

BACKGROUND

For much of the last decade, transportation policy in Texas has been dominated by the debate over toll roads and the controversial Trans Texas Corridor. During that time, existing transportation infrastructure has deteriorated and future large-scale planning for the state's transportation needs came to a virtual halt as Governor Perry's 'my-way-or-no-new-highways' attitude caused Texans to lose trust in our elected leaders.

The Texas Department of Transportation's arrogance and failures—such as its one billion dollar accounting error—have caused Texans to not only lose trust in our elected leaders but also in our state's transportation agency.

Although TxDOT's new slogan is "Keep Texas Moving," the agency and Governor Rick Perry have done anything but that. Texas' transportation planning and policy is mired like the proverbial ox in the ditch: it isn't going anywhere and it isn't keeping Texans moving.

Hank Gilbert's plan will get Texas moving toward fiscally, ecologically, and socially responsible transportation policy.

HANK'S PLAN

• Restoring Trust In TxDOT

In order for Texas to develop transportation policy that the public can, once again, have faith in, the Texas Department of Transportation must be reformed from the bottom up.

• An Elected Texas Transportation Commission.

Hank believes that an elected Texas Transportation Commission is the best way to both restore public trust in our state's transportation system and ensure that transportation policy is made by those with a true interest in sound transportation policy.

Hank proposes an elected 14-member Transportation Commission with a Transportation Commission Chair elected statewide. Hank proposes that 14 members of Texas' new Transportation Commission be elected by voters from across 14 local districts created based on population data from the U.S. Census Bureau, similar to the manner in which State Board of Education districts are presently situated. Transportation Commission members would not be paid salaries, but rather stipends for attending Commission meetings and official business. The Chair would be paid a salary equivalent to similarly situated statewide elected officials. Under Hank's plan, the Commission Chair would be required to be a certified public engineer.

- **Ethics & Accountability**

Hank proposes a No-Lobbying Rule for members of the Texas Transportation Commission. Hank proposes that members of the Texas Transportation Commission be subject to the most stringent no-lobby requirements of any elected officials in Texas. Hank proposes banning Texas Transportation Commissioners from accepting political contributions, gifts, meals, or anything of value from any lobbyist employed by or working on behalf of road builders, contractors, or similar industries.

Hank proposes a No-Lobbying Rule for TxDOT & strict code of ethics for employees. Hank proposes placing all TxDOT employees under the same no-lobby rules that would apply to the new Texas Transportation Commission. Hank also proposes a strict code of ethics for TxDOT employees.

Hank proposes lobbying and political contribution disclosures by all TxDOT bidders. Hank proposes requiring that all business entities bidding on TxDOT projects must, upon submission of their bids, also submit documents detailing all political contributions and lobbying expenses made in Texas for the past four years.

- **An End To Outside Lobbyists.**

Hank proposes that the Department would be statutorily prohibited from engaging in any activity or using any money from its budget to hire lobbyists to influence or defeat state or federal legislation. MPOs would be subject to the same requirements.

- **Improved Financial Accountability.**

Hank believes that TxDOT needs improved financial accountability.

Hank proposes changing statute to require that TxDOT's Chief Financial Officer be appointed by the new Texas Transportation Commission, and that he or she report directly to the Commission and Commissioner.

Hank proposes requiring that an Inspector General be appointed to report directly to the new Texas Transportation Commission. The Inspector General would be required to audit, evaluate, and identify needs and opportunities within TxDOT and cooperate and coordinate with the State Auditor.

Hank proposes ending waste, abuse, and fraud within TxDOT. Hank proposes curtailing and killing TxDOT expenditures such as the \$100,000 plus per month the agency spends on lobbying, and the multi-million dollar "Keep Texas Moving" public relations campaign.

- **Improved Planning.**

Hank believes that TxDOT must improve its planning process to address long-range and short-term state transportation needs.

