

Oppose HB 1951 - FAKE Toll Road Reform

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What could be wrong with legislation called the “Toll Payer Protection Act”?

Well, despite its name and its Texas House Freedom Caucus author, HB 1951 is a **special interest bill written by lobbyists for the benefit of their clients in the Big Road Lobby**. The true grassroots-supported legislation for taxpayer-friendly reforms are **SB 374** (Senator Bob Hall) and **HB 436** (Rep. Matt Shaheen) — genuine toll cessation bills – and **SB 382** (Senator Bob Hall) a toll collection reform bill.

A Bill Analysis: Why HB 1951 is a Special Interest FAKE Toll Road Reform Bill

Article I -

HB 1951 authorizes Comprehensive Development Agreements (the term used in Texas statute for public private partnership toll roads) and design-build contracts for projects over \$1 billion (most projects in our urban areas). This is a non-starter for taxpayers. Why? Public Private Partnerships (or P3s) hand our public highways over to private, foreign corporations in 50-year monopolies with guaranteed profits, taxpayer bailouts, and the ability to charge punitively high tolls (e.g. LBJ in DFW that can top \$24/day in peak hours). **See this policy brief with details and examples of why P3s are corporate welfare and anti-taxpayer**. Both the Texas Democratic and Republican Party platforms have planks opposing privatized toll roads.

Article II -

The bill requires a public vote on toll roads. This is designed to be a “get out of jail free card” for a legislature being squeezed by Big Road Lobbyists and transportation bureaucrats. Using the public education and city government special interest playbook, this exactly how Texas has become awash in local debt red ink – special interest driven bond elections held at a time when most voters aren’t paying attention and who also have too little factual information to make educated decisions. The result? A small percentage of voters have plunged all property owners and future generations of taxpayers into decades of debt and bad policy. ***What would keep the same from happening to us on toll roads?***

While a public vote gives the veneer of accountability to voters, it’s really just **an attempt by the road lobby to do an end run around Governor Greg Abbott’s pledge of “No more tolls.”** The Big Road Lobby doesn’t like the promises made by Governor Abbott and Lt. Governor Patrick, nor the tremendous grassroots support these statewide officials have earned because they’ve stood firm on their campaign pledges.

As it stands to today, there won’t be any more toll roads moving forward per the Governor’s pledge. Calling for a public vote simply puts toll roads back on the table as a funding option. Even if voters say ‘No’ to a toll project in their community, TxDOT will simply stall adding any lanes and, in collusion with special interests, will call for vote after vote (Sec. 372.054 allows repeat elections every 5 years) until the voters eventually give in to a new toll tax to pay for it.

When TxDOT has learned it can profit from congestion rather than solve it, it has no incentive to fix our roads toll-free using our existing taxes. They're in control of what ultimately gets fixed and when. *The public lacks a meaningful remedy to force officials to do a project non-toll even with a public vote,* since TxDOT can simply stall road improvements and keep forcing public votes on toll projects until they win. **A public vote is a ruse — a way for politicians to undermine the Governor and kick the blame to local voters.**

In reality, the people already voted on toll roads and soundly rejected them when they voted to elect Greg Abbott twice by wide margins. He campaigned against toll roads twice, and a majority of Texans clearly back our Governor's 'No toll' pledge. **Grassroots Republicans also successfully fought to keep a public vote on tolls out of the 2018 Texas GOP Platform despite lobbyists' efforts to include it.** Again, there is no way for the public to win under a public vote scenario because the transportation bureaucracy will continue to delay projects and call repeated elections until they win a public vote.

Article III -

Though the bill seeks to greatly reduce the fines and fees, the toll collection section keeps the criminal penalty [Sec. 102.0213 (1)] for unpaid tolls, **which the Texas House of Representatives voted 136-3 to de-criminalize last session.** HB 1951 also continues the practice of impounding vehicles, which is counterproductive to getting the tolls paid [Sec. 102.0213 (2)]. The law assumes you get a bill within 5 days of it being mailed to you, but for a variety of reasons, that's not always the case. HB 1951 allows administrative fees to kick in if the bill isn't paid within 25 days (Sec. 372.075). The bill also continues the practice of penalizing the owner of a vehicle – not the actual driver who incurred the toll (Sec. 372.078).

Article IV -

Finally – **in blatant opposition to the Texas Republican Party Platform,** which calls for tolls to be removed from roads once the debt is retired – HB 1951 (the FAKE Toll Payer Protection Act) undermines the authentic toll cessation bill, HB 436 (author State Rep. Matt Shaheen), by allowing the un-elected Transportation Commission to extend a toll in 10-year increments [Sec. 372.154 (b)] into perpetuity (permanence). **That is not toll cessation – that's toll extension.** Currently, there is no requirement to take the toll off the road when the debt is paid off, despite promises by campaigning politicians. **Taxpayers are protected from such perpetuities in the Texas Constitution, Art. I, Sec. 26; yet, our lawmakers have listened to the Texas Department of Transportation, toll road bureaucrats, and their lobbyists over the loud objections of the People and kept this unconstitutional system in place.** It is time to end it! HB 1951 just gives these agencies an escape hatch by extending the tolls in 10-year increments!

Toll agencies have run amok by co-mingling toll revenues from one project to subsidize, bail out, or guarantee the financing of another. The Robin Hood scheme of 'system financing' guarantees that tolls stay in place longer than necessary by obligating toll revenues to other projects — **ensuring no road is ever paid off.** HB 1951 is no conservative bill, is certainly not a "toll payer protection act," and most definitely is not a citizen-first bill, but a Big Road Lobby favoritism bill!

Call to Action

There isn't sufficient time left in the session to 'fix' this bad bill. Rather than move the goalposts toward true reform, this bill blatantly puts toll roads back on the table, undermining Governor

Abbott's pledge of 'No more tolls.' HB 1951 weakens the reform bills the grassroots asked for and sends us in the WRONG direction.

KILL HB 1951 and pass CLEAN pro-taxpayer bills that come from the grassroots not a lobby group: genuine toll cessation bills **SB 374** (Hall) / **HB 436** (Shaheen) and **SB 382** (Hall) — toll collection reform.