

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 26, 2011

TO: Honorable Harold V. Dutton Jr., Chair, House Committee on Urban Affairs

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

IN RE: HB2672 by Dutton (Relating to safety measures for culverts or other similar flood or drainage systems maintained by governmental entities.), **As Introduced**

The bill would result in a significant indeterminate cost to the State.

The bill would add Subchapter I to Chapter 756 to the Health and Safety Code to require a state or local governmental entity to ensure that each culvert or other enclosed flood or drainage system that the entity is responsible for maintaining is protected by a bar, grate, or other appropriate covering sufficient to ensure that a child may not be swept into the system. The entity responsible would be required to post signs at the intake to each culvert or flood or drainage system, and to ensure that a hinged opening and closing mechanism is installed to allow emergency services personnel access to the system. The bill would require a state or local governmental entity to ensure that each culvert or other enclosed flood or drainage system that the entity is responsible for maintaining complies with the provisions not later than September 1, 2011 which would be the effective date of the bill.

The Texas Department of Transportation (TxDOT) estimates the number of culverts under the agency's jurisdiction to which the provisions of the bill would apply includes 13,417 bridge-class culverts; 90,000 non-bridge culverts; and 200,000 driveway culverts. TxDOT estimates the cost of installing grates that meet the specifications of the bill would range from \$1,000 for each driveway culvert to \$40,000 for each bridge-class culvert. TxDOT also estimates a cost \$200 for each warning sign posted with two signs posted at each bridge-class and non-bridge culvert and one sign posted at each driveway culvert. Based on the analysis of TxDOT, it is assumed the agency would incur costs of approximately \$1.7 billion from the State Highway Fund for installation of grates and signs in fiscal year 2012. TxDOT also indicates that the ongoing costs of maintaining and repairing damaged grates could be significant depending on the number and severity of rain and flooding events that may occur.

The University of Texas System Administration estimates installation costs of \$10,000 per grate on approximately 3,000 culverts across all campuses for a total estimated cost of \$30 million in fiscal year 2012.

Based on the analysis of TxDOT and the University of Texas System Administration, it is assumed that costs to other state agencies and institutions and total costs to the state would depend on the number of culverts and drainage systems under the jurisdiction of each state agency/institution that would be subject to the provisions of the bill.

Local Government Impact

Harris County estimates one-time costs of \$16.83 million, with annual recurring personnel and repair or replacement costs estimated to be \$3.1 to \$4.25 million for the 4,500 culverts and drainage pipes that the county is responsible for.

Rains County estimates one-time costs of \$364,000 to install new bars and signs and culverts; annual maintenance costs could not be estimated.

McLennan County, Montgomery County and Ward County anticipate significant costs associated with

the bill.

Source Agencies: 305 General Land Office and Veterans' Land Board, 455 Railroad Commission, 580 Water Development Board, 601 Department of Transportation, 720 The University of Texas System Administration

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