

THE FLORIDA SENATE
2017 SUMMARY OF LEGISLATION PASSED
Committee on Transportation

CS/HB 1049 — Limited Access and Toll Facilities

by Government Accountability Committee; and Reps. Avila, Nuñez and others (CS/CS/SB 1562 by Appropriations Committee; Transportation Committee; and Senators Garcia and Campbell)

The bill, subject to certain requirements, prohibits the Miami-Dade County Expressway Authority (MDX) from increasing its tolls unless justified by an independent traffic and revenue study, except to adjust for inflation. The MDX board must approve toll increases by a two-thirds vote. The bill limits the amount of toll revenues used by the MDX for administrative expenses to not greater than ten percent above the annual state average of administrative costs, determined by the Florida Transportation Commission, based on the annual administrative expenses, as defined, of all expressway authorities of this state. The bill requires a distance of five miles between main through-lane tolling points on transportation facilities constructed after July 1, 2017. Subject to any bond covenants, the bill requires the MDX to reduce by at least five percent, but not more than ten percent, the toll charged for SunPass users of its facilities at the time the toll is incurred.

The MDX must dedicate at least 20 percent, but no more than 50 percent, of certain surplus revenues to transportation- and transit-related expenses for projects in the MDX's service area. The metropolitan planning organization for Miami-Dade County is directed to annually list a project or projects within the county to be funded by the MDX's dedicated revenues, with the MDX selecting from the list those expenses that have a rational nexus, as defined, to the MDX's transportation facilities. Miami-Dade County is required to have specified periodic financial audits of the revenues and expenditures of the county's transportation plan conducted by an independent third party and to post the audits on the county's website, to be eligible to receive the MDX's dedicated surplus revenues. The MDX is required to have periodic audits conducted by an independent third party, and to post the audit reports on its website, along with additional financial and operating information.

The bill authorizes the FDOT to require use of an electronic transponder interoperable with the FDOT's electronic toll collection system for the use of high-occupancy toll lanes or express lanes, including express lanes on the turnpike system. Implementation of variable pricing in express lanes on the turnpike system is restricted based on certain level-of-service or highway capacity criteria. Effective July 1, 2018, the bill requires the FDOT to charge a customer the minimum express lane toll if the customer's average travel speed falls below 40 miles per hour, and that a customer be charged a general toll lane toll amount plus an amount set by FDOT rule if the customer's average travel speed falls below 40 miles per hour in an express lane on the turnpike system. The bill also extends the time frame (from 2017 to 2027) during which the FDOT is required to program sufficient funds in the tentative work program such that the percentage of turnpike toll and bond financed commitments in Miami-Dade, Broward, and Palm Beach Counties is at least 90 percent of the share of net toll collections attributable to users of the turnpike system in those counties, as compared to total net toll collections attributable to users of the turnpike system.

If approved by the Governor, these provisions take effect July 1, 2017

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Vote: Senate 36-0; House 117-0