMMENTS:

None.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds. The bill does not reduce the percentage of a state tax shared with counties or municipalities. The bill does not reduce the authority that municipalities have to raise revenue.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill does not increase rule making authority of the Department of Transportation.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Drafting Comments

#### Road Shoulders and Bicycle Paths

The costs of implementing the bill will most likely be substantial since all state roads constructed will be required to incorporate bicycle and pedestrian ways unless they can produce evidence to prove that they are either contrary to public safety; the cost would be excessively disproportionate to the need or probable use; the absence of need; or the necessary right of way is not available. A representative of the DOT<sup>3</sup> stated that there are currently around 1,100 miles of state highways that would be affected by this requirement at a cost of approximately \$30-40 million. The DOT representative also stated that the bill would require the provision of these shoulders regardless of whether a local government or group is opposed to the increased shoulder width and regardless of the location of the road (i.e. rural road seldom used for bicycles). The bill does not currently contain an appropriation to cover these costs.

#### Grant Program

The creation of a grant program that does not currently exist will require an appropriation to fund the grant and administrative costs to administer the grant program that may not currently be provided to DOT. However, the bill does not contain an appropriation for this grant program.

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<sup>3</sup> Kevin J. Thibault, P.E. – Assistant Secretary, Engineering & Operations, Department of Transportation.

#### IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

The sponsor of the bill intends to offer a strike-all that substantially alters the effects of the bill. The strike-all amendment:

- Requires the Department of Transportation (DOT) to perform a study by October 1, 2005 of bicycle facilities that are on or connected to the State Highway System.
- Requires the study to include paved bike lanes, bike trails, bike paths, and any route or facility designated specifically for bicycle traffic.
- Requires the study to be performed by a consultant selected and funded by the department and managed by the DOT's state Pedestrian and Bicycle Coordinator
- Requires the study to include:
  - Review of department standards for bike lanes;
  - Identification of state highways with existing designated bike lanes;
  - Identification of state highways with no designated bike lanes and any constraints to incorporating these facilities;
  - Provides for electronic mapping of these facilities;
  - Identification of all bike facility needs on the State Highway System;
  - Review and identification of possible funding sources for new or improved facilities; and
  - An implementation plan that will identify the incorporation of bicycle facilities on those state highways programmed for rehabilitation or new construction in the department's five year work program including cost data.
- Requires the report be presented to the President of the Senate, the Speaker of the House, and the Governor by October 1, 2005.

A representative of the DOT<sup>4</sup> stated that the study will require an estimated \$200,000 to perform and will be accomplished using resources currently included in the DOT budget request for proposed work programs that has been submitted to the Legislature. The DOT was not opposed to the contents of the strike-all at the time of analysis.

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<sup>4</sup> Kevin J. Thibault, P.E. – Assistant Secretary, Engineering & Operations, Department of Transportation.