

Fiscal Estimate Narratives

DOT 12/21/2023

LRB Number	23-2286/2	Introduction Number	AB-0422	Estimate Type	Original
Description highway setback areas and the Department of Transportation's authority to approve subdivision plats					

Assumptions Used in Arriving at Fiscal Estimate

The proposed legislation reduces the state highway setback area, limits department authority to only regulate structures, and requires a procedure for requesting variances. The Department is unable to provide an estimate on increased costs for this change. The bill allows the placement of improvements within a setback area without review or variance. The Department assumes parking lots would be considered improvements. If the Department acquired a significant portion of a parking lot or stormwater management facility, the Department could be required to acquire the remaining untaken business or property, which could significantly increase real estate costs and relocation costs related to highway projects. As proposed the definition of a structure makes it difficult to estimate the number and type of structures that would be impacted, as well the amount of variance requests that will be received. Additionally, this bill is unclear on once 20 years passes from issuance of a variance if the structure is permanent and subject to relocation cost reimbursements which may result in increased costs for transportation projects.

Currently the department reviews approximately 60 abutting subdivision plats per year, if the bill is passed it is anticipated reviews will increase requiring additional staff time and resources.

Long-Range Fiscal Implications

The long-range fiscal impacts are indeterminate.