

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

**FISCAL NOTE, 88TH LEGISLATIVE REGULAR SESSION**

**May 2, 2023**

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

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: HB805** by Toth (Relating to the use of a high occupancy vehicle lane to pass certain vehicles.), **As Introduced**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Transportation Code, Chapter 545, to establish that, regardless of the number of occupants in a motor vehicle, an operator of a motor vehicle is entitled to use any high occupancy vehicle (HOV) lane in Texas for the sole purpose of passing another vehicle under certain circumstances.

Based on the information provided by the Texas Department of Transportation (TxDOT), it is assumed any costs or duties associated with implementing the provisions of the bill could be absorbed within the department's existing resources.

**Note:** TxDOT indicates that implementation of the bill would result in noncompliance with 23 U.S.C., Section 166, HOV Facilities. Additionally, TxDOT reports that implementation of the bill could place the State in noncompliance with federal Clean Air Act requirements, subject to federal sanctions under 42 U.S.C., Section 7509, and may include a prohibition on the approval of highway projects or awarding of grants by the U.S. Secretary of Transportation for projects in nonattainment areas.

**Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 601 Department of Transportation

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