

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION

April 1, 2013

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB3650 by Harper-Brown (Relating to the authority of the Texas Department of Transportation to enter into availability payment agreements for the design, development, financing, construction, maintenance, or operation of a highway project.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Transportation Code to authorize the Texas Department of Transportation (TxDOT) to enter into an agreement with a private entity for the design, development, financing, construction, maintenance, or operation of a toll or nontoll facility under which the private entity is compensated through periodic availability payments. The bill would authorize TxDOT to use any available funds to make payments under such an agreement subject to the availability of funds appropriated by the Legislature or other funds that may be used for that purpose. The bill would authorize TxDOT to hold money that is to be used for availability payment obligations in a reserve fund or trust account created under an agreement with a commercial bank, depository trust company, or other entity. The bill would authorize TxDOT to pay a stipulated amount to an unsuccessful proposer that submits a response to a request for proposals relating to an availability payment project. The Texas Transportation Commission would be authorized to adopt rules to implement the provisions of the bill.

Based on the information provided by TxDOT, it assumed any costs associated with implementing the provisions of the bill could be accommodated within the agency's existing highway planning and construction funds.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts, 601 Department of Transportation

LBB Staff: UP, AG, MW, TG