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## FISCAL IMPACT REPORT

ORIGINAL DATE 1/26/2009

SPONSOR Barela LAST UPDATED \_\_\_\_\_ HB 142

SHORT TITLE Valencia County Railroad Overpass SB \_\_\_\_\_

ANALYST Moser

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY09	FY10		
	\$3,000.0	Non Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

New Mexico Department of Transportation (NMDOT)

### SUMMARY

#### Synopsis of Bill

HB 142 appropriates \$3,000,000 from the general fund to the Department of Transportation for expenditure in fiscal years 2010 and 2011 for acquisition of rights of way, planning, design and construction of an overpass over the BNSF railroad on State Route 109 just south of Lazy Lane near Jarales in Valencia County.

### FISCAL IMPLICATIONS

The appropriation of \$3 million contained in this bill is a non recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of 2011 shall revert to the general fund.

According to the December 2008 revenue estimate, FY10 recurring revenue will only support a base expenditure level that is \$293 million, or 2.6 percent, less than the FY09 appropriation. All appropriations outside of the general appropriation act will be viewed in this declining revenue context.

**SIGNIFICANT ISSUES**

HB 142 appropriates \$3,000,000 of general fund for acquisition of rights of way, planning, design and construction of this railroad overpass. However, this amount is insufficient to complete the project as described in the bill. NMDOT indicates that a similar railroad overpass project at Aragon Road, 2.55 miles north on the same rail line, was constructed at a total cost of \$6,800,000 in FY2008. It appears that HB 142 will not provide sufficient funds to build the proposed project without other funding.

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

If HB 142 is not enacted, the project will not be built unless other funds are appropriated or otherwise identified to fully fund the approximately \$6,800,000 project.

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