

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 5, 2009

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

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

IN RE: SB612 by Shapleigh (Relating to the powers and duties of the Texas Department of Transportation related to rail facilities.), **As Introduced**

No significant fiscal implication to the State is anticipated.

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 and require TxDOT to establish a program standard to be used to provide oversight of rail transit agency 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.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 601 Department of Transportation

LBB Staff: JOB, KJG, TG