

## 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>15 Y, 0 N</u>	<u>St.Fleur</u>	<u>Miller</u>
3) <u>Transportation &amp; Economic Development Appropriations Committee</u>	<u>13 Y, 0 N</u>	<u>McAuliffe</u>	<u>Gordon</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 contract for a study of the state's bicycle facilities that are on, or connected to, the State Highway System, including paved bicycle lanes, bicycle trails, bicycle paths, and any route or facility designated specifically for bicycle traffic.

According to DOT, the study will cost DOT an estimated \$200,000 to perform, and can be accomplished with existing resources.

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

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

This bill does not appear to implicate any of the House Principles.

#### B. EFFECT OF PROPOSED CHANGES:

##### **Background**

Section 335.065, F.S., provides bicycle and pedestrian paths must be given full consideration in the planning and development of transportation facilities, and must be established in conjunction with the construction, reconstruction, or other change to any state transportation facility.

The section further provides bicycle and pedestrian ways are not required to be established:

- where their establishment would be contrary to public safety;
- when the cost would be excessively disproportionate to the need or probable use;
- where other available means or factors indicate an absence of need.

FDOT is required, in cooperation with the Department of Environmental Protection, to establish a statewide integrated system of bicycle and pedestrian ways in such a manner as to take full advantage of any such ways which are maintained by any governmental entity. The section further provides bicycle facilities may be established as part of or separate from the actual roadway and may utilize existing road right-of-ways or other right-of-ways or easements acquired for public use.

##### **Effect of Proposed Changes**

HB 603 requires the Department of Transportation (DOT) to contract for a study of the state's bicycle facilities that are on, or connected to, the State Highway System, including paved bicycle lanes, bicycle trails, bicycle 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 DOT and managed by DOT's state Pedestrian and Bicycle Coordinator.

The bill requires the study to include:

- review of department standards for bicycle lanes;
- identification of state highways with existing designated bicycle lanes;
- identification of state highways with no designated bicycle lanes and any constraints to incorporating these facilities;
- electronic mapping of these facilities;
- identification of all bicycle 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.

According to DOT,<sup>1</sup> the study will require an estimated \$200,000 to perform and will be accomplished using current resources.

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 effect on state revenues.

2. Expenditures:

The bill requires the DOT to perform a study relating to bicycle and pedestrian ways. The DOT estimates the cost of the study to be approximately \$200,000 and will be absorbed within current resources.

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.

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

C. DRAFTING ISSUES OR OTHER COMMENTS:

Drafting Issues

None.

Other Comments

None.

**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 bicycle lanes, bicycle trails, bicycle 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 bicycle lanes;
  - identification of state highways with existing designated bicycle lanes;
  - identification of state highways with no designated bicycle lanes and any constraints to incorporating these facilities;
  - provides for electronic mapping of these facilities;
  - identification of all bicycle 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.