Texas Transportation Officials Defy Governor and Legislature in Attempt to Force Toll Road Expansion

When Governor Abbott, the adult in the room, said, “No new taxes or toll roads,” he was speaking for the people of Texas and meant what he said. Unfortunately, the leadership at the Regional Transportation Councils (RTC) and TxDOT are defiantly refusing to acknowledge or follow his very clear instructions.

Instead, the RTC and TxDOT have embarked on a course with their 2017 update to the 2018 Uniform Transportation Plan (UTP), determined, at any cost, to maintain a revenue stream to fund unelected bureaucrats’ legal slush funds. With total disregard to the financial burden they will be placing on the working-class, the public outcry against expensive toll roads, and Governor Abbott’s clear statement of “no new taxes and no toll roads,” they have carefully crafted a plan specifically designed around the eternal perpetuation of toll roads. They are hoping to sell this ill-conceived plan using three tricks: creating fictional requirements, a funding shell game to give the appearance of a lack of money for major projects, and a name change.

These are:

1. **Fictional Requirement**: They have created, without any basis in legislation or regulations, a purely fabricated requirement called ‘Guaranteed Speed.’ This new requirement was specifically selected to dictate an absolute necessity for all future major highway projects in Texas to be built as indefinite toll roads.
2. **Funding Shortage Myth**: They are attempting to create a false belief that there is not enough money for major projects, like I-635 East, by first diverting funds to low priority projects in various RTC member district, (this get votes for their plan) and then creating multiple pockets of funds for questionable future projects in those districts. Thus, they create the illusion of insufficient funds for major projects.
3. **Name Change**: They want to fool the public by simply removing the word “toll” from the title. ‘Toll-Road’ will be discarded and replaced with "managed lanes." Even a child knows that no matter what name you give a duck, it is still a duck. This is also true for taxes and tolls. Just changing the name from ‘toll road’ to ‘managed lane’ does not change the fact that it continues to be a “toll road” that ‘taxes’ people to use it.

These shameful tactics are cleverly designed to extract three to four times as much money from taxpayers as it would (and should) cost them on a pay-as-you-go basis.

If implemented, this scheme of managed lanes will not only be a violation of Governor Abbott’s promise, it will be counter to the clear message from the Texas Legislature in 2013, 2015, and 2017, and the people of Texas who have repeatedly, and loudly, said, “No more toll roads.” In fact, this change-in-name-only is a clear statement of the disdain that the RTC and TxDOT have for Governor Abbott, the Legislature, and the working people of Texas.

Let me be very clear. There will never be enough highway funding to satisfy the wants and needs of everyone. We will always have shortfalls. Today's financial situation has been greatly exasperated by many years of underfunding and miss allocation of available funds. However, this is no excuse for continuing Texas on a path that causes the taxpayers to pay three to four times as much for highways as it would cost them by building the highways on a pay as you go basis.

Bob.Hall@senate.texas.gov
Another aspect that is not gaining a lot of attention is safety. It is well known that as congestion increases, the accident rate rises. Limiting the use of some lanes increases the congestion on the other lanes. With the majority of traffic in the free lanes, the accidents will rise and the safety of all drivers will diminish.

If the commission goes forward with the plan being proposed by the RTC and TxDOT, their real message will be, “Governor we really don’t care what you, the Legislature, or the people say. We are not going to consider any option that does not create a dedicated and unlimited revenue stream for our slush fund.”

According to the current plan approved by the RTC members, I-635 East is being designed around being a toll road whose revenue will grow from an initial $10 million per year to almost $180 million. That is a 1700 percent increase. If just the other 15 projects currently on the books to be tolled have the same growth, TxDOT and RTC will be taking in $2.2 billion dollars in new taxes each year from the citizens.

As previously stated, to help sell this concept, the RTC and TxDOT created a totally new requirement - "Guaranteed Speed." This is a totally contrived requirement to justify the toll lanes under the premise of managing the lane so wealthy drivers traverse congested areas at high speed, while the working class must contend with congestion — congestion that is exacerbated by the limited traffic allowed on to the "managed lane." It is interesting that as the legislature and the Governor were closing the door on toll roads, the concept of “managed lanes” was elevated to a critical requirement just in time to keep tolls on life support. To put it another way, the managed-lanes-guaranteed-speed requirement is like putting a cat costume on a duck so the children can have a house pet. A duck is still a duck.

Unfortunately, the guaranteed-speed requirement is already being used in some areas like Austin where the fee ($8.00) can exceed over $1.00 per mile. A toll of $1.00 per mile is equivalent to raising the gasoline tax $25.00 per gallon. And, they want you to believe that these “managed lanes” are Cadillac-lanes to serve the wealthy.

And, on top of it, the "guaranteed speed" is a meaningless guarantee. When asked what benefit the "guarantee" is to the driver who pays the exorbitant fee for the privilege of using the managed lane, and is unable to achieve the 'guaranteed speed' promised, I was told that the drivers would receive a refund. When questioned further what that would look like, they could not explain how that refund would be accomplished.

What really has the RTC and TxDOT salivating over this new "managed-lane" scheme is the fact there is no limit to how much they can charge or when they can charge it. They can raise the fee at will. This puts all drivers at the mercy of the agencies. Working class people who try to live on a planned budget will no longer have any control over their transportation cost if they use the "managed-lanes."
Unfortunately, no one in leadership has made an honest evaluation of a plan to build highways on a pay-as-you-go basis so Texas gets more lane miles for less money. We do not have to keep going into deep debt; debt that will be left to our grandchildren to pay.

It is unfortunate that the proponents of tolling are so adamant that they refuse to even consider viable alternatives to tolling.

But, the RTC and TxDOT have a solution for the working class. They recently expressed it in testimony before the Texas Transportation Commission that all drivers have a choice. They can choose to pay the tax and drive fast in the managed lane or they can choose to not pay and drive slow in the congested free lanes. Some choice this is for the single parent on a limited budget! Their choice is a bit more personal. They will have to choose between buying milk for their baby or getting home in time to hold the baby before bed time, which isn’t something that the wealthy planners proposing this scheme have to worry about.

There is an even more long-term penalty for the working class. At today’s average cost of $5.00 each direction, it will cost the family of a worker, over their working lifetime, in excess of $135,000 for the privilege of using the toll lane. That is like taking a home or a couple of college educations away from that family. Again, not something of concern to wealthy members of the RTC who voted for this ill-conceived scheme.

So in summary, this "managed-lane" toll road scheme tax burden on the working class is multifaceted: choose between milk for the baby or a good night kiss, paying the cost of a home for less travel time, and facing a daily fee that could be equivalent to $25.00 per-gallon gasoline tax.

There are viable alternate solutions, without tolling or managed lanes, to meet our highway transportation needs that are known to the RTCs and TxDOT. I pray that the RTCs and TxDOT will respect the Governor’s instruction, “No new taxes and no toll roads” and consider those alternatives instead.