

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: SB1711 by Hegar (Relating to access to the state highway system and damages for diminished access to the state highway system.), **As Introduced**

<p>The fiscal implications to the State cannot be estimated.</p>

The bill would amend Chapter 21 of the Property Code and Chapter 203 of the Transportation Code to alter how damages would be calculated by special commissioners regarding a tract or parcel of real property condemned for use related to control of access on all state highways, whether on controlled access facilities or on non-controlled facilities where control of access is implemented through police power for safety reasons. The bill would require the special commissioners to consider damages for loss of access or diminished access to the extent that it affects the present market value of the real property, including any factors considered when determining actual fair market value of property for ad valorem tax purposes.

According to analysis by the Texas Department of Transportation, the bill would require the state to make payment for damages that are not compensable under current law, and therefore would result in a substantial fiscal impact to the State Highway Fund. The size of the impact would be determined on a parcel by parcel basis and cannot be estimated.

The bill would take effect September 1, 2007.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 601 Department of Transportation

LBB Staff: JOB, KJG, MW, TG