

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 23, 2009

TO: Honorable Garnet Coleman, Chair, House Committee on County Affairs

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

IN RE: HB3863 by Keffer (Relating to transportation access plans for certain facilities permitted by the Texas Commission on Environmental Quality or the Railroad Commission of Texas.),
Committee Report 1st House, Substituted

No significant fiscal implication to the State is anticipated.

The bill would amend the Transportation Code, the Water Code, and the Natural Resources Code relating to requirements for obtaining a permit for certain facilities in an unincorporated area of a county.

Applicants for a permit for certain facilities in an unincorporated area of a county would be required to prepare a transportation access plan for the facility and obtain approval of the plan from the county commissioners court before obtaining a permit from the Texas Commission on Environmental Quality (TCEQ) or the Railroad Commission (RRC). The bill would exempt licenses, permits, and registration for a municipal solid waste facility regulated under Chapter 361, Health & Safety Code, from these requirements.

The bill would provide that the access plan must provide for recovery by the county for additional costs to the county for construction, repair, or maintenance of roads to the permitted site. Additional costs must be determined by analysis completed by an independent licensed professional engineer.

The bill would require an approved transportation access plan to be filed with the permit application before the application is considered administratively complete and provides that the commissioners' court, by order, may waive the requirements of the amended subchapter of the Transportation Code.

The bill would take effect September 1, 2009.

Based on the analysis by TCEQ and RRC, it is assumed that costs associated with implementing provisions of the bill could be absorbed using existing resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 455 Railroad Commission, 582 Commission on Environmental Quality

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