

**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 Transportation

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BILL: SB 1412

INTRODUCER: Senator Perry

SUBJECT: Traffic and Pedestrian Safety

DATE: March 24, 2021

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

|    | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION           |
|----|---------|----------------|-----------|------------------|
| 1. | Price   | Vickers        | TR        | <b>Favorable</b> |
| 2. |         |                | ATD       |                  |
| 3. |         |                | AP        |                  |

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**I. Summary:**

SB 1412 seeks to address vehicular and pedestrian safety with respect to pedestrian crosswalks located at any point other than at an intersection with another public highway, street, or road, which are referred to as midblock crosswalks. The bill requires, before installation of a midblock crosswalk on a public highway, street, or road after October 1, 2021, a traffic engineering study to be conducted by a Florida licensed professional engineer which recommends the installation.

Notwithstanding any other law, the bill requires a midblock crosswalk:

- On a public roadway that has a posted speed limit of 30 miles per hour (mph) or more to conform to certain national standards and applicable Florida Department of Transportation (FDOT) standards, and to include a pedestrian-facing sign containing language stating duties applicable to a pedestrian; and
- On a public roadway posted at 29 mph or less, to include a pedestrian-facing sign containing language stating duties applicable to a pedestrian.

By October 1, 2022, the bill requires the FDOT to submit to the federal government a request for authorization to allow certain traffic control devices at midblock crosswalks that use yellow indications to be replaced by red indications. If the request is granted, the state, county, or municipality with jurisdiction, as appropriate, must replace all such traffic control devices having yellow indications with traffic control devices that use red indications, within 12 months after the date of federal authorization. If the request is denied, the jurisdictional entity must remove all such traffic control devices from each midblock crosswalk described in the bill by October 1, 2025.

By October 1, 2024, the entity with jurisdiction over a public roadway with a midblock crosswalk that is in existence on October 1, 2021, must ensure that the crosswalk is controlled by coordinated traffic control signal devices and pedestrian control signals as required under the bill. Alternatively, the entity with jurisdiction may remove any such existing crosswalk.

The bill also provides a finding that the act fulfills an important state interest.

The bill will likely have a significant negative fiscal impact to state and local governments. See “Fiscal Impact Statement” for details.

The bill takes effect October 1, 2021.

## II. Present Situation:

### The MUTCD and FDOT Specifications

Traffic control signal devices provide for the control of vehicular and pedestrian traffic. They assign the right-of-way to various traffic movements and influence pedestrian and vehicle traffic flow. When properly designed such devices provide for the orderly movement of traffic, increase the traffic capacity of an intersection, reduce the frequency and severity of crashes, provide for predictable movement of traffic and pedestrians, and interrupt heavy traffic at intervals to permit vehicles and pedestrians to cross safely.<sup>1</sup>

The MUTCD “is a compilation of national standards for all traffic control devices, including road markings, highway signs, and traffic signals.”<sup>2</sup> States are currently required to adopt the 2009 edition of the MUTCD (which includes revisions and interim approvals) as the legal state standard for traffic control devices.<sup>3</sup> Florida law requires the FDOT to adopt the MUTCD as the uniform system of traffic control devices for use on the streets and highways of this state.<sup>4</sup> The FDOT has additional specifications that apply to given roadway markings, highway signs, and traffic signals and that are recognized by the Federal Highway Administration.<sup>5</sup>

The MUTCD provides transportation engineers with information necessary to make appropriate decisions regarding the use of all traffic control devices. There are both provisions that are mandatory and provisions that require the use of engineering judgment. Part 4 of the MUTCD addresses highway traffic signals and recites a basic tenant found throughout the MUTCD: “The selection and use of traffic control signals should be based on an engineering study of roadway, traffic, and other conditions.” Further, “[e]ngineering judgment should be applied in the review of operating traffic control signals to determine whether the type of installation and the timing program meet the current requirements of all forms of traffic.”<sup>6</sup>

### Midblock Crosswalks

Crosswalks at any location other than at an intersection are referred to as “midblock” crosswalks, crossings, or locations in the MUTCD (and in this analysis). The design treatment of traffic

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<sup>1</sup> See Federal Highway Administration (FHWA), *Manual on Uniform Traffic Control Devices for Streets and Highways*, Section 4B.03, available at <https://mutcd.fhwa.dot.gov/pdfs/2009r1r2/part4.pdf> (last visited March 20, 2021).

