

STORAGE NAME: h1181a.teda.doc
DATE: February 19, 2002

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
TRANSPORTATION & ECONOMIC DEVELOPMENT COMMITTEE
ANALYSIS**

BILL #: HB 1181
RELATING TO: The Safe Paths to Schools Program
SPONSOR(S): Representative(s) Ritter and Dockery
TIED BILL(S):

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

- (1) TRANSPORTATION YEAS 13 NAYS 0
 - (2) TRANSPORTATION & ECONOMIC DEVELOPMENT COMMITTEE YEAS 15 NAYS 0
 - (3) COUNCIL FOR READY INFRASTRUCTURE
 - (4)
 - (5)
-

I. SUMMARY:

THIS DOCUMENT IS NOT INTENDED TO BE USED FOR THE PURPOSE OF CONSTRUING STATUTES, OR TO BE CONSTRUED AS AFFECTING, DEFINING, LIMITING, CONTROLLING, SPECIFYING, CLARIFYING, OR MODIFYING ANY LEGISLATION OR STATUTE

The Florida Department of Transportation (DOT) has a number of responsibilities related to transportation safety. Pursuant to Chapter 316, F.S., DOT is charged with: developing a uniform system of traffic signals and signage; establishing speed limits on state-owned or state-maintained highways, including in school zones; and developing uniform training guidelines for school crossing guards. Also, chapter 334, F.S., directs DOT to consider safety when designing, building, and maintaining the state transportation system. Section 335.065, F.S., directs DOT to establish bicycle and pedestrian pathways in conjunction with its road and bridge projects. Finally, s. 339.177, F.S., requires DOT to work with other governmental entities to develop "transportation management programs," including one for safety.

HB 1181 adds to this mix of transportation safety statutes the "Safe Paths to Schools" Program, s. 335.066, F.S. The new program is created within DOT and is designed to coordinate the planning and construction of bicycle and pedestrian pathways that provide safe transportation for children from their neighborhoods to schools, parks, and state greenways and trails.

DOT is given the discretion to establish a grant program to fund local, regional and state bicycle and pedestrian pathway projects that support the program. However, HB 1181 identifies no specific funding source for the program.

The bill also gives DOT rulemaking authority to implement the program.

HB 1181 takes effect July 1, 2002.

SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|---|--|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input 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 checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |

HB 1181 creates a new school safety transportation program, without a dedicated funding source, that appears to overlay existing federal and state programs addressing comparable issues.

B. PRESENT SITUATION:

Safety is an important consideration in DOT's design, construction, and maintenance of the state's transportation infrastructure. U.S. Department of Transportation regulations address safety issues for projects that receive federal funds. And, Florida transportation statutes include several references to safety issues that DOT must address.

For example:

- ❑ Chapter 316, F.S., charges DOT with: developing a uniform system of traffic signals and signage; establishing speed limits on state-owned or state-maintained highways, including in school zones; and developing uniform training guidelines for school crossing guards.
- ❑ Section 334.044, F.S., lists safety among the various powers and duties of DOT.
- ❑ Section 335.065, F.S., directs DOT to establish bicycle and pedestrian pathways in conjunction with its road and bridge projects, with special emphasis on projects in or within 1 mile of an urban area. DOT is authorized to set construction standards for these paths, and to implement uniform signage. The current law also directs DOT and the Department of Environmental Protection to establish a statewide, integrated system of bicycle and pedestrian paths. The statute does list circumstances when bike or pedestrian pathways aren't required to be established, such as where there is an absence of need or the cost would be prohibitive.
- ❑ Section 339.177, F.S., requires DOT to work with metropolitan planning organizations, and other affected governmental entities to develop "transportation management programs," including one for safety. To comply with this section of law, DOT has created a "Safety Management System" to collect data and develop solutions about safety issues. Much of this work is done by the estimated 50 "Community Traffic Safety Teams" (CTSTs) throughout Florida, whose membership includes DOT District representatives, local public officials, safety advocates, and other interested parties. The CTSTs have formed a statewide coalition, which meets quarterly to discuss safety issues and successes, share information, and learn about advances in transportation technology that improve safety. The coalition chairperson also serves on DOT's Safety Management System team.

Linked with DOT's existing safety programs is its relationship with the state Department of Education and local school districts. During the 2000 legislative session, a proposal to create a DOT-funded "Safe Paths to Schools" Program was first discussed, but it did not pass. In order to determine the extent of the need for such a program, the Department of Education over the interim compiled a survey from county school districts to identify hazardous walking or biking locations for kindergarten through 6th grade students living within 2 miles of their schools. Thirty-four county school boards responded to the survey. The identified hazards were predominately on city or county roads, although many also were on state-maintained roads, particularly in Northwest Florida.

The Department of Education did not request any legislation based on the survey information, but three bills filed for the 2001 session addressed the issue of hazardous walking or biking conditions near schools. Generally, they directed county school boards to work with the governmental entities responsible for the hazardous walking or biking conditions on the streets near schools to correct the problem. None of the bills – HB 1347, SB 326, and SB 1592 – passed the Legislature.

No similar bills were filed for the 2002 legislative session.

DOT's district offices continue to work with local school boards, the Department of Education, and local governmental officials to address the issues of hazardous walking conditions along state-maintained highways near schools.

C. EFFECT OF PROPOSED CHANGES:

HB 1181 creates s. 335.066, F.S., the "Safe Paths to Schools" Program, to help coordinate the planning and construction of bicycle and pedestrian pathways that provide safe transportation for children from their neighborhoods to schools, parks, and state greenways and trails.

DOT is in charge of the program, and is given the discretion to establish a grant program to fund eligible projects, as well as rulemaking authority to fully implement the program.

HB 1181 identifies no specific funding source for the program, nor does it require DOT to fund it.

D. SECTION-BY-SECTION ANALYSIS:

Section 1: Creates s. 335.066, F.S., the Safe Path to Schools Program, under the direction of DOT. Explains purpose of program. Gives DOT discretion to provide grants to fund eligible projects. Gives DOT specific rulemaking authority.

Section 2: Specifies this act shall take effect July 1, 2002.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

HB 1181 has no fiscal impact. To the extent that DOT decides to fund Safe Paths to Schools grants, or is eventually directed by the Legislature to fund the program, local governments and possibly private entities could receive state funds to pay all or part of the costs associated with building or improving pedestrian and bike paths around schools.

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

A. APPLICABILITY OF THE MANDATES PROVISION:

The mandates provision is not applicable to an analysis of HB 1181 because the bill does not require cities or counties to expend funds, or to take actions requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

HB 1181 does not reduce the revenue-raising authority of counties or municipalities.

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

HB 1181 does not reduce the state tax revenues shared with counties or municipalities.

IV. COMMENTS:

A. CONSTITUTIONAL ISSUES:

HB 1181 does not raise any constitutional issues.

B. RULE-MAKING AUTHORITY:

Section 1 of HB 1181 gives DOT specific authority to adopt rules to administer the Safe Paths to Schools program.

C. OTHER COMMENTS:

Identical language to HB 1181 is in a traveling amendment to HB 757.

V. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

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VI. SIGNATURES:

COMMITTEE ON TRANSPORTATION :

Prepared by:

Joyce Pugh

Staff Director:

Phillip B. Miller

AS REVISED BY THE COMMITTEE ON TRANSPORTATION & ECONOMIC DEVELOPMENT
COMMITTEE:

Prepared by:

Eliza Hawkins

Staff Director:

Eliza Hawkins
