

STORAGE NAME: h1181z.tr
DATE: May 15, 2000

****FAILED TO PASS THE LEGISLATURE****

**HOUSE OF REPRESENTATIVES
AS FURTHER REVISED BY THE COMMITTEE ON
TRANSPORTATION
FINAL ANALYSIS**

BILL #: HB 1181
RELATING TO: Traffic Calming Devices
SPONSOR(S): Representative C. Smith
TIED BILL(S): None

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

- (1) TRANSPORTATION (EDC) YEAS 9 NAYS 1
 - (2) LAW ENFORCEMENT AND CRIME PREVENTION (CRC) YEAS 8 NAYS 0
 - (3) COMMUNITY AFFAIRS (PRC) YEAS 7 NAYS 0
 - (4) CRIMINAL JUSTICE APPROPRIATIONS (FRC)
 - (5)
-

I. SUMMARY:

The bill authorizes local authorities to plan, design, construct, install, or maintain traffic calming devices on the streets and highways under their jurisdiction. The local governments have the option of implementing this bill. The traffic calming devices include, but are not limited to, speed bumps, speed humps, speed tables, roundabouts, or other pavement designs or undulations.

Under current law, any traffic calming devices installed on the streets or highways by local authorities must comply with the specifications in the manual published by the Department of Transportation.

The bill has no direct fiscal impact on state or local governments.

The bill will become effective upon becoming law.

The bill has an indeterminate fiscal impact due to the uncertainty that counties and cities will elect to utilize traffic calming devices.

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"/> |

B. PRESENT SITUATION:

Section 316.0745, F.S., provides for local authorities to regulate speed on streets and highways within their jurisdiction. This provision allows for the local police to stop a vehicle for excessive speed and issue a citation. Nothing in the current statutes authorizes local authorities to regulate speed with the use of traffic calming devices.

Section 316.0745, F.S., requires the Department of Transportation (DOT) to adopt a uniform system of traffic control for streets and highways of this state. All official traffic control devices purchased and installed by any public body or official must comply with the manual and specifications published by DOT. This law and manual do not specifically apply to speed bumps, speed humps, speed tables, roundabouts, or other pavement designs.

C. EFFECT OF PROPOSED CHANGES:

The bill amends s. 316.008, F.S., to authorize local authorities to plan, design, construct, install, or maintain traffic calming devices on the streets and highways under their jurisdiction. The traffic calming devices include, but are not limited to, speed bumps, speed humps, speed tables, roundabouts, or other pavement designs or undulations.

Under s. 316.0745, F.S., any traffic calming *devices* installed on the streets or highways by local authorities must comply with the specifications in the manual published by DOT.

D. SECTION-BY-SECTION ANALYSIS:

N/A

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:

This bill has no effect on state government expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill has no effect on local government revenues.

2. Expenditures:

This bill does not require local governments to install traffic calming devices.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

Local Government Expenditures

Local authorities would be allowed, but not required, to install and maintain traffic calming devices. As currently drafted, the bill requires any traffic calming *devices* installed on the streets or highways by local authorities to comply with the specifications in the manual published by the department. Complying with such specifications might increase costs for such devices; however, the manual does not address such devices.

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:

N/A

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

Committee on Transportation

The Committee on Transportation considered this bill on March 28, 2000 and adopted two amendments that are traveling with the bill.

Amendment 1

This amendment was adopted to change the word "devices" to "techniques." According to the Department of Transportation, speed bumps, speed humps, roundabouts, and other pavement designs are geometric features of the road and, as such, are labeled "techniques." Traffic calming techniques are not contained in the departments manual on traffic control devices. Local authorities, therefore, would not be required to conform to the department's manual upon implementation of this program.

Amendment 2

This amendment was adopted to stipulate that traffic calming techniques could be installed by local authorities only after a traffic engineering study was conducted to determine that the techniques would conform to engineering safety standards.

The bill was voted favorably with the two amendments.

Committee on Community Affairs

The Committee on Community Affairs considered this bill on April 19, 2000, and adopted one amendment that is traveling with the bill. The amendment authorizes municipalities in a county with a population of over 1 million and counties with a population of over 1 million to impose a surcharge on civil penalties for traffic infractions to fund residential traffic calming programs.

VII. SIGNATURES:

COMMITTEE ON TRANSPORTATION:

Prepared by:

Jennifer L. Sexton-Bartelme

Staff Director:

John R. Johnston

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