

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION**

**April 23, 2003**

**TO:** Honorable Mike Krusee, Chair, House Committee on Transportation

**FROM:** John Keel, Director, Legislative Budget Board

**IN RE: HB3545** by Hamric (Relating to the conversion of a non-tolled state highway to a toll facility.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Transportation Code to allow the Texas Transportation Commission (TTC) to convey a non-tolled state highway or a segment of a non-tolled state highway, including any real property acquired to construct or operate the highway, to a county for operation and maintenance as a project under the specifications of the bill. The bill would also allow the TTC to convey a non-tolled state highway or a segment of a non-tolled state highway, including any real property acquired to construct or operate the highway, to an authority for operation and maintenance as a turnpike project under the specifications of the bill.

The bill would require any moneys paid by the Department of Transportation (TxDOT) for the construction, maintenance, and operation of the transferred highway to be repaid to TxDOT; allow the TTC to waive all or a portion of money due for repayment; require the TTC to conduct public hearings; clarify that TxDOT would have no liability, responsibility, or duty for the maintenance or operation of a conveyed highway; allow a county, or an authority, to use toll revenue collected to fund an air quality or transportation project; require the TTC and an authority to adopt necessary rules; and allow the TTC to issue an order to convert a segment of the free state highway system to a toll facility and require toll revenues collected from such a facility to be deposited to the credit of the State Highway Fund to be used by TxDOT for any function performed by TxDOT or to fund air quality projects. The bill would prohibit the TTC from converting the Queen Isabella Causeway to a toll facility or turnpike project. Based on the analysis of the TxDOT and the Comptroller of Public Accounts, it is assumed that duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources. No significant impact to the state is anticipated because TxDOT did not identify any segments that would be converted over the next five years. It is also assumed that any savings realized from conveying a highway or a highway segment would be used for other transportation related expenditures and that any additional revenues collected from toll facilities would be used on either transportation or air quality projects. The bill would take effect immediately upon receiving a two-thirds majority vote in both houses; otherwise, the bill would take effect September 1, 2003.

**Local Government Impact**

The fiscal impact to counties or regional tollway authorities would vary depending on the size of the local entity and the type, size, and age of the highway conveyed under the provisions of the bill. It is assumed that costs to local entities for operating and maintaining a conveyed highway would be partially or totally offset by the tolls charged. Toll revenue could also be used for transportation improvement or air quality projects in the affected local areas.

**Source Agencies:** 304 Comptroller of Public Accounts, 601 Department of Transportation

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