

## LEGISLATIVE BUDGET BOARD

Austin, Texas

### FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

March 27, 2007

**TO:** Honorable John Carona, Chair, Senate Committee on Transportation & Homeland Security

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

**IN RE: SB965** by Shapiro (Relating to the powers and duties of a regional tollway authority related to turnpikes and other related projects.), **Committee Report 1st House, Substituted**

**The fiscal implications to the State cannot be determined.**

The bill would amend Chapter 366, Transportation Code, to give the North Texas Tollway Authority (NTTA) the same authorities the Texas Department of Transportation (TxDOT) has with regard to Comprehensive Development Agreements (CDAs). In addition, the bill would grant NTTA all powers of TxDOT to develop a turnpike project on the Trans-Texas Corridor if the Texas Transportation Commission were to ask them to, and the power to use surplus revenue to build non-tolled facilities. The bill would establish NTTA as the primary provider of tollroads in the North Texas region, but would set a time limit on the authority's right of first refusal for toll projects. The bill would require TxDOT to provide available highway right-of-way owned by TxDOT for NTTA projects, and would void the NTTA/TxDOT protocol that defines which projects NTTA will develop and which ones TxDOT will develop.

TxDOT reports that providing state-owned right-of-way for regional projects would result in a loss of state funds that have already been expended that would not qualify for reimbursement under the provisions of the bill. Based on the analysis of TxDOT, it is assumed the fiscal implications to the state would depend on the number the number of such projects that would use state right-of-way owned by TxDOT and, therefore, cannot be estimated.

TxDOT indicates that the state's federal highway funding could be jeopardized under certain provisions of the bill, and it is assumed federal penalties could accrue depending on the number and scope of projects in violation of federal requirements. Currently, TxDOT is the state administrative entity granted authority by the federal government to oversee or conduct environmental and design and build reviews for any major roadway receiving federal aid or intersecting a federal-aid highway or a transit system subsidized by the federal government.

The bill would take effect September 1, 2007.

#### Local Government Impact

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

**Source Agencies:** 601 Department of Transportation

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