



## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. HOUSE PRINCIPLES ANALYSIS:

HB 959 CS does not implicate any House Principles.

#### B. EFFECT OF PROPOSED CHANGES:

##### Background

Federal Highway Administration research reports dating back to 1987 indicate the value of guardrail and other barrier systems in preventing traffic accidents and fatalities. These barrier systems can take many forms – metal guardrails, thick metal cables, concrete barricades, and earthen berms – and to be effective must be engineered to address a highway's particular features and the type of traffic that comprises the majority of users. AASHTO has developed for federal and state transportation agencies a number of nationally accepted standards for barrier systems, and these standards are continually being tested and updated.

FDOT has an active highway-barrier installation program, having installed more than 2,645.5 miles of guardrails along state highways and the Florida Turnpike, and another 552 miles of barrier walls. The Turnpike has committed that by 2007, guardrails will run the Turnpike's entire length, from Wildwood to Homestead. Typically the guardrails or cable systems are installed as part of a construction or maintenance project.

One type of highway accident more common to Florida than to other states is out-of-control vehicles veering off a highway into an adjacent canal, drainage ditch, or natural water body. National and statewide statistics for traffic fatalities caused by, or related to, the absence or failure of highway barrier systems and involving water are not readily available. However, FDOT was able to compile statistics on 2003 and 2004 traffic accident data involving vehicles running off state roads and into water bodies. FDOT staff verified the data by pulling the written reports and reading the narrative description of the accident. FDOT's review indicated that:

- In 2004, there were 28 fatal crashes on the State Highway System where the vehicles ran off the road and into an adjacent body of water. These crashes resulted in 36 fatalities, of which 20 were possibly caused or influenced by the vehicle being submerged.
- In 2003, there were 34 crashes that met the criteria with 49 fatalities, of which 28 were possibly caused or influenced by the vehicle being submerged.

Some of these accidents were caused by drunken, medicated, speeding, or careless drivers, according to the accident reports. Also, in some accidents the vehicle went over, under, or through guardrails or fences before going into the water.

##### Effect of Proposed Changes

HB 959 CS requires, as a pilot project, each limited-access highway in Miami-Dade County that is adjacent to a canal or other water body to have a system of guard rails, barrier cables, or other barrier installed between the highway and the water body. The guardrail or barrier system must be installed and maintained pursuant to FDOT standards, which must be designed to protect against loss of life from out-of-control vehicles running off highways and into water. The standards should take into account such factors as the width, depth, or proximity of the water body to the highway. Limited-access facilities in existence on July 1, 2006, and which are adjacent to water bodies, must have a barrier system installed by December 31, 2008, according to the bill.

Section 334.03(13), F.S., defines "limited access facility" as:

"a street or highway especially designed for through traffic, and over, from, or to which owners or occupants of abutting land or other persons have no right or easement of access, light, air, or view by reason of the fact that their property

abuts upon such limited access facility or for any other reason. Such highways or streets may be facilities from which trucks, buses, and other commercial vehicles are excluded; or they may be facilities open to use by all customary forms of street and highway traffic.”

FDOT considers limited-access facilities to be part of the Florida Intrastate Highway System, which includes interstate highways and the Florida Turnpike. No county or municipal roads in Miami-Dade County would be subject to the pilot project’s requirements.

FDOT is directed to adopt rules to implement the provisions of HB 959 CS, although it appears to have sufficient existing standards on guardrails and barrier systems based in part on national engineering standards.

The pilot project is repealed effective December 31, 2011, unless the Legislature reenacts it.

According to FDOT staff, the cost of implementing HB 959 CS is an estimated \$5.3 million, which already is included in the FY 2006-2011 Five-Year Work Program.

HB 959 CS takes effect July 1, 2006.

C. SECTION DIRECTORY:

Section 1: Creates pilot project to install guardrail and other barriers on certain limited-access facilities in Miami-Dade County. Specifies requirements that must be met. Specifies deadline for completing installation. Provides for rule-making. Provides for future repeal.

Section 2: Provides an effective date of July 1, 2006.

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

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

HB 959 CS has an estimated \$5.3 million fiscal impact on the State Transportation Trust Fund, according to FDOT, and is already incorporated in the current Five-Year Work Program.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None, according to FDOT.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

### III. COMMENTS

#### A. CONSTITUTIONAL ISSUES:

##### 1. Applicability of Municipality/County Mandates Provision:

HB 959 CS does not: require counties or municipalities to spend funds or to take an action requiring the expenditure of funds; reduce the percentage of a state tax shared with counties or municipalities; or reduce the authority that municipalities have to raise revenues.

##### 2. Other:

None.

#### B. RULE-MAKING AUTHORITY:

HB 959 CS directs FDOT to adopt rules to implement the bill's provisions.

#### C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

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

#### Transportation Committee

At its March 27, 2006, meeting, the Transportation Committee adopted without objection a strike-everything-after-the-enacting clause amendment from the bill's sponsor that limited the barrier-system requirement to limited-access highways (or certain state highways) adjacent to water bodies located only in Miami-Dade County as a pilot project.

This amendment eliminated the local unfunded mandate issues raised by the bill as originally filed, and reduced its fiscal impact on FDOT from \$268 million to \$5.3 million – which FDOT representatives said is already budgeted in the work program.

After adopting the main amendment, the committee voted 15-0 to report the bill as favorable with a committee substitute.