

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 4109-01  
Bill No.: SB 904  
Subject: Capital Improvements; Construction and Building Codes; Environmental  
 Protections; Liability; Public Service Commission; Railroads; Utilities  
Type: Original  
Date: January 23, 2008

Bill Summary: Modifies provisions pertaining to the Underground Facility Safety and  
 Damage Prevention Act.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
Highway Fund	(\$1,406,190)	(\$1,415,045)	(\$1,442,403)
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>(\$1,406,190)</b>	<b>(\$1,415,045)</b>	<b>(\$1,442,403)</b>

Numbers within parentheses: ( ) indicate costs or losses.  
 This fiscal note contains 6 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2009</b>	<b>FY 2010</b>	<b>FY 2011</b>
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2009</b>	<b>FY 2010</b>	<b>FY 2011</b>
Highway Fund	17	17	17
<b>Total Estimated Net Effect on FTE</b>	<b>17</b>	<b>17</b>	<b>17</b>

Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2009</b>	<b>FY 2010</b>	<b>FY 2011</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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## **FISCAL ANALYSIS**

### ASSUMPTION

Officials from the **Department of Resources** and **Department of Economic Development - Public Service Commission** and **Office of Public Counsel**, and **Office of Administration - Division of Facilities Management, Design and Construction** and the **Administrative Hearing Commission** assume no direct fiscal impact to their respective agencies as a result of this proposed legislation.

Officials from the **Office of State Courts Administrator** state this proposal has no fiscal impact on the Courts.

Officials from the **Department of Transportation (MoDOT)** assume this proposed legislation amends the definition of "underground facility" which will result in MoDot becoming part of the Missouri One Call System. MoDOT further assumes negative fiscal impact resulting from this legislation based on a pilot project conducted from May to July of 2005 in Buchanan County. MoDOT is also planning another pilot project in Buchanan County for the Spring of 2008. MoDot provided the following assumptions:

Buchanan County was chosen because of:

- 1) Average number of MoDOT centerline miles
- 2) Average number of MoDOT utility facilities
- 3) Average number of One Call tickets (work orders)

The pilot was conducted over entire county to check for unauthorized work on right of way.

Ticket (work order) numbers:

- 1) Typically the May-July time frame represents 28% of annual One Call tickets
- 2) MoDOT received 668 tickets (3 months, 1 county)
- 3) Statewide annual projection = 274,000 tickets (work orders)

When One Call initiates a request, they charge the agency \$1.20 per request. Based on the pilot project from 2005, MoDOT would incur costs of \$328,800 per year.

ASSUMPTION (continued)

Additional MoDOT Staff Time

To minimize confusion and increase accuracy, pilot processes were patterned after existing MoDOT processes. Additional hours used to administer the three-month pilot were:

- 1) Clerical – 2 hours per week to receive and route faxed tickets = 26 total hours
- 2) Signal Shop – 6 hours per week to review tickets and conduct additional field checks = 78 total hours
- 3) Permit Staff – 2.15 hours per week to review tickets for unauthorized work on right of way = 28 total hours

Projected on a statewide annual basis additional staff requirements would be:

- 1) Clerical – 5,200 hours (2 FTE)
- 2) Signal Shop – 15,600 hours (10 FTE - one per district)
- 3) Permit Staff – 11,500 hours (5 FTE)

The pilot was conducted in the same county as the District 1 office. Subsequently, the study does not project total travel time for field checks.

MoDot also noted that 75% of the tickets issued by One Call to MoDOT were inaccurate, meaning the work being performed was far from the right of way, some over 1000 feet. Of the 668 tickets only nine tickets pertained to non-permit issued work on the MoDOT right of way. Five tickets involved substantial work while four tickets involved minor work (digging a post-hole on the right of way line); however, the one-time \$1.20 cost and other personal costs will still occur.

Officials from **St Louis County** and **Kansas City** state there would be no fiscal impact to their respective political subdivisions.

<u>FISCAL IMPACT - State Government</u>	FY 2009 (10 Mo.)	FY 2010	FY 2011
<b>HIGHWAY FUND</b>			
<u>Cost</u>			
Personal	(\$546,920)	(\$672,711)	(\$689,529)
Fringe Benefits	(\$303,486)	(\$373,287)	(\$382,620)
FF & E, including vehicles	(\$281,784)	(\$40,247)	(\$41,454)
One Stop ticket (work order) fee	<u>(\$274,000)</u>	<u>(\$328,800)</u>	<u>(\$328,800)</u>
<b>ESTIMATED NET EFFECT ON HIGHWAY FUND</b>	<b><u>(\$1,406,190)</u></b>	<b><u>(\$1,415,045)</u></b>	<b><u>(\$1,442,403)</u></b>

<u>FISCAL IMPACT - Local Government</u>	FY 2009 (10 Mo.)	FY 2010	FY 2011
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

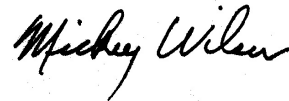
FISCAL DESCRIPTION

Under current law, gas distribution lines, electric lines, telecommunications facilities, cable t.v. facilities, water lines, storm drainage, and sewer lines located on private property and owned by the landowner are not considered "underground facilities" for purposes of the Underground Facility Safety and Damage Prevention Act. This proposal modifies this definition by requiring that if any of the above-mentioned lines are used for vehicular traffic control, the lighting of streets and highways, or communications for emergency response, they shall be considered an "underground facility". The lines shall also be considered an "underground facility" if they cross or lie within a public easement, public right-of-way, or another person's property.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Economic Development  
    Public Service Commission  
    Office of Public Counsel  
Department of Natural Resources  
Office of State Courts Administrator  
Office of Administration  
    Division of Facilities Management, Design and Construction  
    Administrative Hearing Commission  
Department of Transportation  
St Louis County  
Kansas City



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