

Is I-635 East going to be tolled just for the Regional Transportation Council to create a slush fund?

By Senator Bob Hall

Un-elected bureaucrats at the Regional Transportation Council (RTC) are attempting to coerce local elected officials into a tolled outcome on parts of Interstate-635 (from at least US-75 to Miller Road, if not all the way to I-30). The project is referred to as the LBJ East Managed Lane Project, where the term '*managed lane*' brings with it Texas-sized baggage. Managed lanes are typically toll lanes that feature variable pricing based on the level of congestion in the lanes, also known as 'congestion tolling.' Such lanes come with a speed guarantee, like 50 MPH, and if it's deemed there are too many cars using the lanes and the speed drops below the guaranteed 50 MPH, the toll goes up to deliberately keep cars out of the lanes. If they don't, then the toll concession operator has to refund the toll fee. Well, trust me, they're not going to let that happen. That refund was supposed to go back to the driver but the RTC has a different plan for how they will use that money.

RTC leadership saw this as an opportunity to create their own little slush fund they can later use to manipulate elected officials into accepting tolls in order to get projects done. The higher the demand, the higher the charge so commuters pay a premium to drive during peak hours. No elected officials have any oversight over the toll rates or how high they could potentially go. It's truly taxation without representation.

Managed lanes bring the California model to Texas. California made a deliberate choice not to expand anymore highways and instead try to change drivers' behavior by creating road scarcity. If you're stuck in traffic, they tell you to go get in a carpool, a bus, or pay a toll. Managed lanes allow HOV and transit riders a free or discounted ride as an incentive to ditch your car. Managed lanes California-ize Texas and represent a big government takeover of your personal liberties through manipulation, if not outright coercion.

For example, currently there are 5 free lanes each direction and one of those lanes is an HOV lane. The RTC and Texas Department of Transportation (TXDOT) borrowed a page from the Saul Alinsky *Rules for Radicals* playbook to ratchet-up the pain factor for commuters on LBJ East by closing the HOV lanes. This closure is designed to make the public capitulate to toll lanes managed by a private corporation; just like LBJ West which will be under the control of Spain-based Cintra for the next 50 years and possibly indefinitely. One guess as to which company is pushing to force the extension of toll managed lanes to LBJ East - Cintra.

Despite a throng of elected officials in the corridor opposing tolls, and the data clearly indicating that the road is not toll viable, the RTC continues to insist that at least one-third of the project must remain tolled (from US 75 to Miller Rd., which is 3 miles). The RTC claims the three-mile tolled stretch can fetch \$500 million cash if it's handed to a private corporation, yet the TxDOT numbers show that the most that could be collected, if you toll the whole 11 miles between I-75 and I-30, is \$300 million.

When they re-open the HOV lane, it'll be a managed toll lane, too. Studies also show they won't be able to keep the speed guarantees because it'll still be congested, therefore tolls will

necessarily skyrocket, and significantly, so fees will have to be refunded. But the refund will not go back to the drivers, it will go into the RTC slush fund where there is no oversight or accountability as to how the money is appropriated. Cintra's contract on LBJ West can exceed 83 cents a mile. At that rate, the cost to commute in just the LBJ West corridor could top \$20/day.

A Cintra representative outed the master plan behind tolling at the Tribune Festival just weeks ago, by admitting that if tolls are taken off the managed lanes, too many people will use the lanes. Then they can't profit from congestion. It's an insidious scheme that Texans can't afford. We're being forced into paying tolls by those who are not elected to represent you. I encourage you to join me in attending any and all public meetings relating to such toll projects. Texans need to engage in a taxpayer revolt to protect their free access to their public highways and wrest control away from the bureaucrats, the private toll operators.

We cannot afford the out-of-control and unwarranted expansion of toll roads by unelected bureaucrats. Building and operating a toll road cost the Texas driver/taxpayer approximately 3 to 4 times as much money as would a non-tolled highway with the same vehicle lane capacity. And in today's dollars, it is costing a worker who must use a toll road daily just to go to work and back home, a working-life cost of over \$135,000 per breadwinner. That is taking a home or 3 college educations away from that family just so the breadwinner can simply drive to and from work.

Texans have made it clear they want "free ways" and not "toll roads". During the 2015 legislative session, I proposed a transportation funding concept that would reduce the cost and allow for the construction of new highways without the double taxation we now have with toll roads. Our bill offered a new form of funding for highways that use the increased sales tax revenue from the economic growth that is stimulated by the expansion and enhancement of the new transportation corridor. Financing for the project has been dubbed an "Expiring Revenue Enhancement" that uses the incremental increase in sales tax along the new highway to pay the bond used to build the new road. Once the road construction bond is paid off, the sales tax revenue reverts to the state and communities. While our bill did receive a committee hearing, it was not allowed a vote in the committee. However, now many legislators are showing support for this concept and our Lt. Governor has made it an interim study and we expect to have a very compelling bill to end the tolling of roads in Texas for the next session.