

STORAGE NAME: h1177a.ca

DATE: April 19, 2000

**HOUSE OF REPRESENTATIVES
AS FURTHER REVISED BY THE COMMITTEE ON
COMMUNITY AFFAIRS
ANALYSIS**

BILL #: HB 1177

RELATING TO: Traffic Control/Speed Limits

SPONSOR(S): Rep. Spratt and others

TIED BILL(S): None

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) TRANSPORTATION (EDC) YEAS 6 NAYS 4
 - (2) LAW ENFORCEMENT AND CRIME PREVENTION (CRC) YEAS 8 NAYS 0
 - (3) COMMUNITY AFFAIRS (PRC) YEAS 7 NAYS 0
 - (4)
 - (5)
-

I. SUMMARY:

This bill provides that a county or municipality may lower speed limits set by the Department of Transportation (DOT) on state highways or on state highway connecting links or extensions located within the county or municipality by not more than 20 miles per hour, in increments of 5 miles per hour, when such change is determined to be reasonable and necessary to ensure safety. DOT is responsible for posting speed limit signs on state roads and is required to change existing signs to reflect any new speed limits.

The total fiscal impact to DOT cannot be estimated as it is unknown how many signs would have to be changed. However, DOT estimates that the cost will amount to \$500 per speed limit zone for 2 signs for each zone at \$250 per sign.

The Committee on Transportation adopted one amendment that is traveling with the bill. This amendment significantly modifies the bill and reduces its fiscal impact. See the "AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES" section of the analysis for a description of the amendment.

The Committee on Law Enforcement & Crime Prevention adopted two amendments to the Committee on Transportation amendment that are traveling with the bill. See the "AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES" section of the analysis for a description of the amendments to the amendment.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

The maximum speed limit on local roads within a municipality is 30 miles per hour (mph). This speed limit on local roads may be altered by the municipality after investigation determines the change is reasonable and in conformity with DOT criteria for setting speed limits. The speed limit on a state highway within a municipality may only be altered by DOT.

The maximum speed limit on a county road outside of municipal limits is 55 mph, except that the limit is 30 mph in any residential or business district. These speed limits on county roads may be altered by the county after investigation determines the change is reasonable and in conformity with DOT criteria for setting speed limits. The speed limit on a state highway within the unincorporated areas of a county may only be altered by DOT.

The Department of Transportation is authorized by s. 316.187, F.S., to set maximum and minimum speed limits at any intersection or other place, or upon any part of a highway outside of a municipality or upon any state roads, connecting links or extensions thereof within a municipality. The DOT has promulgated rules to establish a uniform system for setting speed limits on all public highways and streets in the state.

Each governmental entity is responsible for installing speed limit signs on the roads under each entity's jurisdiction.

C. EFFECT OF PROPOSED CHANGES:

The bill authorizes municipalities and counties to lower speed limits set by DOT on state highways or on state highway connecting links or extensions located within the respective municipality or county by not more than 20 miles per hour, in increments of 5 miles per hour, when such change is determined to be reasonable and necessary to ensure safety. These alterations are not required to conform with DOT criteria for setting speed limits. Further, DOT would be responsible for changing speed limit signs on state highways whenever a local government altered the speed limit.

The bill could have the effect of allowing a speed limit of 10 mph on state highways or connecting links or extensions if a municipality determined that such a speed is reasonable and necessary to ensure safety. However, the proposed legislation does not require the municipality to conform to criteria promulgated by DOT; i.e., a traffic engineering study,

which is undertaken specifically for the purpose of determining whether a speed is reasonable and necessary to ensure safety. If local governments are given this latitude and exercise this authority the result would be great variations in speed limits on the state highway system. This variation may be confusing to motorists and result in increased violations of speed limit laws.

D. SECTION-BY-SECTION ANALYSIS:

Section 1. Section 316.189, F.S., is amended to authorize municipalities and counties to lower speed limits set by DOT on state highways or on state highway connecting links or extensions located within the respective municipality or county by not more than 20 miles per hour, in increments of 5 miles per hour, when such change is determined to be reasonable and necessary to ensure safety.

Section 2. An effective date of July 1, 2000, is provided.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This bill has no effect on state government revenues.

2. Expenditures:

See D. Fiscal Comments, below.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill has no direct effect on local government revenues. However, as noted in the "Effects of Proposed Changes" section of the analysis, the bill could result in increased violations of speed limit laws and increase revenues derived from fines for such infractions.

