

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Transportation Committee

BILL: SPB 7022

INTRODUCER: For consideration by the Transportation Committee

SUBJECT: Designation of Transportation Facilities

DATE: October 25, 2011 REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|---------|----------------|-----------|--------------------|
| 1. | Davis | Buford | | Pre-meeting |
| 2. | | | | |
| 3. | | | | |
| 4. | | | | |
| 5. | | | | |
| 6. | | | | |

I. Summary:

The designation of roads, bridges, or other transportation facilities for honorary or memorial purposes is a long-standing practice in Florida and, since 1922, over 1,000 of these designations have been legislatively approved. Passage of an honorary or memorial designation of a transportation facility generally involves erecting signs along the state’s right-of-way reflecting the designation as described in an act of the Legislature; e.g., “John Jones Memorial Highway.” Currently, the Florida Department of Transportation (FDOT or department) bears the costs of erecting and maintaining these signs.

This bill is the result of an interim report providing an overview of the statutory requirements and procedures related to establishing honorary or memorial designations on transportation facilities in Florida. In addition, the report reviews the costs of these designations, including sign production, installation labor, maintenance, and other related costs.

On October 17, 2011, the Senate Committee on Transportation reviewed Interim Report 2012-139 and authorized the committee professional staff to prepare a proposed bill.

Specifically, the proposed bill amends s. 334.071, F.S., to specify honorary or memorial designations of transportation facilities are limited to the State Highway System. The bill provides a transportation facility may not be designated in honor of a natural person unless that natural person’s contribution to the state or community has been of such significance as to warrant legislative recognition. The bill also provides the erection of markers may not:

- violate sign spacing requirements of the Manual on Uniform Traffic Control Devices adopted pursuant to s. 316.0745, F.S.;

- limit or obscure the visibility of an official traffic control device; or
- generate a distraction for a driver.

Lastly, the proposed bill limits the expenditure of funds by FDOT for designation costs to those solely for the costs associated with the fabrication and installation of markers, including routine maintenance and replacement costs.

This bill substantially amends s. 334.071 of the Florida Statutes.

II. Present Situation:

Over the years, the Florida Legislature has designated many roadways in Florida. The designated roads have been under the jurisdiction of either the department or local government.

Records kept in the department's Transportation Statistics Office identify the earliest dedicated roadway as the W.W. Clark Memorial Bridge on State Road 580 between Safety Harbor and Oldsmar. This was dedicated by the State Road Board, the predecessor of FDOT, on July 6, 1922. Since that time, over 1,000 of these designations have been approved and every county and most cities have participated in officially designating some roadway feature. In addition, some roads and bridges have multiple or overlapping designations.

Honorary and Memorial Designations

In 1999, the Legislature enacted ch. 99-385, L.O.F., to clarify the purpose and effect of the designation of roads, bridges, and other transportation facilities for honorary or memorial purposes by the Florida Legislature. Section 334.071, F.S., explains the intent and limitations of legislative designations of transportation facilities for honorary or memorial purposes, or to otherwise, distinguish a particular facility in Florida. Specifically, s. 334.071, F.S., provides:

- Legislative designations of transportation facilities are for honorary or memorial purposes, or to distinguish a particular facility, and may not be construed to require any action by local governments or private parties regarding the changing of any street signs, mailing addresses, or 911 emergency telephone number system listings, unless the legislation specifically provides for such changes;
- When the Legislature establishes road or bridge designations, the FDOT is required to place markers only at the termini specified for each highway segment or bridge designated by the law creating the designation, and to erect any other markers it deems appropriate for the transportation facility.

The Legislature addressed the transportation facility designation process again during the 2003 Legislative Session, and enacted 2003-286, L.O.F., which specified the FDOT may not erect the markers for honorary road or bridge designations unless the affected city or county commission enacts a resolution supporting the designation. When the designated road or bridge segment is located in more than one city or county, resolutions supporting the designations must be passed by each affected local government prior to the erection of markers.

FDOT Guidance

FDOT's Traffic Engineering Manual provides traffic engineering standards and guidelines to be used on the State Highway System by the department's District Traffic Operations Offices. Section 2.35 (Signing for Memorial Roadway Designations) of the manual provides guidance to the districts on the installation of signs when a roadway has been given a memorial designation by the Florida Legislature. Specifically, the manual provides the following:

- **Signing Process**
 - The Florida Legislature designates the roadways based on recommendations from a city or county commission, individual state agencies, or civic groups.
 - Upon official designation by the Florida Legislature, it is the responsibility of the legislative sponsors of the designation to obtain local resolutions in accordance with s. 334.071(3), F.S.
 - After receiving a copy of the local resolution, the department shall begin the process to have the signs installed on the State Highway System.
 - Within the department, the process for the installation of these signs involves the following offices:
 - District Public Information Office
 - District Traffic Operations Office
 - District Maintenance Office
 - State Traffic Engineering and Operations Office
 - Transportation Statistics Office
 - Each district has their own signing process in place, and it varies as to which of the above district offices initiates the process. However, it is important that all the above district offices are notified and kept informed as to the status of roadway designations within their district after each legislative session.
 - Each district will coordinate the installation of the signs with the legislative sponsor of the designation.
- **Sign Installation and Maintenance**
 - Signs shall be installed and maintained by the department on the State Highway System.
 - On non-limited access facilities, one sign per direction shall be installed in accordance with Section 2D.49 of the Manual on Uniform Traffic Control Devices (MUTCD).
 - On limited access facilities, one sign per direction shall be installed in accordance with Section 2E.08 of the MUTCD.

FDOT Costs

The FDOT typically installs two signs per designation at a current estimated cost of \$400 per sign, which includes the cost of materials and labor to manufacture and install the honorary road sign. At a minimum, each designation costs \$800. The FDOT incurs additional costs for dedication ceremonies (when requested by legislative sponsors) to unveil the memorial roadway designation signs.

