

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

April 12, 2011

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

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

IN RE: HB3623 by Darby (Relating to the environmental review of certain transportation projects by the Texas Department of Transportation.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Transportation Code to require the Texas Transportation Commission (commission) to establish by rule a process to certify environmental specialists, public involvement specialists, engineers, and attorneys to work on documents related to state and federal environmental review processes. The bill would require the process to be available to employees of the Texas Department of Transportation (TxDOT) and private contractors and local government employees who routinely work with TxDOT on environmental reviews. The bill would require the process to include continuing education for recertification. The bill would require each person who submits a document for review by the department under the provisions of the bill to hold a valid certificate issued under the new certification process

The bill would require the commission by rule to set standards for processing an environmental review document for a transportation project. The bill would authorize a political subdivision (sponsor, as defined by the bill) to submit a document for review by TxDOT for a project contained in the state transportation improvement program or other statewide, metropolitan, or rural transportation plans. The bill would authorize a sponsor to develop environmental review documents for a project that is not identified as fully funded in one or more of the statewide and/or local transportation plans by submitting to TxDOT an application notifying TxDOT that the sponsor will prepare the document and paying an application fee equal to one percent of the estimated construction costs of the project. The bill would require TxDOT determine whether environmental review documents submitted by a sponsor are administratively complete and ready for technical review within 20 days of the date the sponsor submits the documents to TxDOT for review.

TxDOT states that the costs for developing the environmental specialist certification process would vary depending on the process requirements established by rule by the commission. Based on the information and analysis provided by TxDOT, it is assumed TxDOT would implement the certification process using existing resources. TxDOT also indicates that the agency currently reviews projects submitted by local sponsors but does not conduct reviews of document submissions for administrative completeness prior to performing technical reviews. TxDOT assumes that consultants would be hired to perform the administrative reviews at a cost of \$70 per hour. The total costs of review would depend on the number of projects submitted for review, the initial level of completeness of the original documents submitted for review, and the number of projects that may be resubmitted for subsequent review. It is assumed TxDOT's costs for the administrative reviews required by the bill would be accommodated through the reallocation of the agency's existing transportation planning funds. This analysis does not estimate the amount of revenue that may be received with an application from a local sponsor that opts to prepare documents for a project that is not identified as fully funded in one or more of the state or local transportation plans.

Local Government Impact

It is anticipated that a local government would only opt to participate as a sponsor if sufficient funds were available. Fiscal impact to units of local government is not anticipated to be significant.

Source Agencies: 601 Department of Transportation

LBB Staff: JOB, KJG, MW, TG, KKR