

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

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

**April 12, 2007**

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

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

**IN RE: SB1384** by Watson (Relating to declarations of taking for toll projects.), **Committee Report 1st House, Substituted**

<p><b>The fiscal implications to the State cannot be determined.</b></p>
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The bill would amend the section of the Transportation Code relating to a declaration of taking for a toll project to prohibit the Texas Department of Transportation (TxDOT) from taking possession of a property that is a homestead; a portion of a homestead; or a business, farm, or ranch, or a portion thereof earlier than the 365th day after the date of service of the declaration of taking to the appropriate persons under current law. The provisions of the bill would apply to a declaration of taking filed by TxDOT before, on, or after the effective date of the bill if TxDOT has not taken possession of the property before the effective date of the bill.

Current law authorizes TxDOT to take possession of properties specified in the bill on a date no sooner than the 91st day after the date of service of the declaration of taking. TxDOT indicates that delays in the acquisition of right of way could adversely affect the ability to complete the construction of toll projects on time, which could be taken into consideration in a risk analysis related to the issuance of toll revenue bonds. Based on the analysis of TxDOT, the fiscal impact to the state would depend on the number of toll projects requiring takings of the types of properties specified by the bill and the number of such properties and, therefore, cannot be determined.

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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