

## LEGISLATIVE BUDGET BOARD

Austin, Texas

### FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 8, 2009

**TO:** Honorable John Carona, Chair, Senate Committee on Transportation & Homeland Security

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

**IN RE: SB882** by Carona (Relating to the powers and duties of a regional tollway authority, including the establishment of an administrative adjudication hearing procedure; creating an offense.), **Committee Report 1st House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Transportation Code as it applies to a regional tollway authority and tolling services and related agreements. A tolling services agreement, including an agreement with the Texas Department of Transportation (TxDOT), would be allowed to include funding a cash collateral account for providing money that may be withdrawn as provided in the tolling services agreement because of an authority's failure to make any payment as required by the agreement. TxDOT would be allowed to use money from any available source to fund a cash collateral account under the applicable subsection of statute.

The bill includes procedures related to contracts, orders related to prohibiting operation of certain motor vehicles, creation of a Class C misdemeanor offense, and establishment of an administrative adjudication hearing procedure when a person is suspected of having violated an order issued by the authority.

Based on a decision by the authority, the Texas Department of Transportation (TxDOT) would be authorized to refuse to allow registration of a vehicle.

According to TxDOT, there is only one regional tollway authority established, which is the North Texas Tollway Authority (NTTA).

TxDOT reports that provisions related to a cash collateral account if NTTA enters into a tolling services agreement with the TxDOT could require the agency to provide funds to NTTA to place into a separate account for access by a developer should the authority fail to perform. The amount of funds would vary by project. It is assumed TxDOT would accommodate any cash collateral requirements by reallocating existing transportation planning and construction funds.

Based on discussions with NTTA, TxDOT assumes there would be no requests for vehicle registrations to be denied. However, based on previous analysis, if there were to be denials of vehicle registration because of lack of compliance by persons using the NTTA tollway, the agency would have to make one-time programming changes to accommodate a new suppression field in the automated system related to denial of vehicle registration. It is assumed that programming costs could be absorbed within existing resources. It is anticipated that the number of applicable violations, if there are resulting registration denials, would be few; therefore, any loss of revenue to State Highway Fund 6 would be very small.

No significant fiscal impact is anticipated from enforcement or from collection of fines imposed for the Class C misdemeanor.

**Local Government Impact**

Because the bill would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

**Source Agencies:** 601 Department of Transportation, 308 State Auditor's Office

**LBB Staff:** JOB, KJG, MW, DB