The Honorable Donald J. Trump
President of the United States of America
1600 Pennsylvania Avenue NW
Washington, DC 20500

April 6, 2018

Dear Mr. President:

We appreciate your efforts to prioritize one of the core functions of government - building and maintaining America's highways and bridges. As a statewide grassroots coalition that has played an integral role in supporting the strong efforts of Governor Greg Abbott and Lt. Governor Dan Patrick to protect taxpayers from further toll taxes and transportation debt, we feel compelled to share our grave concerns about elements of your infrastructure proposal that threaten the protections Texans have put in place against such policies. Indeed, **there are elements of your proposal that will threaten the private property rights, freedom, and budgets of American households and small businesses all across this nation.**

Our first concern is the possibility of lifting the ban on tolling existing federally- funded highways. Texas State Senators Bob Hall, Lois Kolkhorst, Don Huffines and other legislators worked hard to pass a state law that protects Texans from having tolls slapped on lanes for which we have already paid. We cannot support a federal plan that will come in and pull the rug out from under Texans who demanded and worked hard for this protection. In fact, our former U.S. Senator Kay Bailey Hutchison was a key leader in putting a 2007 federal protection in place for Texans. **Imposing tolls on roads that are paid for is a double taxation scheme that will be abused by Big Government special interests and will raise taxes on working families and small businesses!**

We, however, favor the part of your proposal that allows states to pay back federal funds on certain projects (p. 23) so that restrictive federal regulations can be removed and the repaid federal funding swapped out for a new project. For example, this would mean HOV lanes could be opened up to all traffic. [Note: Collin County officials have been working to

take this action on US-75 in Texas.**]** **An even better approach would be repealing as many federal bureaucratic regulations on transportation projects as possible!**

We strongly oppose the part of your infrastructure plan that would allow toll revenues from one project to be raided to pay for another (on p. 21) on certain projects where revenues are currently restricted to the maintenance and expansion of that project only (a true user fee). Multi-leveraged system financing is at the heart of the Texas toll abuses we have fought for many years. **By tying independent toll projects together into one financial 'system,' it becomes nearly impossible to extricate a single project in order to remove the toll once the debt is retired.**

One of our key pro-taxpayer initiatives is the prevention of perpetual taxation – a principle rooted in the Texas Constitution (Art. I, Sec. 26), which prohibits perpetuities and monopolies. The call to remove tolls from roads that are paid for continues to grow louder. In fact, last session, the Texas legislature began doing just that with passage of SB 312, removing tolls from two Texas highways. Encouraging multi-leveraging schemes and system financing through the institutionalization of these anti-taxpayer methods will only make taking the tolls off the roads more difficult – if not impossible. **We urge you to strike multi-leveraging/system financing from your plan.**

Corporate Welfare, Big Government P3s:
Anti-taxpayer, Anti-free market, Anti-liberty

Mr. President, much of the Trump Infrastructure proposal is every crony capitalist's dream with its push for tolling and public private partnerships (P3s). Expanding P3s to transit and increasing the federal subsidy from 25% to 50% for airports, ports, and other infrastructure (p. 24-26), reads like a special interest wish list and pronounces open season on taxpayers' wallets and liberty!

Expanding federal credit assistance (TIFIA loans) and tax exempt bonds (Private Activity Bonds) for private 'partners' – at the expense of federal taxpayers – means we, not the private sector participants, take on greater risk. These sweetheart deals are often designed to extract exorbitantly high toll and fee rates, guaranteeing profits for the private partners, while using taxpayers to socialize the losses. ***This does not put the American people first, nor will it make America great again! In fact, we guarantee this will grow the DC Swamp and enrich its special interest cartel bosses.***

Your proposal would also expand federal credit assistance for State Infrastructure Banks (p. 21-22) and expand other tax-exempt bonds for the private sector (p. 10-16). It advocates expanding federal credit assistance on water projects under WIFIA, too, which U.S. Senator Ted Cruz opposes. **We strongly support Senator Cruz in his opposition.**

By limiting the expansion of free roads and, in effect, guaranteeing congestion on free routes through non-compete agreements, your plan **would allow the private partners to increase the period of their monopolies from 5 years to 50 years!** Debt and tolls will swallow up future generations with unsustainable debt. This plan doesn't make the Federal Highway Trust Fund solvent. ***It makes the problem worse.***