<sup>2</sup> *Id.*, under *Current Edition*, available at <https://mutcd.fhwa.dot.gov/index.htm> (last visited March 20, 2021).

<sup>3</sup> *Id.*

<sup>4</sup> Section 316.0745, F.S.

<sup>5</sup> See FHWA, *MUTCDs & Traffic Control Devices Information by State, Florida*, available at [https://mutcd.fhwa.dot.gov/resources/state\\_info/florida/fl.htm](https://mutcd.fhwa.dot.gov/resources/state_info/florida/fl.htm) (last visited March 20, 2021).

<sup>6</sup> *Supra* note 1 at Section 4B.02 available at <https://mutcd.fhwa.dot.gov/pdfs/2009r1r2/part4.pdf> (last visited March 20, 2021).

control and pedestrian signals takes various forms and can range, for example, from a flashing yellow pedestrian crossing signal to use of full (red, yellow, and green displays) traffic control signals.

The MUTCD contains a number of provisions relating to installing traffic control signals at midblock crosswalks. For example, these provisions direct the entity with jurisdiction over the crosswalk to consider detailed criteria related to:

- The distances to the nearest traffic control signal, side streets, and highways;<sup>7</sup> and
- The number of vehicles using and the number of pedestrians crossing the street per hour.<sup>8</sup>

The MUTCD contains other applicable provisions. However, the focus of the MUTCD is that installation of a traffic control signal at any location, including midblock locations, must be based on an engineering study of traffic conditions, pedestrian characteristics, and physical characteristics of the particular location. The same focus is present in the MUTCD with respect to related pedestrian signals at any location, including midblock locations. “The design and operation of traffic control signals shall take into consideration the needs of pedestrians as well as vehicular traffic.”<sup>9</sup>

### **Rectangular Rapid-Flashing Beacons (RRFBs)**

The FDOT advises, on the State Highway System (SHS), midblock crosswalks are either controlled (pedestrian traffic signal or pedestrian hybrid beacon) or uncontrolled traffic control devices such as pedestrian-activated flashing beacons, rectangular rapid flashing beacons (RRFBs), in-roadway lights, in-street signs, pedestrian warning signs, and/or pedestrian crosswalk markings only.<sup>10</sup> Concerns have been raised about RRFBs at midblock crosswalks which are activated by a pedestrian wishing to cross a roadway but which do not use red indications to warn approaching vehicular traffic of pedestrian presence and to come to a stop.<sup>11</sup>

In contrast to pedestrian hybrid beacons<sup>12</sup> that use red indications, an RRFB is “a traffic control device consisting of two rapidly and alternately flashing rectangular *yellow* indications having

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<sup>7</sup> Section 4D.01 of Chapter 4D of Part 4 of the MUTCD at p. 449, available at <https://mutcd.fhwa.dot.gov/pdfs/2009r1r2/part4.pdf> (last visited March 21, 2021).

<sup>8</sup> Section 4C.05 of Chapter 4C of Part 4 of the MUTCD at p. 442, available at <https://mutcd.fhwa.dot.gov/pdfs/2009r1r2/part4.pdf> (last visited March 21, 2021).

<sup>9</sup> Section 4D.03 of Chapter 4D of Part 4 of the MUTCD at p. 450, available at <https://mutcd.fhwa.dot.gov/pdfs/2009r1r2/part4.pdf> (last visited March 21, 2021).

<sup>10</sup> See the FDOT Updated 2021 Analysis of similar HB 1113 at p. 3 (on file in the Senate Transportation Committee).

<sup>11</sup> *Infra* note 27.

