

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

April 7, 2003

TO: Honorable Dennis Bonnen, Chair, House Committee on Environmental Regulation

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB1021 by Villarreal (Relating to illegal dumping on railroad rights-of-way; creating a penalty.), **As Introduced**

No fiscal implication to the State is anticipated.

The bill would amend the Health and Safety Code to add that it is an offense to dump litter or other solid waste on a railroad right-of-way. The punishment for the offense would double the amount of the usual fine for illegal dumping. Fines collected in a justice, county, district, or municipal court for the offense of dumping litter or other solid waste on a railroad right-of-way would be deposited into a special account in the treasury of the municipality and used to provide for enforcement of the particular law and for clean-up of the railroad right-of-way. The municipality, or the commissioners court of the county if the right-of-way is located outside the corporate limits of a municipality, would be required to provide for the enforcement and for the removal of litter on the railroad right-of-way.

The bill would go into effect September 1, 2003 and apply to an offense committed on or after that date.

Municipalities and counties in which a number of railroads are located were contacted regarding the fiscal implications of the provisions of the bill. While none of the counties responded, the cities of Austin, Dallas, El Paso, Houston, San Angelo, and Waco submitted a response. Each of the cities indicated there would be costs involved and that it was unlikely there would be sufficient fines collected to cover those costs. The cities of Austin and Waco indicated that the costs would be insignificant compared to the overall budget of the city.

Houston officials estimate implementation would require adding one collection crew (four FTEs totalling \$160,000 annually) and three specialized collection vehicles (\$270,00 each plus annual maintenance costs of \$20,000 per vehicle), and incurring disposal costs of between \$18 and \$30 per ton of materials.

The City of Dallas estimates implementation would result in an additional cost of \$9,000 annually, which is not a significant portion of the city's overall budget.

The city manager in San Angelo estimates costs associated with implementing provisions of the bill would total at least \$100,000 a year for enforcement personnel and equipment.

Although unable to develop specific cost estimates, the City of El Paso, based on the high number of miles of railroad right-of-way within the city limits and the number of persons unable to pay fines, anticipates the costs would be significant.

Local Government Impact

The costs would vary, depending on the number of miles of railroad right-of-way within the municipality or county and the level of the problem of illegal dumping on those right-of-ways. Some cities foresee insignificant costs and others estimate costs as high as \$100,000 to over \$200,000 annually.

Source Agencies:

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