Mr. President, there is a vast difference between replacing slow, costly, dull-witted bureaucratic processes with smart, entrepreneurial, time- and cost-efficient strategies and P3s, which are government-sanctioned monopolies. P3 "winners" represent a privileged few who are granted special government-bestowed favors – tax breaks, free use of eminent domain, non-compete clauses in government contracts, and guarantees of return on investments. As partners with government, P3 privateers can fix prices – charging more than the market demands – and can use their special relationships with government to put their competitors out of business. P3s DO NOT represent the free market, nor government controlled by "we the people." There is strong opposition in Texas to the government picking private sector winners and losers and giving private companies the power to take land in the name of 'public use,' while turning it into a private purpose for private gain.

Finally, Mr. President, how will you guarantee the American people that there will be diligent, sustained, thorough oversight of these public private projects to ensure taxpayers are protected from waste, fraud, and abuse? The federal government that gave us the financial sinkhole specimens of Amtrak and the US Postal Service cannot be relied upon to oversee these projects. Accountability is not a recognized hallmark of the federal government.

Pay-to-Play in Environmental Process: No Good Can Come from This!

Your proposal also allows pay-to-play to enter into the environmental review process (p. 41, 48-50). While we don't want to see unnecessary environmental red tape halt or hamper needed road projects, **we do want to keep the public's ability to seek judicial review and relief for projects where problems exist and where the agencies failed to follow the law or heed the public feedback on preferred alternatives.**

The National Environmental Policy Act (NEPA) currently is ***one of the only triggers for public comment and a public hearing requirement.*** In proposing alternative delivery methods (p. 48-50), it is vitally important to require a public hearing process and a mechanism for meaningful public feedback, regardless of the delivery method.

Allowing states to pay for expedited review (p. 41) opens the door for potential conflicts. Paying for a special rush review means approval is more likely because the states are paying extra for that review. This poses a

potential conflict of interest and a significant opportunity for private property rights to be trampled. Paying to bypass the traditional NEPA environmental mitigation requirements, by simply paying into a mitigation fund (p. 48-50), signals more bureaucracy with no accountability or requirement that those mitigation funds will even be used on that specific project. It also opens the door to more pay-to-play schemes, which bureaucrats, corrupt politicians and their cronies love.

The new Incentive Grant Program (p. 3-4) and the Transformative Projects Program (p. 8-9) change the federal leveraging requirements from 80% federal and 20% state or local to the reverse — 80% state or local and 20% federal. The vast majority of states will look to new toll taxes to come up with 80% of a project's cost in order to access these new federal programs. In Texas, our legislature passed, and voters approved Proposition 1 and Proposition 7 that gave a nearly $5 billion a year boost for non-toll highways. **These new federal programs would tie up a disproportionate amount of Prop 1/Prop 7 funds.** States like Texas that don't choose to toll should not be punished by new federal funding formulas in order to get our federal transportation dollars back.

While we agree that states should have more flexibility in how they choose to spend federal gasoline tax revenue, we are concerned that your proposal would allow states and their private partners to totally bypass any federal review if the federal role (subsidy) is small (p. 21-22). States should have that flexibility, but not private partners who are involved in P3s. While we all want more decision-making at the state level versus the federal, taxpayers need protections! Otherwise, this becomes a "run on the bank" with tolls popping up everywhere without any true public notice, input, or ability to challenge.

What We Want:
A net tax cut and state control over federal gasoline taxes!

Taxpayers deserve a true net tax cut. The federal tax cuts you worked so hard to secure will be erased by punitive toll taxes under the current Trump infrastructure proposal. **A different approach is needed. New taxes will NOT be well received.**

The State of Texas should be able to get our federal gasoline tax revenue back from DC in a block grant without federal strings attached! This type of flexibility isn't found in the current Trump proposal. **We are much more confident that Texas – under the leadership of Gov. Greg Abbott and Lt. Gov. Dan Patrick – will make much sounder transportation decisions** than the far-flung bureaucracy in Washington, which makes no actual progress in stopping wasteful practices, eliminating unconstitutional programs, or balancing the federal budget.

