

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

February 27, 2007

TO: Honorable Kevin Bailey, Chair, House Committee on Urban Affairs

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

IN RE: HB757 by Dutton (Relating to safety measures for culverts or other similar flood or drainage systems maintained by governmental entities.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB757, As Introduced: an impact of \$0 through the biennium ending August 31, 2009.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2008	\$0
2009	\$0
2010	\$0
2011	\$0
2012	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable (Cost) from STATE HIGHWAY FUND 6
2008	(\$281,236,000)
2009	\$0
2010	\$0
2011	\$0
2012	\$0

Fiscal Analysis

The bill would amend the Health and Safety Code to require a state or local governmental entity to ensure that the intake to each culvert or other enclosed drainage system under the governmental entity's jurisdiction is protected by a bar, grate, or other covering sufficient to ensure that a child may not be swept into the system. The bill would require each governmental entity to ensure that each culvert or enclosed drainage system has a hinged opening or other type of opening and closing mechanism to permit emergency services personnel to access the system and to ensure that a sign warning of the hazard for a child, including the danger for injury or drowning, is clearly posted at the intake to each culvert or other enclosed flood or drainage system. The bill would require state and local governmental entities to comply with the provisions of the bill no later than September 1, 2008.

The bill would take effect on September 1, 2007.

Methodology

According to information provided by the Texas Department of Transportation (TxDOT), the provisions of the bill would apply to 13,320 bridge culverts and 160,000 non-bridge culverts on the state highway system. Based on the analysis of TxDOT, the costs of installing grates would be \$5,700 for each bridge culvert and \$750 for each non-bridge culvert; and each bridge would require four warning signs and each non-bridge culvert would require one sign at a cost of \$400 per sign. Therefore, it is assumed the costs to the state for required signage would be \$85,312,000 and the costs to install grates would be \$195,924,000 for a total cost of \$281,236,000 out of the State Highway Fund in fiscal year 2008. It is assumed that any recurring maintenance costs could be absorbed within TxDOT's existing resources.

Local Government Impact

Local governments reported that the required equipment and signage, coupled with the required deadlines to install them, would impose a burden on their budgets and work schedules.

Denton County reported costs of a minimum of \$1 million in fiscal years 2008 and 2009, with yearly costs of \$300,000 in each year thereafter. They also reported that the required grates or protective coverings could lower the water flow capacity of the culverts, which could then require that the entire culvert be replaced with a larger one, adding to the cost of complying with the provisions of the bill.

Fort Bend County reported staff, capital outlay, and operational costs of close to \$16 million in fiscal year 2008, \$13.6 million in fiscal year 2009, \$13.9 million in fiscal year 2010, \$14.2 million in fiscal year 2011, and \$14.8 million in fiscal year 2012. These costs do not include refitting equipment in the 135 municipal utility districts or the 18 levy improvement districts in the county.

Collin County reported staff, capital outlay, and operational costs of a minimum of \$735,000 per fiscal year. El Paso County reported costs of approximately \$250,000 in fiscal years 2008 and 2009.

Bexar County reported new capital outlay costs of \$1 million in fiscal year 2009, with yearly maintenance costs of \$750,000 in each year thereafter..

Harris County reported that they have as estimated 62,880 drains and culverts; the Harris County Flood Control District has an additional 9,716. Estimates to install the required covers and signage could reach \$116 million, at a minimum. This estimate does not include site preparation, and the county warns that it will not be able to complete installation and inspection of the required covers by September 1, 2008.

The City of Abilene reported staff, capital outlay, and operational costs of \$111,000 in fiscal year 2008, \$91,300 in fiscal year 2009, \$82,100 in fiscal year 2010, \$73,400 in fiscal year 2011, and \$75,500 in fiscal year 2012. This would have a moderate effect on their budget, which is currently about \$1.8 million. The city also reported potential flooding concerns if a grated drain became clogged or barricaded by material.

The City of McKinney reported staff, capital outlay, and operational costs of approximately \$3.4 million in fiscal year 2008. Maintenance of the newly installed grates or protective coverings would cost approximately \$317,000 in fiscal year 2009, rising to approximately \$356,000 in fiscal year 2012.

Source Agencies: 601 Department of Transportation

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