

**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.)

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Prepared By: The Professional Staff of the Committee on Appropriations

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BILL: SPB 7102

INTRODUCER: For consideration by the Appropriations Committee

SUBJECT: Bicycle and Pedestrian Ways

DATE: March 26, 2014

REVISED: \_\_\_\_\_

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ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Carey</u>	<u>Kynoch</u>	_____	<b>Pre-Meeting</b>

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**I. Summary:**

SPB 7102 provides authority for the Florida Department of Transportation (FDOT) to use appropriated state revenues from the State Transportation Trust Fund (STTF) to support the establishment of a statewide system of interconnected multiuse trails. The FDOT is authorized to pay the cost of planning, land acquisition, design, and construction of trails and related facilities identified as a priority by the Florida Greenways and Trails Council.

In SPB 7090, the Senate Proposed General Appropriations Act, the FDOT is provided budget authority in the State Transportation Trust Fund for the purpose of funding multi-use trails.

**II. Present Situation:**

The economic impact of and public demand for trails are significant. In many regions of Florida, opportunities exist to link a series of existing, but separate trails into a connected, continuous greenway system across the state. Closing the gaps between existing trails will connect smaller communities with major cities. These connections will create business opportunities and a scenic and safe route for bicyclists and pedestrians.

**Funding for Recreational/Multiuse Trails**

The STTF revenues are derived from state fuel taxes, motor vehicle fees, toll road receipts, and federal grants. The use of moneys in the STTF is limited to those uses set forth in s. 339.08, F.S., and unless otherwise specifically authorized, these funds cannot be allocated for projects off the state system. State funds available for projects such as recreational or multiuse trails are limited to FDOT district dedicated revenues from the proceeds of the State Comprehensive Enhanced Transportation System (SCETS) Tax.

The Transportation Alternatives Program (TAP) is authorized in federal law by the Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21) which was enacted in 2012. The TAP replaces the funding from pre-MAP-21 programs including Transportation Enhancements,

Recreational Trails, Safe Routes to School, and several other discretionary programs wrapping them into a single funding source. With the exception of the Recreational Trails Program, the TAP is administered by the FDOT and programming of transportation alternative projects is handled by the FDOT's district transportation offices. These federal funds may be used for projects or activities related to surface transportation and described in the definition of "Transportation Alternatives."<sup>1</sup> The construction, planning, and design of on-road and off-road trail facilities for pedestrians, bicyclists, and other non-motorized forms of transportation, including sidewalks, and bicycle infrastructure is an eligible use of TAP funds. According to the FDOT, all available federal TAP funds are fully programmed in FDOT's Five Year Work Program.<sup>2</sup>

The Recreational Trails Program (RTP) is a federally-funded, competitive grant program that provides financial assistance to agencies of city, county, state or federal governments, organizations approved by the State, or state and federally recognized Indian tribal governments, for the development of recreational trails, trailheads and trailside facilities. The Florida Department of Environmental Protection's (FDEP) Office of Greenways and Trails administers the program in coordination in with the U.S. Department of Transportation, Federal Highway Administration (FHWA).

MAP-21 provides for a set-aside of TAP funding for the RTP in an amount equal to state's Fiscal Year 2009 apportionments (\$2.5 million). State flexibility is provided in 23 U.S.C. § 213(g), which allows a state to opt-out of the set-aside. Florida has opted out of the recreational trails set-aside provision contained in the TAP program for both federal Fiscal Years 2013 and 2014. As of March 1, 2014, the balance of prior year funds available for the RTP is \$5.3 million. This balance of prior year funds allocated prior to the federal Fiscal Year 2013 may still be used by the FDEP for the selection of projects.

Other federal Highway Funds available only for non-recreational bike facilities include the Surface Transportation Program, the Congestion Mitigation Program, and the federal Lands Highway Funds. While these programs allow construction of bicycle transportation facilities, 23 U.S.C. § 217(i) prevents the use of these federal fund categories for projects which are primarily for recreational purposes.

### III. Effect of Proposed Changes:

**Section 1** creates subsections (4) and (5) of s. 335.065, F.S., to authorize the use of revenues in the State Transportation Trust Fund to be expended for the purpose of establishing a statewide system of interconnected multiuse trails. The FDOT may use appropriated funds to pay the cost of planning, land acquisition, design, and construction of such trails and related facilities.

The FDOT is directed to give funding priority to projects that:

- Are identified by Florida Greenway and Trails Council as a priority;
- Support the transportation needs of bicyclists and pedestrians;

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<sup>1</sup> 23 U.S.C. § 101(a)(29).

<sup>2</sup> Florida Department of Transportation document on file with the Senate Appropriations Subcommittee on Transportation, Tourism and Economic Development.

- Have national, statewide, or regional importance; and
- Will facilitate an interconnected system by completing gaps between existing trails.

A project funded pursuant to s. 335.065(4), F.S., must be included in the FDOT work program developed pursuant to s. 339.135, F.S. Upon completion of construction, the trail must be operated and maintained by an entity other than the FDOT. The bill provides that the FDOT is not obligated to provide funds for operation and maintenance of the trail.

This act takes effect on July 1, 2014.

#### **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:

Florida citizens and visitors will benefit from recreational and alternative transportation opportunities resulting from a system of multi-use interconnected trails. Private sector jobs will be created during trail construction. Private businesses may realize increased business opportunities as trail gaps are closed and communities and cities are connected.

C. Government Sector Impact:

SPB 7102 expands the allowable uses of statewide transportation revenues, including the cost of planning, design and construction of multi-use trails prioritized as prioritized by the Florida Greenways and Trails Council.

In SPB 7090, the Senate Proposed General Appropriations Act, the FDOT is provided budget authority from the State Transportation Trust Fund for the purpose of funding multi-use trails.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill amends section 335.065 of the Florida Statutes.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.