Conservative Society of Navarro County

Denton County DCCC Conservative Coalition

Henderson County Tea Party

DCRA Dallas County Republican Assembly

Keeping Government Accountable. We The People Of Longview, TX

Citizens Matter Constitutional Activists

Republican Party of Texas Senate District 7
Mark S. Ramsey, P.E., State Republican Executive Committee

North Texas Citizens Lobby

The Bottom Line: Crony P3s & Perpetual Tolls Won't Make America Great Again!

Mr. President, incentivizing P3s contradicts your promise to put America and American workers first. You promised to drain the DC Swamp, but P3s open the door wide to special interest crony deals, which put out a welcome mat for special interests to restrict the travel of ordinary Americans by charging them a premium to get to work. The plan as proposed hurts the very middle class and working families that delivered the election to Donald J. Trump.

Congestion tolling has already run amok with tolls exceeding $1/mile in Texas and over $4/mile in D.C. This is unsustainable taxation! Tolls and restricted lanes impede travel, impede the free flow of commerce, and increase the cost of everything we buy (because shipping/transportation companies pass toll costs to the consumer).

Just as you have encountered rogue local governments in your fight against lawless sanctuary cities, in Texas we have rogue local governments that use the term "local control" to cover their anti-taxpayer schemes. In order to impose their social engineering agenda on the people, these rogue local governments oppose the efforts of our Governor and Lt. Governor to stop the proliferation of toll roads and transportation debt. These do-gooders want to "weaponize" tolls in order to tax us off our public highways and into some form of mass transit boondoggle, which is a parallel to the Big Fail called Amtrak. Mr. President, please do not give these Big Government types an incentive and more "weapons" to defeat all the progress we've made in Texas.

Having to shell out **$30-$40/day** to take privatized toll lanes (the current cost in the DFW Metroplex to use two privatized toll projects during peak hours) will hurt middle class and working families the most. Perpetually tolled roadways hurt the budgets of working families and small business owners and harm the ability of workers to get to their jobs. **We know that could not be your intent!**

Mr. President, Americans want a reliable and reasonable commute time and cost. We need you to step up to protect taxpayers from bureaucrats, cronyism, and waste in the entire transportation infrastructure process. There is no question that our aging infrastructure needs improvement, but asking Americans to pay more in toll taxes governed by unelected, unaccountable bureaucrats is not the way to do it, and pouring billions more into a corrupt, waste-riddled system won't ensure a good outcome for the American People. **You will Make American Great Again by dismantling the federal transportation bureaucracy first, making it leaner, more efficient, effective, accountable and transparent. We can get behind that!**

Thank you for serving our great nation, Mr. President. Our prayers are with you.

Sincerely,

Terri Hall, Founder/Director, Texans Uniting for Reform & Freedom (TURF) and Texans for Toll-free Highways
(210) 275-0640

JoAnn Fleming, Executive Director
Grassroots America - We the People PAC
(903) 360-2858

Cathie Adams, First Vice-President, Eagle Forum Council; former State Chair of Republican Party of Texas

Trayce Bradford, President, Texas Eagle Forum PAC

Teresa Beckmeyer, Mitchell County Republican Party Chair

Bill Hussey, Founder/Vice President, Llano Tea Party

Toni Fabry, Chairman and **Tom Fabry**, Treasurer, Frisco Tea Party

Suezette Griffin, President, Clear Lake Tea Party

Maggie Wright, Founding Member/Past President, Texas Patriots Tea Party

Barbara Harless, Founder, North Texas Citizens Lobby

Russell Ramsland, Jr., Founder, Park Cities/Preston Hollow Leadership Forum

Stacy McMahan, President & Executive Director, East Texans for Liberty

Ray Myers, Chairman, Kaufman County Tea Party

Barry A. Schlech, PhD, President, Texas Patriots Tea Party

Brian Newman, President, McKinney Tea Party

Dr. Dwayne Collins, Chairman, Edom TEA Party

Dr. Laura Pressley, Founder, Texas Election Integrity

Larry Korkmas, President, TFIRE (Texans For Immigration Enforcement and Reduction); VP, The Executive Council

