

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION**

**March 31, 2015**

**TO:** Honorable Tracy O. King, Chair, House Committee on Agriculture & Livestock

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB946** by Workman (Relating to painting and marking requirements for certain towers; creating an offense.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB946, As Introduced: a negative impact of (\$85,950,000) through the biennium ending August 31, 2017.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

**General Revenue-Related Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</b>
2016	(\$85,950,000)
2017	\$0
2018	\$0
2019	\$0
2020	\$0

**All Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Savings/(Cost) from General Revenue Fund</b>
	<b>1</b>
2016	(\$85,950,000)
2017	\$0
2018	\$0
2019	\$0
2020	\$0

## **Fiscal Analysis**

The bill would amend the Transportation Code to specify painting, marking, and safety standards applicable to a tower at least 50 feet but not more than 200 feet in height above ground level. The bill would require the Texas Department of Transportation (TxDOT) adopt rules to implement and administer the provisions of the bill, including rules requiring a person who owns, operates, or erects a tower to provide notice to TxDOT of the existence of or intent to erect a tower and to register the tower with TxDOT. The provisions of the bill would apply to a tower erected before, on, or after the effective date of the bill, except a tower erected before the effective date of the bill would not be required to comply with the painting and marking requirements until September 1, 2016.

The bill would take effect on September 1, 2015.

## **Methodology**

Based on information provided by TxDOT, it is assumed any costs or duties associated with registering towers and maintaining a tower registry could be absorbed within the agency's current resources.

TxDOT and the Texas Parks and Wildlife Department (TPWD) state that the agencies own and operate towers that would be subject to the painting, marking, and safety standards specified by the bill. Based on the analysis provided by TxDOT, it is assumed the agency would incur costs of \$82.8 million for painting and marking 17,500 equipment poles and small radio towers. Based on the analysis of TPWD, it is assumed the agency would incur costs of \$3.2 million for painting and marking 42 towers. For the purposes of this analysis, it is assumed an appropriation of General Revenue Funds would be required to bring the agencies' towers into compliance by September 1, 2016. This analysis does not include cost estimates for additional maintenance costs that may be incurred to maintain painting and marker requirements.

## **Local Government Impact**

It is assumed units of local government that own and operate towers or other structures to which the provisions of the bill would apply could incur costs to comply with the painting and marking requirements prescribed by the bill. The bill would create either a Class C misdemeanor or a Class B misdemeanor, depending on the circumstances. Costs associated with enforcement, prosecution, and confinement could likely be absorbed with existing resources. Revenue from fines imposed and collected is not anticipated to have a significant fiscal impact.

**Source Agencies:** 601 Department of Transportation, 710 Texas A&M University System Administrative and General Offices, 720 The University of Texas System Administration, 802 Parks and Wildlife Department

**LBB Staff:** UP, SZ, NV, TG, KVe