

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

**FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION**

**March 26, 2007**

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

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

**IN RE: SB1025** by Shapleigh (Relating to the powers and duties of the Texas Department of Transportation related to rail facilities.), **Committee Report 1st House, Substituted**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend sections of the Transportation Code relating to the Texas Department of Transportation's (TxDOT) powers and duties related to rail facilities and the Texas Rail Relocation and Improvement Fund. The bill would authorize TxDOT to acquire, finance, construct, reconstruct, relocate, maintain, and operate privately owned passenger or freight rail facilities if the Texas Transportation Commission first determines that the actions will be in the best interest of the state and achieves certain benefits as defined by the bill. The bill would allow TxDOT to finance rail facilities with surplus revenue of certain state toll projects, money awarded from the Texas Enterprise Fund, and money from the Texas Rail Relocation and Improvement Fund. The bill would expand allowable uses of the Texas Rail Relocation and Improvement Fund for certain privately owned rail facilities and would establish a loan program from the fund to be administered by TxDOT. The bill would amend Transportation Code Section 455.005, relating to rail fixed guideway mass transportation system safety oversight, to align with federal statute and require TxDOT to establish a standard to be used to provide oversight of rail fixed guideway systems safety and security.

The establishment of a loan fund out of or the issuance bond obligations backed by the Texas Rail Relocation and Improvement Fund to provide financing for rail projects authorized by the bill is contingent upon revenue being deposited to the credit of the fund and certification by the Comptroller of Public Accounts, pursuant to Section 201.973 of the Transportation Code. Currently, there is no revenue deposited to or available balance in the fund. Therefore, this analysis does not estimate any expenditures from the fund associated with the provisions of the bill.

Based on the information and analysis provided by 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 or otherwise on September 1, 2007.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 601 Department of Transportation

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