Upon the establishment of a designation, these costs are absorbed within the existing budget authority of the department. In addition, FDOT will also incur the recurring costs of maintaining these signs over time, and for future replacement of the signs as necessary. Annual maintenance costs, which the department estimates at \$2 per sign, encompasses mowing around the sign and

the occasional inspection and cleaning of the sign. Sign panel replacement costs are based upon an expected sign life of 15 years and the department's estimate of \$200 per sign panel replacement.

Additional Sign Installation Costs For Dedication Ceremonies

The FDOT is a decentralized agency in accordance with legislative mandates, composed of the Central Office, seven districts, the Florida Turnpike Enterprise, and the Florida Rail Enterprise. Each of the districts is managed by a District Secretary. The districts vary in organizational structure, but in general each has major divisions for Administration, Planning, Production and Operations.

Each district is allocated maintenance funds. The costs of road designation signs, installation and continued maintenance, as well costs associated with ceremonies, comes from these allocated funds. These funds could otherwise be used for the replacement of other roadway signs that are, for example, at the end of their service life or have been knocked down, or for activities such as guardrail repair and roadway striping.

Senate professional staff, with the assistance of the department, asked each district to quantify examples of dedication ceremony costs in their respective district. There is no standard dedication ceremony and each one varies depending on the local support provided and the magnitude of the ceremony requested for the designation.

Although the responses varied, it may be important to note that several districts reported activities and costs which are not included in the \$800 estimate and may not immediately come to mind when considering the overall costs of road designations. For example, districts reported tasks and costs associated with dedication ceremonies at the sign location, including:

- mowing, litter removal, and other landscaping improvements,
- the rental and installation of shade tents, tables, seating, and podium, and
- maintenance of traffic such as lane closures and temporary caution signage.

Some districts also reported that the District Public Information Officer had conducted other ceremony-related activities such as creating and mailing invitation lists, media packets, and composing speeches. These activities, as well as occasional long travel times for department maintenance personnel, can amount to significant costs that have not previously been included in the fiscal impact assessment of roadway designations.

Off-System Designations

Although local governments have the authority to designate their own roads, occasionally, legislation is proposed to designate a segment of roadway which is off the State Highway System. The department tracks proposed legislative roadway designations each session. For each proposal, department staff prepares a small scale map to verify the accuracy of the proposed roadways and to determine whether the proposal is on the State Highway System and if there are previous designations at the proposed location. Exhibit 1 shows the trend since 1998, wherein there have been 27 Off-Highway designations and an additional 3 partial Off-Highway designations that have been enacted.

Off-System designations require state expenditures to cover expenses that are not on a state facility. In addition, FDOT does not have jurisdiction to maintain the designation. Once the signs are erected, the department usually has no further involvement with the designation beyond replacement of the sign, if requested.

Exhibit 1 - Road and Bridge Designations Since 1998

| Year | # Designations/ # Installed Signs | Initial Sign Fabrication and Simple Installation Costs/ Designation | # of Off-System Designations |
|--------------|--------------------------------------|---|---------------------------------|
| 1998 | 15/30 | \$500 | 0 |
| 1999 | 22/112 | \$500 | 1, 1 partial |
| 2000 | 1/2 | \$500 | 0 |
| 2001 | 0 | \$500 | 0 |
| 2002 | 0 | \$600 | 0 |
| 2003 | 28/64 | \$800 | 1, 1 partial |
| 2004 | 44/88 | \$800 | 2 |
| 2005 | 32/64 | \$800 | 4 |
| 2006 | 27/54 | \$800 | 1 |
| 2007 | 38/76 | \$800 | 5 |
| 2008 | 41/82 | \$800 | 6, 1 partial |
| 2009 | 2/4 | \$800 | 0 |
| 2010 | 61/158 | \$800 | 7 |
| 2011 | 2/4 | \$800 | 0 |
| Total | 312/738¹ | | 27, 3 partials |

Provided by the Florida Department of Transportation

Dual Roadway Designations

There is currently no provision in law restricting one segment of a state road from having multiple or overlapping designations. In addition, there is no limitation on the number of designations in the same area.

III. Effect of Proposed Changes:

The proposed bill amends s. 334.071, F.S., to provide additional criteria to be considered relating to the designation of roads, bridges, and other transportation facilities by the Florida Legislature.

Subsection (1) specifies honorary or memorial designations of transportation facilities are limited to the State Highway System.

Subsection (2) provides a transportation facility may not be designated in honor of a natural person unless that natural person’s contribution to the state or community has been of such significance as to warrant legislative recognition.

¹ Each legislative session, numerous road and bridge designation bills are filed in the House of Representatives and the Senate. There have been some years when minimal or no designations were enacted. For example, there were no enacted designations during the 2001 and 2002 Sessions; however, approximately 22 and 47 (respectively) were proposed. In addition, although only two designations passed in 2009 and 2011 there were approximately 18 additional proposed designations in 2009 and 47 in 2011 that were not enacted. The trend to designate roads, bridges, and other transportation facilities for honorary or memorial purposes continues to only increase Florida’s proliferation of road and bridge designations.

Subsection (3) provides the erection of markers may not:

- violate sign spacing requirements of the Manual on Uniform Traffic Control Devices adopted pursuant to s. 316.0745, F.S.;
- limit or obscure the visibility of an official traffic control device; or
- generate a distraction for a driver.

Subsection (4) limits the expenditure of funds by FDOT for designations to those solely for the costs associated with the fabrication and installation of markers, including routine maintenance and replacement costs.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Indeterminate. However, minimal positive costs savings are expected.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
