

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 Committee on Transportation

BILL: SB 1570

INTRODUCER: Senator Garcia

SUBJECT: Expressway Authorities

DATE: March 21, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Miller	TR	Pre-meeting
2.			ATD	
3.			AP	

I. Summary:

SB 1570 requires the Florida Department of Transportation (FDOT) and the Florida Turnpike Enterprise (FTE) to ensure reasonable and practicably feasible entry and exit points on their respective express lanes and to undertake efforts to expand such entry and exit points to increase accessibility and ease of entry and exist to and from those express lanes.

The bill also provides that if the maintained average speed of vehicles traveling in an FDOT express lanes is equivalent to or less than that of vehicles traveling in adjacent general use lanes, no toll may be charged. Likewise, if the maintained average speed of vehicles traveling in an FTE express lane is equivalent or less than that of vehicles traveling in adjacent general toll lanes, the toll charged must be the same for all such lanes.

The bill takes effect July 1, 2017.

The bill has an indeterminate but potentially significant negative fiscal impact on state government. See section V., "Fiscal Impact Statement," for details.

II. Present Situation:

Express Lanes

The Legislature in 2012 created s. 338.151, F.S., authorizing the FDOT to establish tolls on new limited access facilities on the State Highway System (SHS), lanes added to existing limited access facilities on the SHS, new major bridges on the SHS over waterways, and replacements for existing major bridges on the SHS over waterways. The tolls are to be used to fully or partially pay for the cost of such projects.¹ The Legislature also amended s. 338.166,

¹ Chapter 2012-174, L.O.F.

F.S., to expand the FDOT's authority to request issuance of bonds secured by toll revenues collected on express lanes from only those lanes located on I-95 in Miami-Dade and Broward Counties, to express lanes established on facilities owned by the FDOT.

Section 338.166, F.S., authorizes the FDOT, after discharge of any bond indebtedness relating to a given project, to continue to collect tolls on express lanes. Variable rate tolls on express lanes are also authorized.² All collected tolls must first be used to pay the annual cost of operations, maintenance and improvement of the express lanes project or the associated transportation system. Any remaining tolls from express lanes may be used by the FDOT for construction, maintenance or improvement of any road on the State Highway System within the county or counties in which the toll revenues were collected or to support express bus service on the facility where the toll revenues were collected.

Section 338.166³, F.S., expressly does not apply to the Turnpike system.⁴ However, s. 338.2216(1)(d), F.S., directs the FTE to pursue and implement new technologies and processes in its operations and collection of tolls and the collection of other amounts associated with road and infrastructure usage. Such technologies and processes must include, without limitation, video billing and variable pricing.

The term, "express lane," is not statutorily defined. However, the FDOT's Topic No. 525-030-020-a⁵ provides the following definitions:

- "Managed Lanes" - Highway facilities or sets of lanes within a highway facility where operational strategies are proactively implemented and managed in response to changing conditions with a combination of tools. These tools may include accessibility, vehicle eligibility, pricing, or a combination thereof. Types of managed lanes include high occupancy vehicle (HOV) lanes, high occupancy toll (HOT) lanes, truck only lanes, truck only toll lanes, bus rapid transit lanes, reversible lanes, and express lanes.
- "Express Lanes" - A type of managed lane where dynamic pricing through electronic tolling is applied to lanes with through traffic, having fewer access points. Express lanes can co-locate within an existing non tolled facility to manage congestion and provide a more reliable trip time.

Express Lane Management

A number of express lane projects in Florida are either in operation, under construction, or proposed.⁶ These projects have or are planned to have express lanes with adjacent general use

² Section 338.166(4), F.S.

³ Section 338.166(6), F.S.

⁴ Section 338.2216(1)(a), F.S., grants to the FTE, in addition to the powers granted to the FDOT, full authority to exercise all powers granted to the FTE under chapter 338, F.S. Section 338.2216(4), F.S., provides the powers conferred upon the FTE under the Florida Turnpike Enterprise Law (ss. 338.22 and 338.241) is in addition and supplemental to the existing powers of the FDOT and the FTE.

⁵ On file in the Senate Transportation Committee. The directive, however, expressly does not apply to Florida Turnpike facilities.

