



Transportation Legislation for 2007

The Florida Legislative Session ended "sine die" on Friday, May 4, 2007 at 4:00 p.m. with a total of 345 bills being passed by the House and Senate this session. As the 2007 legislative session came to a close, transportation legislation was debated on the floor the last day of the session due to its controversial nature. While there were many transportation bills presented, the most significant transportation bills that were passed by the Legislature for Governor Charlie Christ's signature included House Bill (HB) 985, relating to Transportation and Infrastructure, presented by Representative Rich Glorioso, Senate Bill (SB 506) relating to the creation of the Tampa Bay Area Regional Transportation Authority, sponsored by Senator Mike Fasano, SB 606 relating to the revision of the Florida Regional Transportation Authority, sponsored by Senator Steven Gellar, and SB 1134, Relating to Transportation, sponsored by Senator Fasano and co-sponsored by Representative Evelyn Lynn.

HB 985- Relating to Transportation and Infrastructure

HB 985 was the most heavily debated and controversial of the transporta-

tion bills passed this legislative session. This controversial legislation passed on the last day of session with a total vote of 68 Yeas and 49 Nays in the House and 37 Yeas and 2 Nays in the Senate. HB 985 is an omnibus catch-all bill that addresses a variety of transportation financing, planning, and administrative issues. Among its most controversial issues was its inclusion of specific guidance and regulations for the Florida Department Of Transportation ("Department") to enter into agreements with private partners for the privatization of Florida's toll roads. The legislation allows that with the exception of the Florida Turnpike System, the Department may lease existing toll facilities through public-private partnerships. The public-private partnership agreement must ensure that the transportation facility is properly operated, maintained, and renewed in accordance with Department standards. Among other conditions, the Department shall include in the agreement provisions to ensure that a negotiated portion of the revenues from tolled or fare generating projects are returned to the Department over the life of the public-private partnership agreement.

Similarly, another provision of the Bill stated that the Department, including the turnpike enterprise, shall index

toll rates on existing toll facilities to the annual Consumer Price Index (CPI) or similar inflation indicators. Toll rate adjustments for inflation under this subsection may be made no more frequently than once a year and must be made no less frequently than once every 5 years as necessary to accommodate cash toll rate schedules. Toll rates may be increased beyond these limits as directed by bond documents, covenants, or governing body authorization or pursuant to Department administrative rule.

In addition, among its key provisions, the proposed legislation makes numerous administrative, organizational, membership and planning process changes to the Metropolitan Planning Organizations (MPOs); increases penalties for motorists who speed through toll plazas without paying tolls; clarifies prohibitions against obscuring vehicles' license plates; allows the Department to fund up to 80% of the non-federal share of certain airport and aviation development projects at publicly owned, publicly operated airports; creates a 19-member Strategic Aggregates Review Task Force to evaluate the availability and disposition of construction aggregate materials and related mining and land use practices in this state; and creates within the Department the Enhanced Bridge Program for Sustainable Transportation for the purpose of providing funds to improve the sufficiency rating of local bridges and to improve congested roads on the State Highway System or local corridors on which high-cost bridges are located.

SB 506 - Relating to the Creation of the Tampa Bay Area Regional Transportation Authority

On May, 2, 2007, state legislators passed SB 506 creating the Tampa Bay Area Regional Transportation Authority on July 1st. The legislation, which passed with

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unanimous House and Senate approval, would be governed by a 16-member board charged with planning, developing, financing and building a network of toll roads, commuter rail services, including rail lines and express buses and other transportation facilities in seven Tampa Bay counties. The legislation also authorizes the Authority to construct, operate and maintain certain multimodal transportation systems.

The Authority will be made up of representatives from Citrus, Hernando, Hillsborough, Manatee, Pasco, Pinellas and Sarasota Counties. According to the bill, the Authority's Board would include county commissioners, mayors, and gubernatorial appointees representing area business interests. The Department would also have a non-voting representative, who must be the district secretary for one of the department districts within the seven-county area of the Authority appointed by the Secretary of the Department. Among other abilities, the Board would have the power of eminent domain, the power to override local zoning rules, and the power to partner with private companies to develop transportation facilities as well as residential and retail gatherings around commuter rail stations. The Authority, however, will not take over the work of other transportation agencies. Legislators requested a set aside of \$1 million for startup and initial planning costs for the Authority, whose first task would be to create a regional master transportation plan by July 2009.

