

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

March 21, 2011

TO: Honorable Larry Phillips, Chair, House Committee on Transportation

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

IN RE: HB1486 by Gutierrez (Relating to signs posted under the memorial sign program for victims of certain vehicle accidents.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend Section 201.909, Transportation Code, to increase the length of time for which a sign may be posted under the Texas Department of Transportation's (TxDOT) memorial sign program to two years from one year as authorized in current law. TxDOT would not have to comply with the provisions of Section 201.909 as amended by the bill but would be required to comply with the law as it existed prior to the amendment if TxDOT determines or is informed by the applicable federal agency that the implementation of the bill would result in the loss of federal funds to TxDOT or the State. The bill would require TxDOT to submit a report to the Lieutenant Governor and Speaker of the House regarding the determination by TxDOT or the applicable federal agency.

TxDOT states that the Federal Highway Administration (FHWA) regulations do not authorize memorial signs along highway right-of-way; although an exception has been granted for the agency's current memorial sign program due to the temporary, one-year posting of the signs. If FHWA does not grant an exemption from the regulations to accommodate the two-year posting authorized by the bill, it is assumed federal sanctions could be imposed for allowing such a sign to be posted for more than one year, which could result in a loss of federal funds to the State. In the event it is determined by TxDOT or FHWA that the two-year posting would result in federal sanctions, it is assumed TxDOT would take the appropriate actions as authorized by the bill to comply with FWHA regulations and avoid any risk of losing federal funding.

Based on the analysis of 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, MW, TG