<sup>12</sup> A pedestrian hybrid beacon is a special type of hybrid beacon used to warn and control traffic at an unsignalized location to assist pedestrians in crossing a street or highway at a marked crosswalk. A pedestrian hybrid beacon may be considered for installation to facilitate pedestrian crossings at a location that does not meet traffic signal warrants, or at a location that meets traffic signal warrants but a decision is made to not install a traffic control signal. If used, pedestrian hybrid beacons must be used in conjunction with signs and pavement markings to warn and control traffic at locations where pedestrians enter or cross a street or highway. A pedestrian hybrid beacon may only be installed at a marked crosswalk. MUTCD at p. 549 available at <https://mutcd.fhwa.dot.gov/pdfs/2009r1r2/mutcd2009r1r2edition.pdf>. See also Figure 4F-3, showing a graphic of the sequence of a pedestrian hybrid beacon, which uses both yellow and red indications, providing yellow indications upon pedestrian activation to warn approaching traffic and then red indications to warn traffic to stop.

LED array-based pulsing light sources that function as a warning beacon.”<sup>13</sup> The FHWA has granted the FDOT interim approval<sup>14</sup> for optional use of certain pedestrian-activated RRFBs at uncontrolled marked crosswalks, including midblock crosswalks,<sup>15</sup> to supplement standard pedestrian and school crossing warning signs, but under specifically detailed conditions.<sup>16</sup> Most relevantly, each RRFB unit must consist of two rapidly flashing rectangular-shaped *yellow* indications with an LED-array-based light source, designed, located, and operated in accordance with additional detailed requirements.<sup>17</sup>

The FHWA granted its approval based in part on a conclusion that “the RRFB offers significant potential safety and cost benefits because it achieves high rates of compliance at a low relative cost in comparison to other more restrictive devices that provide comparable results, such as full midblock signalization or pedestrian hybrid beacons.”

The FDOT advises that research and safety studies reflect beneficial results from use of RRFBs (and other uncontrolled traffic control devices) in midblock crosswalks and cites a current survey indicating that of 28 states responding, all allow the use of RRFBs at midblock crosswalks.<sup>18</sup>

### **Pedestrian and Driver Duties**

In general, pedestrians are required by law to obey traffic control signal devices and pedestrian control signals.<sup>19</sup> If sidewalks are provided and no impediment exists to the pedestrian’s use of it, a pedestrian is barred from walking on a roadway that is paved for vehicular traffic.<sup>20</sup> Otherwise, when practicable, pedestrians must walk only on the shoulder on the left side of the roadway in relation to the pedestrian’s direction of travel, facing traffic that may approach from the opposite direction.<sup>21</sup> A pedestrian may not suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible for the driver to yield.<sup>22</sup> Between intersections at which traffic control signals are in place, a pedestrian may not cross a roadway at any place except at a marked crosswalk.<sup>23</sup> A pedestrian crossing a roadway at any point other than within a marked crosswalk must yield to vehicles.<sup>24</sup>

<sup>13</sup> FDOT, *Traffic Engineering Manual, Treatments for Pedestrian Crosswalks at Midblock and Unsignalized Intersections*, Section 5.2 at 5.2.3, available at [traffic-engineering-manual.pdf \(windows.net\)](https://www.fdot.state.fl.us/traffic-engineering-manual.pdf) (last visited March 20, 2021).

<sup>14</sup> Interim approval is necessary because, “The RRFB does not meet the current standards for flashing warning beacons as contained in the [] MUTCD, Chapter 4L, which requires a warning beacon to be circular in shape and either 8 or 12 inches in diameter, to flash at a rate of approximately once per second, and to be located no less than 12 inches outside the nearest edge of the warning sign it supplements. The RRFB uses rectangular-shaped high-intensity light-emitting-diode (LED)-based indications, flashes rapidly in a combination wig-wag and simultaneous flash pattern, and may be mounted immediately adjacent to the crossing sign.” *Infra* note 16.

