

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 23, 2019

TO: Honorable Terry Canales, Chair, House Committee on Transportation

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: HB1951 by Krause (relating to the development, construction, and operation of toll projects; authorizing an administrative fee; imposing a civil penalty.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend Subchapter E, Chapter 228, Transportation Code, relating to the authority of the Texas Department of Transportation (TxDOT) to enter into a comprehensive development agreement (CDA). The bill would add new Transportation Code §223.2014 to stipulate that TxDOT may enter into a CDA related to a toll project or project that includes tolled lanes if the estimated capital costs for construction exceed \$1 billion, TxDOT demonstrates that state funding for the project is not available without significant reprioritization of existing funds that are designated for other highway projects, and the construction of the project does not require the use of money in the State Highway Fund. The bill would add new §223.2015 to stipulate that TxDOT or a private entity may not construct or operate a project that is the subject of a CDA under §223.2014 unless the project is approved by a majority of voters in the affected counties at an election held for that purpose.

The bill would repeal various provisions in the Transportation Code relating to toll collections and enforcement and add new Subchapter B-1 to Chapter 372 to establish similar provisions applicable to all toll project entities subject to Chapter 372, including TxDOT. The bill would exempt an authorized emergency vehicle from payment of a toll regardless of whether the vehicle is responding to an emergency, displaying a flashing light, or marked as an emergency vehicle. The bill would repeal provisions regarding remedies for habitual toll violators and the current \$250 Class C misdemeanor violation for failure to pay a toll. The bill would establish a \$25 civil penalty for failure to pay two or more toll invoices.

The bill would take effect on September 1, 2019.

Based on LBB's analysis of information provided by TxDOT, it is assumed the agency could absorb within its existing resources any costs or duties associated with changes to toll collection and enforcement and any costs associated with contracting with counties to hold an election for voter approval of a TxDOT CDA toll project as required by the bill. Based on the information and analysis provided by TxDOT, this analysis assumes any costs for development and construction of a TxDOT CDA toll project subject to proposed Transportation Code §223.2014 would be financed using private sector funds and without the use of state methods of financing.

Based on LBB's analysis of information provided by the Office of Court Administration, it is assumed implementation of changes related to enforcement of civil penalties, collection of unpaid tolls, and court costs would not result in a significant fiscal impact to the state court system.

Local Government Impact

It is assumed local toll project entities could incur costs to implement changes to toll collection and enforcement provisions required by the bill. Counties may also incur costs associated with holding elections for voter approval of a TxDOT CDA toll project.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 304
Comptroller of Public Accounts, 601 Department of Transportation, 608
Department of Motor Vehicles

LBB Staff: WP, JGAn, TG