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## FISCAL IMPACT REPORT

SPONSOR Vigil DATE TYPED 2/05/05 HB 663

SHORT TITLE DPS Authority to Close Highways SB \_\_\_\_\_

ANALYST Peery

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
NA	NA	NA	NA	NA	NA

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

Response Received From

Department of Public Safety (DPS)

No Response

Department of Transportation (DOT)

### SUMMARY

Synopsis of Bill

House Bill 663 changes existing statute from providing power to the State Police to the Department of Public Safety to close highways in emergencies.

### PERFORMANCE IMPLICATIONS

DPS states the department has provided direction to ensure the Motor Transportation Division and the Special Investigation Division focus their resources and personnel on their primary responsibilities, which include the enforcement of the Motor Carriers Act, Liquor Control Act and Gaming Act. DPS feels this change in language in this bill could take personnel away from those important responsibilities.

### CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

DPS states the proposed legislation is redundant and unnecessary. The current law allows any

law enforcement officer to temporarily close a roadway when they feel the closure is necessary to ensure the safety of the motoring public. DPS reports this can occur for a variety of reasons, for example:

- Traffic hazards such as a vehicle accident where the vehicles are blocking the roadway;
- The preservation of a crime scene where there may be evidence in the roadway; and
- A weather related situation, such as a dust storm which is creating visibility problems.

The Motor Transportation Division of the Department of Public Safety is currently able to temporarily close a roadway if the situation necessitates its closure to ensure public safety. The Special Investigation Division of DPS has the authority to temporarily close a roadway if the situation necessitates its closure to ensure public safety. However, they do not operate marked vehicles with adequate emergency equipment to perform this function. DPS reports their attempts to close a roadway are reserved for the most serious situations and only until a marked vehicle can respond and assist.

### **OTHER SUBSTANTIVE ISSUES**

DPS reports they have an excellent working relationship with the Department of Transportation in which they have established protocols for dealing with these road closure situations. DPS feels there is no compelling need to change a system that works and is designed to ensure the safety of the motoring public and their ability to travel freely without unnecessary delay.

**RLP/rs**