

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 6, 2009

TO: Honorable Kip Averitt, Chair, Senate Committee on Natural Resources

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

IN RE: SB1828 by Averitt (Relating to the idling of motor vehicles.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would change the expiration date for the idling restrictions for motor vehicles while using a sleeper berth from September 1, 2009, to November 1, 2010. The bill would also require the Texas Commission on Environmental Quality (TCEQ) to adopt rules establishing an optional nitrogen oxide (NOx) idling emission standard for heavy-duty diesel engines and a certification process for certifying engines to meet the new standard. The bill would allow motor vehicles that have been certified by the TCEQ to the new optional NOx idling emissions standards, or have been certified by another state to a NOx idling standard comparable to these standards, to be exempt from the idling restrictions for motor vehicles with sleeper berths that are specified in current law. In addition, the bill would require that the maximum gross vehicle weight limit and axle weight limit for any motor vehicle equipped with an idle reduction system that is used to provide heating, cooling, or electrical service to a commercial vehicle's sleeper berth to be increased by an amount necessary to compensate for the additional weight of the idle reduction system, but limited to a maximum increase of 400 pounds.

The TCEQ would be required to adopt rules to create optional NOx idling emission standards and create a certification process for heavy duty diesel engines. To avoid violation of the Federal Clean Air Act, any rules adopted by the agency would have to conform to either federal emission standards or California emission standards. In addition, the agency would need to develop guidance documents, outreach materials, and a compliance and enforcement program.

The TCEQ reports that implementation of the certification program and to develop and manage a professional services contract with an emissions testing facility, the agency would need 2.0 FTEs to implement the bill. Additional costs to the agency for implementing the provisions of the bill are estimated at \$242,819 in fiscal year 2010 and \$229,819 in fiscal year 2011 and after. Such costs would be paid out of the General Revenue-Dedicated Clean Air Account No. 151. Because the agency already has 327.7 FTEs in its Air Quality Assessment and Planning Strategy for 2010-11, this estimate assumes the agency could absorb these additional costs using existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety, 582 Commission on Environmental Quality

LBB Staff: JOB, TL, SD, WK, ZS