

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 3845-01  
Bill No.: SB 921  
Subject: Transportation; Roads and Highways; Transportation Dept.; Highway Patrol; Law Enforcement Officers and Agencies; Crimes and Punishment;  
Type: Original  
Date: January 28, 2002

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON STATE FUNDS</b>			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
Road	(Unknown)	(Unknown)	(Unknown)
<b>Total Estimated Net Effect on <u>All</u> State Funds*</b>	<b>(Unknown)</b>	<b>(Unknown)</b>	<b>(Unknown)</b>

\*Not expected to exceed \$100,000 annually.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
<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 LOCAL FUNDS</b>			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 5 pages.

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## FISCAL ANALYSIS

### ASSUMPTION

Officials with the **Department of Natural Resources (DNR), Department of Economic Development – Division of Motor Carrier and Railroad Safety, Office of the State Courts Administrator (CTS), City of St. Louis (STL), City of Kansas City, and St. Louis County** assume the proposal will have no fiscal impact to their agency.

Officials with the **Department of Public Safety – Missouri State Highway Patrol (MHP)** assume the provisions of this bill would be enforced through a cooperative effort between state, county, and city agencies. Some agencies would require hazardous material training which could be provided by the Commercial Vehicle Enforcement Division. The Commercial Enforcement Division would be the lead enforcement division in the effort and could utilize its existing personnel. Therefore, the Patrol anticipates no fiscal impact.

Officials with the **Department of Revenue** assume this legislation will create new twelve point violations for transporting hazardous materials in or through a highway tunnel in violation of section 304.370, and transporting hazardous material in violation of a route designation established by the state highways and transportation commission pursuant to section 304.371. DOR also assumes this legislation gives authority to the state highways and transportation commission to designate routes on the state highway system over which hazardous material may be transported pursuant to 79 CFR. Part 397 and gives authority to state highway patrol officers, county or municipal law enforcement officers to arrest on sight or upon a warrant any person violating the provisions of sections 304.370 and 304.371.

DOR also assumes the following impact:

### **ADMINISTRATIVE IMPACT**

#### **Division of Motor Vehicle and Drivers Licensing**

The Driver and Vehicle Services Bureau and the Information Technology Management Bureau must develop new MODL codes and new action types to accommodate the newly created convictions.

It is felt the volume of these new convictions should be low, however the impact is truly unknown.

Officials with the **Department of Transportation (MoDOT)** assume the proposal the Manual on Uniform Traffic Control Devices (MUTCD) has a standard sign to be used when hazardous cargo is prohibited. The sign would be 2 feet by 2 feet in size and mounted on a wood post. The estimated cost to install one sign would be \$250. Two signs would be installed on each side of

the tunnel for a total cost of \$500.

ASSUMPTION (continued)

Signs for other routes where hazardous cargo is prohibited can not be estimated since there are no routes currently designated. If the MHTC is authorized to permit the transport of hazardous materials on state highways and bridges, there may be certain tort liability issues that arise as a result of it (negligently permitting an operator to transport a hazardous load, etc.). These possible tort costs can not be determined.

Officials with the **Office of the Attorney General (AGO)** assume any duties required by the proposal would be absorbed by the AGO's budgeted appropriations.

Officials with the **Office of the Secretary of State (SOS)** assume this proposal prohibits transporting hazardous materials in tunnels and on certain highways designated by the highway commission. The State Highways and Transportation Commission and Department of Revenue will promulgate rules to implement this bill. Based on experience with other divisions, the rules, regulations and forms issued by the State Highways and Transportation Commission could require as many as 22 pages in the Code of State Regulations. For any given rule, roughly one and a half as many pages are published in the Missouri Register (33) as in the Code (22) because cost statements, fiscal notes, and the like are not repeated in Code. These costs are estimated. The estimated cost of a page in the Missouri Register is \$23.00, and this amount multiplied by the estimated number of pages (33) yields cumulative costs for the Missouri Register of \$759 ( $23 \times 33$ ). The estimated cost of a page in the Code of State Regulations is \$27.00, and this amount multiplied by the estimated number of pages (22) yields cumulative costs for the Code of State Regulations of \$594 ( $27 \times 22$ ). The actual total cost of \$1,353 ( $594 + 759$ ) could be more or less than the amount given. The impact of this legislation in future years is unknown and depends upon the frequency and length of rules filed, amended, rescinded or withdrawn.

**Oversight** assumes the **SOS** could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the **SOS** could request funding through the appropriation process. Any decisions to raise fees to defray costs would likely be made in subsequent fiscal years.

<u>FISCAL IMPACT - State Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
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**STATE ROAD FUND**

Costs – MoDOT

Hazard Cargo Signs	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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**ESTIMATED NET EFFECT TO  
 STATE ROAD FUND\***

<b><u>(Unknown)</u></b>	<b><u>(Unknown)</u></b>	<b><u>(Unknown)</u></b>
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**\*Not expected to exceed \$100,000 annually.**

<u>FISCAL IMPACT - Local Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
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<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>
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FISCAL IMPACT - Small Business

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

DESCRIPTION

This proposal prohibits persons from transporting hazardous materials through a tunnel unless permitted by rules established by the Transportation Commission. The proposal requires the commission to erect signs near the entrance of the tunnel notifying drivers of the prohibition. Persons violating this act are guilty of a Class B misdemeanor for a first offense. Persons violating this act for a second or subsequent time are guilty of Class D felony. The proposal also authorizes the commission to designate routes over which hazardous materials may be transported.

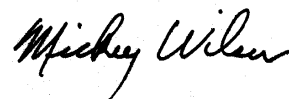
The Commission is required to erect signs when prohibiting the transport of hazardous materials on any highway. Transporting hazardous materials on a prohibited route is a Class B misdemeanor for the first offense, and a Class D felony for a second or subsequent offense. A person violating the provisions of this act will be assessed 12 points on his or her driver's license. This proposal also requires the highway patrol and other law enforcement officers to enforce the provisions of this act.

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 Transportation  
Department of Revenue  
Department of Natural Resources  
Department of Economic Development  
    Division of Motor Carrier and Railroad Safety  
Division of Public Safety  
    Missouri State Highway Patrol  
Office of Secretary of State  
Office of the Attorney General  
Office of the State Courts Administrator  
Department of Natural Resources  
City of St. Louis  
City of Kansas City  
St. Louis County

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Acting Director  
January 28, 2002