2. Expenditures:

This bill has no direct effect on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

As noted in the "Effects of Proposed Changes" section of the analysis, the bill could have the indirect effect of increasing violations of speed limit laws and fines for such infractions.

D. FISCAL COMMENTS:

DOT is responsible for posting speed limit signs on state roads and would be required to change existing signs to reflect any new speed limits set by a local government. The fiscal impact to DOT cannot be estimated as it is unknown how many signs would have to be

changed. However, DOT estimates that the cost will amount to \$500 per speed limit zone for 2 signs for each zone at \$250 per sign.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to expend funds or to take action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

A bill evaluation of House Bill 1177 provided by DOT contains the following comments:

The bill authorizes municipalities and counties to lower speed limits set by the Department on state highways or connecting links or extensions thereof located within the respective municipality or county by not more than 20 miles per hour, in increments of 5 miles per hour, when such change is determined to be reasonable and necessary to ensure safety. It is noted that the bill allows municipalities and counties to do on state highways or connecting links or extensions thereof that which cannot be done on municipal roads and county-maintained roads. That is, a municipality or a county can alter the speed limits on their respective roads only after conformity to criteria promulgated by the Department.

The stated purpose of Chapter 316 is to "make uniform traffic laws to apply throughout the state and its several counties and uniform traffic ordinances to apply in all municipalities." Contrary to this stated purpose, the proposed changes contained in HB 1177 will create a system of non-uniformity along the State Highway System. For example, the proposed legislation could eventually allow a speed limit of 10 mph on state highways or connecting links or extensions thereof if a municipality determined that such a speed is reasonable and necessary to ensure safety. However, the proposed legislation does not require the municipality to conform to criteria promulgated by the Department; i.e., a traffic engineering study, which is undertaken specifically for the purpose of determining whether a

speed is reasonable and necessary to ensure safety. The proposed changes would result in speed limits on state highways or connecting links or extensions thereof that will not be respected by motorists. In turn, this disrespect would increase the speed differential of vehicles traveling within a municipality.

The bill also authorizes counties to make speed limit changes on state highways or connecting links or extensions thereof. Again, however, such changes are authorized without any requirement for conformity with standards designed to ensure that speeds are reasonable and necessary to ensure safety. The non-uniformity of speeds for motorists traveling on state highways or connecting links or extensions thereof, resulting in disrespect of speed limits and increased speed differentials of traveling vehicles, will produce a greater safety risk to motorists.

The Department recommends amending the bill as reflected on Attachment 1 [this attachment is a proposed amendment which would limit changes to no more than a 5 mph reduction and require the change to conform with DOT criteria]. In any case, the Department recommends that any speed limit changes conform to the engineering criteria promulgated by the Department in order to ensure safety. In the absence of such conformity, the Department recommends that the local authority changing speed limits on state highways be required to assume any liability resulting from such changes.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

Committee on Transportation

The Committee on Transportation considered this bill on March 21, 2000, and adopted one amendment which:

- Limits the reduction in speed limit that a local government could implement on the state highway system to 15 miles per hour in 5 mile per hour increments, and provides that the limit may not be lowered to less than 45 miles per hour.
- Requires that any reduction be reasonable, and either conform to DOT criteria for speed zones or be based on a traffic or engineering study conducted by the local government.
- Requires local governments to reimburse DOT for the costs of posting signs for the reduced speed limit zone.

The bill was reported favorably with one amendment.

Committee on Law Enforcement & Crime Prevention

On April 11, 2000, the Committee on Law Enforcement & Crime Prevention adopted two amendments to the Committee on Transportation amendment to HB 1177 which:

- Will exclude non-limited access roads from the bill. These roads include the Florida Turnpike, and the interstate road system such as I-10, I-75, and I-95.

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VII. SIGNATURES:

COMMITTEE ON TRANSPORTATION:

Prepared by:

Phillip B. Miller

Staff Director:

John R. Johnston

AS REVISED BY THE COMMITTEE ON LAW ENFORCEMENT AND CRIME PREVENTION:

Prepared by:

Allen Mortham Jr.

Staff Director:

Kurt E. Ahrendt

AS FURTHER REVISED BY THE COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Thomas L. Hamby

Staff Director:

Joan Highsmith-Smith