

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1331

Public Roadways

SPONSOR(S): Abruzzo

TIED BILLS:

IDEN./SIM. BILLS: SB 1842

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1)	Roads, Bridges & Ports Policy Committee		Johnson	Miller
2)	Transportation & Economic Development Appropriations Committee			
3)	Economic Development & Community Affairs Policy Council			
4)				
5)				

SUMMARY ANALYSIS

The State Highway System Access Management Act provides for the regulation of access to the State Highway System. This law provides that adjacent property owners have a right to reasonable, but not unregulated, access to their property. These access rights are subject to reasonable regulation to ensure a safe and efficient highway system. The Department of Transportation (DOT) has implemented access management guidelines to provide guidance on access management issues.

The bill prohibits the design, construction, or maintenance of public streets, roads, highways, and bridges from impeding the existing access of adjacent property owners. The bill also prohibits DOT from dividing state highways or erecting media barriers in areas zoned for business within a county or municipality without receiving approval by a majority vote of the governing body of the county or municipality.

DOT may see an increase in expenditures due to having to receive local government approval for dividing highways. Municipalities and counties may incur incidental expenses associated with approving highway divisions and media barriers.

The bill has an effective date of July 1, 2010.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Sections 335.18 through 335.188, F.S. creates the "State Highway System Access Management Act." This law provides that the access management regulations are necessary "to protect the public health, safety, and welfare, to preserve the functional integrity of the State Highway System, and to promote the safe and efficient movement of people of goods within the state."

The law also gives property owners whose property abuts the State Highway System the right to reasonable access, but not unregulated access to the property. These access rights are "subject to reasonable regulation to ensure the public's right and interest in a safe and efficient highway system."

The Department of Transportation (DOT) has implemented access management guidelines to provide guidance on access management issues.¹ The guidelines address the location, design, and operation of driveways, median openings, interchanges, and street connections. A basic principal of access management is to limit the number of conflict points along a roadway by limiting the number of driveways and median openings and restricting certain movements at some median openings. The goal of these guidelines is to properly balance access and mobility in the design of state roadways.

Proposed Changes

The bill prohibits the design, construction, or maintenance of public streets, roads, highways, and bridges from impeding the existing access of adjacent property owners. The bill also prohibits DOT from dividing state highways or erecting media barriers in areas zoned for business within a county or municipality without receiving approval by a majority vote of the governing body of the county or municipality.

The bill has an effective date of July 1, 2010.

B. SECTION DIRECTORY:

Section 1 Requires that public roadways and bridges be designed, constructed, and maintained in a manner that does not impede existing access of adjacent property owners; prohibiting

¹ Information on DOT's access management program is available at <http://www.dot.state.fl.us/planning/systems/sm/accman/>.

DOT from dividing state highways or erecting media barriers in an area zoned for business use without approval of the project by the governing body.

Section 2 Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None

2. Expenditures:

DOT may incur some additional expenditures associated with getting local government approval of certain projects.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None

2. Expenditures:

Municipalities and counties may incur some incidental expenditures associated with the approval of certain DOT projects.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Requiring local government approval prior to DOT dividing highways or placing media barriers on a roadway may maintain access to certain businesses and thereby reduce economic impacts resulting from reduced access for traffic to those businesses. However, there may be safety concerns due to the constraints on project design caused by requiring local government approval of these design features as required by the bill. These constraints could affect DOT's ability to limit the number of driveways and median openings, and to restrict movements at some median openings, leading to an increase number of vehicle conflict points.

D. FISCAL COMMENTS:

None

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to: require counties or municipalities to spend funds or take an action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with counties or municipalities.

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES