

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

May 6, 2005

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

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HB2702 by Krusee (Relating to the construction, acquisition, financing, maintenance, management, operation, ownership, and control of rail and highway transportation facilities in this state.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

This bill would amend various provisions in the Transportation Code to provide the Texas Transportation Commission (TTC) and the Texas Department of Transportation (TxDOT) additional flexibility to acquire, finance, maintain, manage, operate, own, and control transportation facilities in Texas.

The bill would clarify and specify procedures to be used by TxDOT to enter into and operate in Comprehensive Development Agreements for the purpose of providing rail transportation facilities. The bill would remove the annual ceiling of \$12.5 million that can be disbursed from the State Highway Fund for rail facilities.

The bill would specify that toll revenue collected or received by TxDOT be deposited in the State Highway Fund, except for funds received from toll revenue bonds issued to pay for all or part of the cost of a toll project and toll revenue collected from non-tolled highways converted to toll roads.

The bill would authorize TxDOT, in acquiring right-of-way for the Trans-Texas Corridor, to purchase remaining tracts of property that have little or no remaining value or utility to the owner. The bill would require TxDOT to pay damages to remaining property caused by a severance, including damages caused by the loss of reasonable access between portions of bisected tracts.

The bill would require the approval of the county commissioners and the voters of affected counties before TxDOT could convert to a non-tolled state highway into a tolled highway.

The bill would repeal the annual cap of \$25 million on amounts that TxDOT may disburse out of state and federal funds for the construction or purchase of non-highway facilities on the Trans-Texas Corridor. The bill would repeal certain restrictions on the use of Texas Mobility Fund and State Highway Fund monies, including constitutionally dedicated State Highway Fund monies, for Trans-Texas Corridor projects. The bill would also repeal the restriction on TxDOT's authority to construct rail facilities on the Trans-Texas corridor, which required that such construction be found to reduce congestion and improve mobility.

No fiscal implications are anticipated from the repeal of the \$25 million cap on annual disbursements for the construction of non-highway facilities on the Trans-Texas Corridor or from the repeal of restrictions on the use of Texas Mobility Fund and State Highway Fund monies for Trans-Texas Corridor projects, since TxDOT has not indicated an increase in expenditures on such projects pursuant to the provisions of the bill. Based on the analysis of TxDOT, it is assumed any costs or duties associated with implementing the provisions of the bill could be absorbed within existing resources.

The bill would take effect immediately upon receiving a vote of two-thirds of all members elected to each house; otherwise, the bill would take effect September 1, 2005.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

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

LBB Staff: JOB, SR, MW, TG, KJG