Michael Olcott, Co-Founder of Parker County Conservatives

Ivette C. Lozano, MD, President, Dallas County Republican Assembly

Mary Huls, past President; Executive Board Secretary, Clear Lake Tea Party

Dale Huls, Executive Board, Clear Lake Tea Party; Harris Co. GOP Precinct Chair

Lyleann McClellan-Thee, President, San Angelo TEA Party

Tammy Blair, Cherokee County Republican Party Chair

Matt Long, President, Fredericksburg Tea Party

Cindi Castilla, President, Dallas Eagle Forum

Michael B. Openshaw, Co-founder, North Texas Tea Party

Nancy Dillard, President, Denton County Conservative Coalition

Geri Bentley, Founding Member/Treasurer, Clear Lake Tea Party

Marty Rhymes, Vice-Chair, Gregg County Republican Party

Pat Tibbs, President, Montgomery County Tea Party PAC

Julie McCarty, President, Northeast Tarrant Tea Party

Fran Rhodes, VP Fundraising, Northeast Tarrant Tea Party

Ruth York, VP, Tea Party Patriots of Eastland County; The Grateful Texan Editor; Eastland County GOP Precinct Chair

Carroll Maxwell, Past President, Collin County Conservative Republicans; Collin County GOP Precinct Chair

Craig Cosgray, past President, Highland Lakes Tea Party

George Pangborn, President, Highland Lakes Tea Party

Jacklyn T. King, Co-Founder, Conservative Society of Navarro County

Janie Brittain, Steering Committee, Garland Tea Party

Jim Stanley, Henderson County Precinct Chair; Chairman, Henderson Tea Party

Robin Lennon, President and **Jim Lennon**, Co-founder, Kingwood TEA Party

Don P. Dixon, Mechanical Engineer, transportation activist, San Antonio

Rick Jackson, Kaufman County GOP Precinct Chair; Kaufman County Tea Party Steering Committee

Alfredo Mendoza, Texas TURF member, Houston

Amber Whetston, Austin MedReps Assoc.; TX TURF member, Williamson Co.

Andrew Rumelt, DSP firmware engineer, Texas TURF member, Austin

Andy Kenagy, Texans for Toll-Free Highways member, San Antonio

Annette Bennett, Texas TURF member, Fredericksburg

April Engelken, Texas TURF member, Schertz

Armando Fernandez, Texas TURF member, San Antonio

Arthur Cameron, Grassroots America — We The People member, Arp

Babi Migl, BAR-W GOP Club, Texans for Toll-Free Highways member, Bulverde

Betty Anderson, President, Montgomery County Eagle Forum

Bill and Patty Gallagher, Founders, Primadata Liberty Center, Athens

Bill Bala, Professional Engineer, Grassroots America - We the People, Lindale

Bob Martin, President, Homeowners/Taxpayers Association, Bexar County

Bob Terrill, Jr., Texans for Toll-Free Highways member, San Antonio

Brad Holt, Rancher, Texas TURF member, Bulverde

Brian Phillips, Garland (Dallas County)

Bruce Burton, Texans for Toll-free Highways, Austin

Bryan Mitchell, Texas TURF member, Leander

Byron Schirmbeck, Texas State Coordinator, Texas Campaign for Liberty

Carlos Garza, US Army (Ret.), Texans for Toll-Free Highways member, Fair Oaks Ranch

Carol Doucet, Co-Founder, Conservative Society of Navarro County

Carol Hall, Texas TURF member, San Antonio

Carol Henry, Texans for Toll-Free Highways member, San Antonio

Carole Hornsby Haynes, Ph.D., Co-Founder, Citizens Matter

Char Doonan, Lake County Republicans & Wood County Tea Party member

Charles A. Levitt, Tarrant Co. Precinct Chair; Board Member, Northeast Tarrant Tea Party

Charles L. Woodside, US Air Force (Ret.), Texans for Toll-Free Highways member, San Antonio

Charles Whitaker, Veteran, Texas TURF member, Schertz

Charles Zollars, Taylor County GOP Executive Committee

Cheryl Cameron, Cherokee County GOP Precinct Chair

Chris Bass, Kingwood TEA Party

Chuck Klapp, Texas TURF member, San Antonio

Claire Barnes, Texas TURF member, Mansfield

Clark Pavlicek, Texans for Toll-Free Highways member, Houston

Dana Boehm, Texas TURF member, Williamson

Daniel Hall, Texas TURF member, San Antonio

Dardine M. Roedel, Grassroots America - We the People, Hideaway

Darla Alexander, Texas TURF member, Conroe

David & Jan Carter, Citizens for Restoration of Constitutionally Limited Government, Temple