⁶ See the project map with links to express lane project information available on the FDOT's website at: <http://www.floridaexpresslanes.com/projects/project-map/>. (Last visited March 19, 2017.) The FTE is not currently operating any express lanes. See the FDOT's SB 1570 (2017) Agency Bill Analysis, at 8. (On file in the Senate Transportation Committee.)

lanes (with no tolls) and, on the turnpike system, express lanes adjacent to general toll lanes (lanes that generally have fixed tolls). The FDOT describes its management of express lanes as follows:

The express lanes are managed using a combination of eligibility, access, and pricing. Only two axle vehicles are eligible with buses eligible regardless of number of axles. This reduces the number of vehicles that can choose to use the express lanes. The access (entry and exit points on the express lanes) is limited to certain locations, providing a choice for users making longer distance trips to the major origin and destination patterns in the area. Trips that are shorter and more local must use the general use lanes. As the volume in the express lanes increases, the price to use the express lanes increases. The toll amount posted on the sign is dynamically priced based on the congestion in the express lanes with a goal of providing a free flow condition [in the express lanes].

The traffic density, which is a combination of speed and volume, is used to determine the toll amount needed to optimize traffic flow in the express lanes. Volume and speed data is collected from roadside detectors and used to calculate the traffic density by dividing the volume in the express lanes by the speed in the express lanes. The toll amount is not related to the amount of congestion, speed, or performance of the general use lanes. Where there is no congestion in the express lanes, regardless of the performance or amount of congestion in the general use lanes, the minimum toll amount in the express lanes is \$0.50.⁷

These directives indicate that in implementing and managing express lanes, FDOT already considers entry and exit point locations, and currently does not establish express lane toll amounts based on congestion, speed, or performance in adjacent general lanes.

III. Effect of Proposed Changes:

Section 1 creates a new subsection (6) of s. 338.116, F.S., requiring the FDOT to ensure reasonable and practicably feasible entry and exit points on its express lanes and to undertake efforts to expand those points to increase accessibility and ease of entry and exit to and from its express lanes. If the maintained average speed of vehicles traveling in an express lane is equal to or less than that of vehicles traveling in adjacent general use lanes (those with no tolls), no toll may be charged.

Section 2 adds a new paragraph (e) to s. 338.2216(1), F.S., requiring the FTE to also ensure reasonable and practicably feasible entry and exit points and to undertake the same expansion of access points efforts on its express lanes. If the maintained average speed of vehicles traveling in an express lane is equal to or less than that of vehicles traveling in adjacent general toll lanes, the toll charged must be the same for both lanes.

These changes appear to benefit the customers using express lane facilities, but according to the FDOT, the bill may result in a number of potentially negative impacts including the following:

⁷ *Supra* note 6 at 2.

- A re-write of established standard operating procedures, incident management protocols, and pricing software.
- Installation of roadside detectors and Intelligent Transportation System devices for monitoring the volume and speed of traffic on general-purpose lanes.
- A drop in overall corridor performance and safety, and increased roadway congestion.
- A potential disruption of projects planned in the FDOT's work program.
- Revenue impacts.⁸

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:

To the extent that the bill results in lower tolls on express lanes when vehicle speeds are not higher than on the general use lanes or general toll lanes, less toll revenue will be collected by the FDOT and the FTE.

B. Private Sector Impact:

To the extent that the bill results in lower tolls on express lanes when vehicle speeds are not higher than on the general use lanes or general toll lanes, the users of these lanes would pay less tolls.

C. Government Sector Impact:

The FDOT and the FTE will incur costs for implementation and administration of the provisions of the bill related to:

- Revisions of standard operating procedures, incident management protocols, and pricing software
- Installation of roadside detectors and devices for monitoring the volume and speed of traffic on general purpose lanes.

The amount of these costs is indeterminate but likely will be significant.

⁸ *Supra* note 6 at 2-6.

To the extent that the bill results in lower tolls on express lanes, less toll revenue will be collected by the FDOT and the FTE. Although the amount of this reduction is unknown, less toll revenue would result in less funds being available to fund the cost of financing and constructing transportation infrastructure.

VI. Technical Deficiencies:

Without further criteria or objective standards being specified in the bill, the use of the terms “reasonable and practically feasible” as it relates to locations for points of express lane access and exit may lead to difficulties in agency interpretation of these provisions.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends the following sections of the Florida Statutes: 348.0004 and 348.00115.

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.