<sup>15</sup> Any portion of a roadway at an intersection *or elsewhere* distinctly indicated for pedestrian crossing by lines or other markings on the surface. Section 316.003(16)(b), F.S.

<sup>16</sup> See *Interim Approval 21 – Rectangular Rapid-Flashing Beacons at Crosswalks*, available at [https://mutcd.fhwa.dot.gov/resources/interim\\_approval/ia21/index.htm](https://mutcd.fhwa.dot.gov/resources/interim_approval/ia21/index.htm) (last visited March 20, 2021).

<sup>17</sup> *Id.*

<sup>18</sup> *Supra* note 10.

<sup>19</sup> Section 316.130(1) and (2), F.S.

<sup>20</sup> Section 316.130(3), F.S.

<sup>21</sup> Section 316.130(4), F.S.

<sup>22</sup> Section 316.130(8), F.S.

<sup>23</sup> Section 316.130(11), F.S.

<sup>24</sup> Section 316.130(10), F.S.

A driver of a vehicle must stop for a pedestrian who is walking in the crosswalk when either a traffic control signal or a signage indicates the driver to stop.<sup>25</sup> In the absence of a signal or signage, a driver must yield to a pedestrian who is on the half of the roadway on which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.<sup>26</sup> Every driver must exercise due care to avoid colliding with any pedestrian.<sup>27</sup>

### III. Effect of Proposed Changes:

Section 1 cites the act as the “Sophia Nelson Pedestrian Safety Act.”

In December of 2019, 12-year-old Sophia Nelson was struck and killed by a vehicle while attempting to cross State Road A1A near Ellwood Avenue in Satellite Beach, using a midblock crosswalk. No criminal charges were brought against the driver due to a lack of any evidence that the driver was operating the vehicle in a dangerous or reckless manner. Sophia is survived by her parents, Mark and Jill Nelson, who have supported legislation relating to mid-block crosswalks to reduce driver confusion and increase pedestrian safety.<sup>28</sup>

Section 2 creates s. 316.0756, F.S., requiring, before installation of a midblock crosswalk on a public highway, street, or road after October 1, 2021, a traffic engineering study to be conducted by a Florida licensed professional engineer which recommends the installation. Notwithstanding any other law, the bill requires:

- A midblock crosswalk on a public highway, street, or road that has a posted speed limit of 30 miles per hour (mph) or more to conform to the requirements of chapters 4D and 4E of the most recent MUTCD and other applicable FDOT standards, manuals, and specifications and must include a pedestrian-facing sign containing language stating duties applicable to a pedestrian, as provided in chapter 316, F.S.
- A midblock crosswalk on a public highway, street, or road posted at 29 mph or less to include a pedestrian-facing sign containing language stating duties applicable to a pedestrian, as provided chapter 316, F.S.

Additionally, the bill requires traffic control signal devices and pedestrian control signals at midblock crosswalks posted at 30 mph or more to be coordinated with traffic control signal devices at intersections adjacent to the crosswalk, and such traffic control signal devices at intersections adjacent to the crosswalk must be taken into consideration as provided in the most recent MUTCD and other applicable FDOT specifications.

By October 1, 2022, the bill requires the FDOT to submit to the federal government a request for authorization to allow yellow RRFB traffic control devices to be replaced by red RRFB traffic control devices. If the request is granted, the jurisdictional entity must replace all yellow RRFB traffic control devices at each midblock crosswalk described in the bill with red RRFB traffic

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<sup>25</sup> Section 316.130(7), F.S.

<sup>26</sup> *Id.*

<sup>27</sup> Section 316.130(15), F.S.

<sup>28</sup> See Florida Today, *Sophia Nelson's family forgives driver in fatal A1A crosswalk crash in Satellite Beach*, available at [Sophia Nelson's family forgives driver in fatal A1A crosswalk crash in Satellite Beach \(floridatoday.com\)](https://www.floridatoday.com/story/news/local/2021/03/21/sophia-nelson-family-forgives-driver-in-fatal-a1a-crosswalk-crash-in-satellite-beach/7044440002) (last visited March 21, 2021).

control devices, within 12 months after the date of federal authorization. If the request is denied, the jurisdictional entity must remove all yellow RRFB traffic control devices from each midblock crosswalk described in the bill by October 1, 2025.