David and Rena French, Grassroots America — We the People, Bullard

David Golden, GOP Election Judge, Texas TURF member, McKinney

David Hernandez, Texas TURF member, Austin

David McClellan, Texas TURF member, Spring Branch

David McGowin, Texans for Toll-Free Highways member, San Antonio

David Sims, Texans for Toll-Free Highways member, Lockhart

David Spear, Texas TURF member, Red Oak

Debbie Johnson, Texas TURF member, Fort Worth

Deborah Bailey, San Angelo TEA Party

Deborah Cobb, Texas TURF member, Austin

Deborah Palacios, Texans for Toll-Free Highways member, Arlington

Dennis Cable, State Republican Executive Committee member SD 1

Dottie Barnes, Co-Founder, Conservative Society of Navarro County

Doug Young, Owner, Caliber Construction; Texans for Toll-Free Highways member, Helotes

Dr. Thomas G. Price, Architect; Texas TURF member, Austin

Dwayne Tucker, President of MES, Inc.; Texans for Toll-Free Highways member, McKinney

Elizabeth Theiss, President, Stop the Magnet, Houston

Ellen Koontz Moore, US Air Force (Ret.), Texans for Toll-Free Highways, San Antonio

Ernie & Della Clark, VIP members, Grassroots America - We the People PAC

Fred Flickinger, Kingwood TEA Party

Fred L. Marvin, Texas TURF member, Austin

Gary Brewer, Texans for Toll-Free Highways member, San Antonio

Gary Gentz, Henderson County Tea Party; Henderson Co. GOP Precinct Chair

Gary Scott, Owner, 13-6 Express, Texas TURF member, Abbott

Gary William Scott, Texas TURF member, San Antonio

Genie M. Benavides, Texans for Toll-Free Highways member, Spring Branch

George Gaskell, Texans for Toll-Free Highways member, San Antonio

Glenn Bisset, Texas TURF member, Denton

Grady Scott McClung, Texas TURF member, Spring Branch

Greg and Lydia Ehrlich, Texans for Toll-free Highways members, Spring Branch

Greg Billingsly, TURF member, Southlake

Greg Milner, Texas TURF member, Tyler

Gregory Lane Hunter, Texas TURF member, Saint Helena, CA

Harvey Hild, Guadalupe County GOP Precinct Chair

Heather Edwards, Texans for Toll-Free Highways member, San Antonio

Heather Stoner, Board member, Grassroots America — We the People, Tyler

Herbert George Uecker, Owner, South TX Archeological Research Services, Bulverde

Jack Short, Advance Team Leader, Grassroots America — We The People, Tyler

Jackie DeHon, Texas TURF member, Canyon Lake

James A. Fletcher, Business owner and Republican activist, Burnet

James Doonan, Member, Lake County Republicans

James Kloza, Texas TURF member, San Antonio

Janice Kidd, Texans for Toll-Free Highways member, Lavernia

Jay S. Vogt, Texans for Toll-Free Highways member, Leander

Jeremiah Hunter, Chairman, We The People — Longview Tea Party

Jerry L. McIntyre, Llano Tea Party Steering Committee

Jill Wolfskill, GOP Candidate, TX House Dist. 13; Texas TURF member, Bellville

Joe Rutherford, Landowner; Texas TURF member, Greenville

John B. Kelly, Texans for Toll-Free Highways member, Bulverde

Col. John Barry Tedor, US Air Force (Ret.); Texas TURF member, San Antonio

John Eakin, Texans for Toll-Free Highways member, Helotes

John F., John Richard, Lia, Lori & Ava Tafolla, Texans for Toll-Free Highways members, San Antonio

John Tweedell, Grassroots Coordinator, Convention of the States, Hideaway

Johnnie A. Haas, Texans for Toll-Free Highways member, Spring Branch

Jon-Carlo Luera, Texans for Toll-Free Highways member, San Antonio

Jorja Merrick, Conservative Republicans, Canton

Joseph Salema, Texans for Toll-Free Highways member, Little Elm

Josie D. Schoolcraft, President, Cherokee County Republican Club

Judith Lower, San Angelo Tea Party

Judy A. Geissen, Texans for Toll-Free Highways member, Bulverde

Judy Ann Scott, Texas TURF member, San Antonio

K C Broyles, Clear Lake Tea Party Executive Board; Galveston Co. GOP Precinct Chair

