

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 603 CS

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) <u>Growth Management Committee</u>	<u>9 Y, 0 N, w/CS</u>	<u>Porter</u>	<u>Grayson</u>
2) <u>Transportation Committee</u>	<u></u>	<u></u>	<u></u>
3) <u>Transportation &amp; Economic Development Appropriations Committee</u>	<u></u>	<u></u>	<u></u>
4) <u>State Infrastructure Council</u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

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### SUMMARY ANALYSIS

HB 603 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, including paved bike lanes, bike trails, bike paths, and any route or facility designated specifically for bicycle traffic.

The study will require an estimated \$200,000 to perform and will be accomplished using resources currently included in the Department of Transportation budget request for proposed work programs

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

HB 603 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.

The bill requires the study to include paved bike lanes, bike trails, bike paths, and any route or facility designated specifically for bicycle traffic.

The bill 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

The bill 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.

The bill requires the report be presented to the President of the Senate, the Speaker of the House of Representatives, and the Governor by October 1, 2005.

A representative of the DOT<sup>1</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.

##### 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.

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

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. Requires the DOT to perform a study relating to bicycle and pedestrian ways.

Section 2. 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 requires the DOT to perform a study relating to bicycle and pedestrian ways. As mentioned above, the DOT estimates the cost of the study to be around \$200,000 and will be absorbed within resources already requested as part of the DOT budget.

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

##### 1. Revenues:

The bill does not have a direct effect on local government revenues.

##### 2. Expenditures:

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

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

The bill does not appear to have a direct economic impact on the private sector.

#### 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 Issues

None.

Other Comments

A representative of the DOT<sup>2</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. The amendment was adopted in committee.

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

On April 5, 2005, the sponsor of the bill offered a strike-all that substantially altered 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.

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