By October 1, 2024, the entity with jurisdiction over a public highway, street, or road with a midblock crosswalk that is in existence on October 1, 2021, shall ensure that the crosswalk is controlled by coordinated traffic control signal devices and pedestrian control signals as required under the bill. Alternatively, the entity with jurisdiction may remove any such existing crosswalk.

According to the FDOT, both controlled and uncontrolled midblock crosswalks on the SHS are “typically justified and installed as a result of a signed and sealed traffic engineering or safety study.” To meet the requirements of the MUTCD and the FDOT’s standards, a minimum of 133 pedestrians in the peak hour must be present to justify a fully signalized midblock crosswalk. “This requirement typically would not be met for the majority of existing uncontrolled [midblock crosswalks], and therefore the [midblock crosswalks] would be removed from the roadway.”<sup>29</sup>

Further, “The Department’s efforts would be limited to sites on the [SHS]. Since the Department has very few, if any [midblock crosswalks] on State Roads less than 30 mph, the proposed bill would require removal or retrofit of most, if not all, [midblock crosswalks] on State Roads.”<sup>30</sup>

Section 3 includes a Legislative finding and declaration that the act fulfills an important state interest.

The bill takes effect October 1, 2021.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

Article VII, s. 18(a) of the Florida Constitution provides that no county or municipality shall be bound by any general law requiring such county or municipality to spend funds or to take an action requiring the expenditure of funds unless the Legislature has determined that such law fulfills an important state interest and unless, among other exceptions, the expenditure is required to comply with a law that applies to all persons similarly situated, including the state and local governments. The bill applies to both state and local governments and includes a legislative determination that it fulfills an important state interest as required by the Florida Constitution.

##### **B. Public Records/Open Meetings Issues:**

None.

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<sup>29</sup> *Supra* note 10 at p. 6.

<sup>30</sup> *Id.*

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Unknown.

C. Government Sector Impact:

The number, and the design and treatment, of midblock crosswalks on local roads is unknown. The bill presents an indeterminate but likely significantly negative fiscal impact to counties and municipalities responsible for studying, retrofitting, or removing midblock crosswalks in accordance with the bill's requirements.

The FDOT provided the following estimate with respect to midblock crosswalks on the SHS:

Controlled:

- Total with traffic signals = 7
- Total with pedestrian hybrid beacons = 15

Uncontrolled:

- Total with warning signs and pavement markings only = 83
- Total with yellow circular flashing beacons = 5
- Total with Yellow RFRBs = 231<sup>31</sup>

With respect to cost, the FDOT expects a negative total fiscal impact of approximately \$14.9 million in capital costs and \$159,000 in annual recurring costs.<sup>32</sup>

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<sup>31</sup> *Supra* note 10 at pp. 4-5.

<sup>32</sup> *Id.* at p. 9. *See also* pp. 8-9 for a breakdown of the estimated cost.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

The FDOT advises:

- Pedestrians would have significantly fewer locations to cross State Roads and only be able to legally cross at intersections. Pedestrian travel times may increase generally and specifically at locations retrofitted to full pedestrian traffic signals near adjacent signalized intersections due to the required traffic signal coordination. Connectivity between pedestrian “generators” and “attractors,” including some schools, may be disrupted.
- On roads with one or more midblock crosswalks, vehicle delay may decrease. However, removing midblock crosswalks and associated countermeasures may increase pedestrian crashes and result in increased pedestrian fatalities and serious injuries. For uncontrolled midblock crosswalks replaced with a pedestrian traffic signal, fatal and serious injury pedestrian crashes may decrease, but less serious rear-end vehicle crashes typically increase with installation of a traffic signal.<sup>33</sup>

**VIII. Statutes Affected:**

This bill creates section 316.0756 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.

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

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<sup>33</sup> *Id.*