SB 606 - Relating to South Florida Regional Transportation Authority

Senate Bill 606, to take effect July 1, 2007 if signed by Governor Crist, revises the South Florida Regional Transportation Authority (SFRTA) Act. Specifically, the bill deletes references to "commuter rail" to reflect the Authority's broader transit mission and allows the SFRTA to issue, reissue, or redeem bonds as necessary to fund the purposes of the SFRTA. These bonds may not pledge the full faith and credit of the state.

Additionally, the bill authorizes a negotiated sale of bonds under certain circumstances; clarifies that each of the three counties (Broward, Miami Dade, and Palm Beach) must dedicate and transfer at least

\$2.67 million annually to the SFRTA for capital funding by October 31 of each fiscal year; and directs the Legislature to transfer \$45 million in recurring funds to the SFRTA to be used for capital, operating, and maintenance purposes from a state-authorized, local-option recurring funding source. The funding source shall be dedicated to the Authority only if Broward, Miami-Dade, and Palm Beach Counties impose the local-option funding source.

In turn, each county shall continue to annually fund the operations of SFRTA in an amount not less than \$1.565 million. Revenue raised pursuant to this subsection shall also be considered a dedicated funding source. It also deletes provisions identifying each county's ninth-cent fuel tax, local option fuel tax, and any other local gas tax or nonfederal tax as possible sources for the annual dedication; deletes authorization of the three counties to collect a \$2 fee on vehicle registrations within their boundaries; and extends from December 31, 2009, to December 31, 2015, the date on which the local capital funding requirements for the SFRTA cease if no federal matching funds have been received.

SB 1134 - Relating to Transportation

On May 3, 2007, SB 1134 was unanimously passed by the House and Senate for enrollment. Among other things, the bill revises the Department's requirement to share certain costs of fixed-guideway system projects; revises the criteria for an Interlocal Agreement to establish bond financing for fixed-guideway system projects; and revises provisions for sources of funds for the payment of bonds. The Bill also requires nonprofit youth organizations that contract with the Department for the purpose of operating youth work experience programs to certify that the program participants are residents of the state and possess valid identification; specifies the criteria for the Department to consider in awarding contracts to such organizations; and requires that the nonprofit youth organizations submit certain reports and audits to the Department and demonstrate participation in a peer assessment or review process.

In turn, the Bill provides that certain construction projects be advertised for

bids in local newspapers; authorizes the Department to waive specified prequalification requirements for certain transportation projects under certain conditions; revises surety bond requirements for construction or maintenance contracts; provides for incremental annual surety bonds for multiyear maintenance contracts under certain conditions; revises the threshold for transportation projects eligible for a waiver of surety bond requirements; authorizes the Department to provide for phased surety bond coverage or an alternate means of security for a portion of the contract amount in lieu of the surety bond; and raises the limit on outstanding bonds to fund turnpike projects.

Finally, the Bill establishes a pilot program in specified counties authorizing a reduction in the distance between permitted signs on the same side of an interstate highway and requires that the Department of Highway Safety and Motor Vehicles implement by a certain date a system whereby department-authorized issuers of temporary license plates may issue print-on-demand electronic temporary license plates.

Conclusion

This legislative session addressed a variety of transportation issues. Governor Charlie Crist must still evaluate the bills when presented to determine whether to sign the bill into law, let the bill become law without his signature, or veto the bill. "While the legislature is in session, the constitution allows for a seven day period following presentation of a bill to the Governor within which to sign or veto the bill. If the legislature adjourns sine die before an act is presented to the Governor or while an act is in the Governor's possession, the Governor then has 15 days from the date of the presentation in which to take action." Presently, at the time of this article, the Governor has not signed any of these bills, so the ultimate outcome is unclear.

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