Karen Daugherty, Texans for Toll-Free Highways member, San Antonio

Karen Throckmorton, Texans for Toll-Free Highways, San Antonio

Kathryn J Monette, Dallas Co. GOP Precinct Chair; Founder, Grand Prairie Tea Party

Kathy Thompson, Realtor, Texans for Toll-Free Highways member, Sugar Land

Kelli A Cook, Coordinator, Montgomery County Campaign for Liberty

Ken and Mary Dockery, Texas TURF members, Comal County

Kevin Dexter Jackson, Texans for Toll-Free Highways member, Lancaster

Kingsley Osborn, Texans for Toll-Free Highways member, Pipe Creek

Kirsten Anne Naumer, Texans for Toll-Free Highways member, San Antonio

Kris Biedenharn-Ressel, Texas TURF member, San Antonio

Kurtis Pickett, Texans for Toll-Free Highways member, San Antonio

Lauren Daggett Lindeman, Realtor; Texas TURF member, San Antonio

Lee Daniel Craig, Jr., Texas TURF member, Houston

Linda T. Zepeda, Grassroots America — We the People member, Mt. Pleasant

Lucinda Murphy, Texans for Toll-Free Highways member, San Antonio

Mangirish Gaitonde, Texans for Toll-Free Highways member, San Antonio

Margot Rochon, Texas TURF member, Austin

Marilyn Smith Parker, Texans for Toll-Free Highways member, Montgomery

Marissa Marie Palacios, Texans for Toll-Free Highways member, Arlington

Mark Cross, Texans for Toll-Free Highways member, Bulverde

Mark Peczeniuk, Texans for Toll-Free Highways member, Austin

Mark S. Ramsey, P.E., State Republican Executive Committee SD 7

Mark Woolsey, Texas TURF member, Weatherford

Marlene Parker, Texas TURF member, Conroe

Marty Hiles, President, Texas Concerned Citizens, Ellis County

Mary D. Cotner, Texas TURF member, San Antonio

Matthew J. Troy, Owner, ERA Troy Realtors; Texas TURF member, San Antonio

Melissa Cubria, JD, past Exec. Director, Texas Public Interest Research Group, Austin

Melody Spray, Director, We The People - Harrison County

Michael & Yvonne Tait, Texans for Toll-Free Highways members, Boerne

Michael (Mike) Guggisberg, Texas TURF member, Alvin

Michael Cargill, Travis County GOP Precinct Chair; Executive Director, Texans for Accountable Government

Michael Fitzgerald, Texans for Toll-Free Highways member, San Antonio

Michael Hagood, Assistant Fire Chief (ret.), Flower Mound

Michael Kinzie, Founder, TEAParty911.com

Michael S. Schofell, San Antonio

Michelle Johnson, Texans for Toll-Free Highways member, San Antonio

N. Pauline Ferrell, Texas TURF member, Spring Branch

Nancy Woods, Texans for Toll-Free Highways member, Houston

Naomi Narvaiz, State Republican Executive Committee, SD 21

Opal Marie Hughes, Texas TURF member, San Antonio

Pam Farris, SA Residential Corporation, San Antonio

Patsy Berry, Texas TURF member, Fort Worth

Paul Edward Vanzandt, Texas TURF member, Southlake

Paul Rickard, Texans for Toll-Free Highways, Fort Worth

Paula Ford, Texas TURF member, Blacklands Corridor

Percy D. Leonard, Jr., Sr. VP, Fowler Energy Co.; Texas TURF member, Austin

Peter Selever, Texas TURF member, Houston

Randal A. Becker, MBA & CMPE; Texas TURF member, San Antonio

Raymond Bailey, CEO, Strong Driver Fitness; Member, Grassroots America — We The People PAC

Reis Ermis, Texans for Toll-Free Highways member, Bellaire

Rev. Dorthea Dumas, Texas TURF member, Brookshire

Rhonda L. Gibson, Texans for Toll-Free Highways member, San Antonio

Rich Stoisits, