

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 22, 2009

TO: Honorable Joseph Pickett, Chair, House Committee on Transportation

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

IN RE: SB1263 by Watson (Relating to certain mass transit entities.), **Committee Report 2nd House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for SB1263, Committee Report 2nd House, Substituted: an impact of \$0 through the biennium ending August 31, 2011.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Six-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2010	\$0
2011	\$0
2012	\$0
2013	\$0
2014	\$0
2015	\$0

All Funds, Six-Year Impact:

Fiscal Year	Probable Savings/ (Cost) from <i>General Revenue Fund</i> 1	Probable Revenue Gain/(Loss) from <i>General Revenue Fund</i> 1	Probable Revenue Gain/(Loss) from <i>Capital Metropolitan Transportation Authority</i>	Change in Number of State Employees from FY 2009
2010	(\$194,569)	\$194,569	(\$194,569)	3.0
2011	(\$194,569)	\$194,569	(\$194,569)	3.0
2012	\$0	\$0	\$0	0.0
2013	\$0	\$0	\$0	0.0
2014	\$0	\$0	\$0	0.0
2015	(\$194,569)	\$194,569	(\$194,569)	3.0

Fiscal Analysis

The bill would add Section 451.0612 to Subchapter B, Chapter 451, Transportation Code to authorize certain metropolitan transportation authorities to employ persons to serve as fare enforcement officers to enforce the payment of fares for use of the public transportation system. The authority in the City of Austin, Capital Metropolitan Transportation Authority (Cap Metro), is the only metropolitan transportation authority that meets the criteria for which authority to whom the new section of statute would apply.

The bill would further amend Chapter 451 of the Transportation Code as it relates to Cap Metro to include requirements related to the effective date of establishment of or a change to fares, tolls, charges, rents, and other compensation by Cap Metro; holding a referendum on funding a fixed rail system; internal audits; reports to the principal municipality and county which Cap Metro serves; and membership of the Cap Metro board.

The bill would require that the Sunset Advisory Commission review Cap Metro as if it was scheduled to be abolished September 1, 2011, and again as if it was scheduled to be abolished September 1, 2016. Cap Metro would be required to pay the costs incurred for the commission to conduct the reviews.

The bill would add sections to the Transportation Code that would apply only to an authority created under Chapter 451 that operates in an area in which the principal municipality has a population of 1.9 million or more, regarding the use of eminent domain. Based on the population criteria, those portions of the bill would apply only to the City of Houston.

The bill would take effect September 1, 2009.

The bill would do one or more of the following: create or recreate a dedicated account in the General Revenue Fund, create or recreate a special or trust fund either with or outside of the Treasury, or create a dedicated revenue source. The fund, account, or revenue dedication included in the bill would be subject to funds consolidation review by the current Legislature.

Methodology

According to the Sunset Advisory Commission, the agency would need three additional full-time-equivalent positions in each year in which the reviews of Cap Metro are conducted: fiscal years 2010, 2011, and 2015 (although there would be costs incurred in fiscal year 2016, this analysis covers only the first six years of implementation). The commission would also incur production costs to print and distribute reports containing the commission's recommendations. All cost estimates are based on historical costs related to similar sized reviews. As required by provisions of the bill, the commission would be reimbursed its costs by Cap Metro.

Local Government Impact

The costs to Cap Metro as a result of the proposed changes to Chapter 451, Transportation Code, are shown in the above tables.

The fiscal impact to an authority in the City of Houston regarding the exercise of eminent domain would depend on the condemnation proceedings that might be prohibited under provisions of the bill and the affect on planned construction, as well as court decisions regarding condemnation proceedings found to be in violation of the proposed change in statute.

Source Agencies: 116 Sunset Advisory Commission

LBB Staff: JOB, DB, KJG, SD