Hank proposes requiring TxDOT to adopt and adhere to a 10-year Statewide Transportation Plan and two-year short-term transportation plans to address state transportation goals. Hank proposes requiring TxDOT to adopt and maintain both short and long-term transportation plans. Under Hank's plan, the agency would be required, every ten years beginning in 2012, to develop a 10-year Statewide Transportation Plan to address projects that can be completed within that time frame to improve transportation in Texas. The 10-year Statewide Transportation Plan would also be subject serious review and updating every five years, thus allowing plans to be more fluid and keep up with growth and innovations in transportation. TxDOT would also be required to adopt two-year transportation plans running concurrent with the state's budget cycle to address short-term planning goals.

Hank proposes requiring the statewide transportation plans and appropriations request be required to utilize requests from Metropolitan Planning Organizations as their basis.

- **Improved Public Participation.**

Under the current administration and statute, TxDOT is notorious for being unresponsive to citizen complaints and concerns about transportation plans.

Hank proposes requiring that every major TxDOT planning document and project be subject to public input and public hearings. Hank also proposes that the new Texas Transportation Commission would have the final say on green-lighting projects. Hank believes that the new elected Transportation Commission must have the final say on whether or not projects which may be controversial in various parts of the state are given a green light. Hank believes that agency bureaucrats should not have this responsibility. If a road project does not have popular support, the Commission must determine why and determine what

modifications can be made to make a project work for the benefit of all Texans. Public involvement must be tied to decision making.

Hank proposes codifying requirements that Metropolitan Planning Organizations establish Citizen Advisory Boards required to solicit citizen comment on long-range plans and projects.

Hank proposes requiring TxDOT to adopt rules for all departments, divisions, and districts to establish a process to act on complaints filed with the department. Such complaints would be required to be filed and tracked by the department and periodic reports on complaints and resolutions made to the new Texas Transportation Commission.

Hank proposes sweeping reforms for MPOs. Under Hank's plan, any MPO would be required to consist of no less than five and not more than 19 members to be determined on an equitable geographic-population ration based on the most recent census. In order to receive funds from the state for projects, at least 75 percent of an MPO's policy board members would have to be elected officials from within the boundaries of the MPO. Only elected officials would be allowed to be voting members of MPO policy boards.

- **Improved Coordination With State Agencies & Local Governments.**

Hank believes that TxDOT can and must do more to coordinate with state agencies and local governments and hear their concerns.

Hank proposes a statutory coordination requirement which would require TxDOT to seek public input from the government bodies and agencies its projects will affect such as cities, independent school districts, counties, and other state agencies. Though some TxDOT projects may have long term benefits to communities, short-term problems such as traffic flow, traffic safety, and even blocking access to businesses and homes can have detrimental effects on Texans. Under Hank's plan, TxDOT would be required to address these concerns with local city councils, county commissioners courts, and other government bodies.

- **Project Prioritization That Makes Sense.**

Hank believes that the prioritization of TxDOT projects should not be subject to the whims of individual powerful legislators.

Hank proposes requiring the new Texas Transportation Commission to prioritize TxDOT's major projects within its appropriations request—based on MPO and sub-regional planning commission

requests—and changing statutes so the Legislature cannot, at the whim of one or two powerful legislators, alter these priorities through the appropriations process. Often, projects are given a green-light and priority appropriations funding because of legislative arm twisting and not because a particular project is better or more needed than another. Hank's plan will change this.

- **Transportation Planning for Rural Texas.**

In the past decade, transportation issues in rural Texas have been largely neglected. Farm-to-Market roads and state highways running through rural areas have become more congested and unsafe while TxDOT has focused on the Trans Texas Corridor and urban transportation issues. Rural transportation needs are uniquely different from urban needs. The planning and consideration of rural projects needs to be reorganized within TxDOT in order to ensure our rural infrastructure is properly maintained and improved so that the goods and service produced all across Texas can efficiently move to market.

- **Hank proposes creating within TxDOT a Rural Transportation Division that specializes in the needs, planning and building of rural Texas roads, upgrading FM roads and bridges, and working with rural counties to prioritize their needs.** There will be a Rural Transportation Director with sufficient staff to facilitate the needs and help allocate funds for rural transportation with the help and assistance from SRPCs that have formed statewide.

In those rural areas that have created Sub-Regional Planning Commissions under Chapter 391 of the local government code and have developed rural comprehensive transportation plans, Hank proposes that TxDOT must incorporate those transportation priorities identified by the Commission in the agencies 10 year long term and 2 year short term plan.

- **Repairing & Replacing Outdated Infrastructure.**

While Texas has spent millions developing the now dead Trans Texas Corridor, transportation infrastructure has suffered.

- **Giving Texas Bridges A Boost.**

Hank proposes a program requiring TxDOT to immediately repair or replace the state's deficient bridges. As of 2007, Texas had more bridges on the Federal Highway Administration's bridge inventory that were structurally deficient than any other state in the country. That number doesn't include bridges on roads which are not part of the FHWA bridge inventory. Under Hank's plan, unsafe bridges would get immediate attention. Hank proposes requiring TxDOT

to address this problem by repairing and replacing the bridges which are most deficient and most frequently traveled first, and repairing or replacing all deficient bridges as soon as fiscally practical.

- **Focusing On Repair, Not Just Building.**

Hank proposes requiring TxDOT to address maintenance and repair issues and not just new construction in the 10 and two year long- and short-range plans he proposes. Roads that are in disrepair increase traffic congestion and make travel unsafe for drivers. Hank proposes requiring TxDOT to make maintenance a priority.

Hank proposes requiring TxDOT to end the waste and improper use of maintenance funds. TxDOT has artificially deflated roadbed life standards and initiated maintenance projects to help

- **New & Better Ways To Move Texans.**

Over the last several decades, the state has invested billions in new highway construction while spending relatively little on mass transit. As a result, public transportation infrastructure is lacking in Texas because Texas cities are forced to foot the bill or rely on the federal government for help.

A 2008 report by Texas PRIG found that public and mass transit systems in Austin, Houston and the Dallas-Fort Worth Metroplex eliminated the need for more than 44 million gallons of oil in 2006, saved consumers more than \$116 million in gasoline costs, and avoided 270,000 metric tons of carbon dioxide emissions. The report also found that Austin's public transit system eliminated 1.7 million hours of traffic delays for drivers.

Improving and further integrating additional transit models into Texas' transportation infrastructure makes both financial and environmental sense.

- **Increased Funding for Improvements To Existing Transit Systems in Major Metro Areas.** Hank proposes making more state funds available to cities to improve existing transit systems in the state's major metropolitan areas.

Hank also proposes funding more "ring line" transit routes and commuter/light rail systems to allow commuters to travel around a city's center without going through it, and connecting these ring lines to existing transportation infrastructure to make public transportation more efficient and consumer-friendly.

- **Funding for New Mass Transit Systems.** Hank proposes making more state funds available to help large metropolitan areas develop new mass transit systems or extend mass transit systems.

Hank proposes expanded high speed commuter rail lines. Hank proposes funding to allow cities with large suburban populations to create (or expand) commuter rail to help commuters get in and out of major metro areas faster and more efficiently.

• **Improved Transit For Small and Medium Sized Cities.** Small and medium sized cities stand to reap significant benefits from the improvements transit service can provide.

Hank proposes more funding to help small and medium sized Texas cities develop and implement public transit infrastructure.

- **Finally Killing The Trans Texas Corridor.**

TxDOT admits that, in spite of its recent pronouncements, the Trans Texas Corridor isn't really dead. **Hank proposes killing the concept of the Trans Texas Corridor once and for all.** Hank will remove the TTC from the Transportation Code and rescind all development contracts associated with the project. In addition, Hank will ensure that HB 3588—the enabling legislation for the TTC—is killed.

- **An End To Tax & Toll Policy.**

The explosion of toll roads in Texas has spawned one of the most contentious public policy debates in Texas history. Texas has shifted from a gas-tax based, pay-as-you-go transportation model to one that seeks to double-tax Texans.

- **No tolls on any existing roadways.** Hank will propose and sign into law legislation prohibiting the institution of a toll on any existing roadway in Texas.

- **No new state-proposed toll roads.** Effective the day Hank Gilbert becomes governor of Texas, TxDOT will be out of the business of proposing new, multi-county toll road corridors.

- **Citizen approval required for toll roads in major metro areas.** Hank understands that some cities and some Texans would prefer toll roads to ease traffic congestion in the state's major metropolitan areas. However, Hank believes that voter approval is vital for these projects.

- **Hank proposes requiring local voter approval for any toll road projects.** If a city wants to construct a toll road, then Hank's plan would require they put that question to voters. Under Hank's plan, combined "local option" toll elections where more than one municipality or more than one county vote on a toll road

would not be permitted because voting populations in larger cities will easily outnumber voters in smaller cities which may not want the toll road. Therefore, combined “local option” tolling elections do not work. Under Hank’s proposal, each affected community would have to vote on their own on the question of whether they would want new construction of a specific road to be a toll road. The tolls on these road must phase out as the bonds used to construct them are paid off and maintenance is handed over to the state. If additional construction is needed, it's got to be done in a separate bond issue after voters approve the second project.

• **Expanding Existing Roadways To Relieve Congestion.**

Instead of creating new corridors or toll roads to relieve congestion on roads such as Interstate 35, Hank proposes expanding existing roads to include more lanes.

- **Take advantage of existing rights of way.** Hank proposes that the state take advantage of existing state rights-of-way along major Interstates and highways to expand highways and roads as needed. Texas has ample right-of-way along most highways to do this and relieve congestion without building new roads.

- **Non-Tolled Outer Loops.** Hank proposes making funding and creation of non-tolled public loops around larger cities priorities along existing Interstate highways where congestion relief is needed.

- **If you can’t build out or across or around, build up.** In the very rare cases where you cannot build across or out along the right of way of a highway—and a loop around a smaller city is inappropriate or unnecessary, then that double-deck road systems such as those in use in major metro areas like Austin be are a solution which can utilized. This would be only in limited instances and to help relieve congestion on highways and Interstates where expanding further into the right of way or outer loops around cities are not feasible

- **Protecting rights of way.** Hank proposes passing legislation to help end the reliance on frontage roads and require the state to work with developers and local governments to have well-planned arterial road systems leading freeway traffic to exit at controlled access exit points and utilize arterial roads to get to businesses and residences that abut freeways instead of frontage roads.

• **Ending Eminent Domain Abuses.**

- **A Constitutional Amendment Is Needed.** Hank proposes a constitutional amendment similar to one on the November 2009 ballot to protect private land owners from eminent domain abuses associated with road construction. Texas needs a constitutional amendment with: a strong definition of public use limiting

eminent domain for any economic development and tax enhancement purpose; language requiring good faith negotiations to prevent entities to from low-balling landowners and forcing them into expensive and protracted legal battles; requiring compensation for diminished access to a landowner's property; limiting the granting of eminent domain to any further entities without a public vote; providing financial relocation assistance for displaced landowners; allowing landowners the ability to buy back any land at the original cost after 10 years if it isn't used by the governmental entity.

• **Funding Transportation In Texas.**

Generating funding for road construction and improvement is key to getting Texas moving again.

• **Indexing The Motor Fuels Tax.** Hank proposes a one time increase in the gas tax of 8 cents and implementing automatic increases in the gas tax annually from 2012 forward based on increases in the Highway Cost Index (HCI), with a four percent cap on any annual increase. Should the HCI increase by more than 4% in any year, the balance would carry forward to the next year and be added to any increase for that year. In years where there is a zero or negative increase in the HCI, revenue generated from carryovers would go toward reducing TxDOT's existing debt. This is the only way we can build out the infrastructure Texas desperately needs and restore fiscal responsibility to transportation funding without incurring massive new debts that will burden this state for decades to come.

• **Hank will require TxDOT to adhere to its funding formulas so each TxDOT district receives the appropriate amount of funding.**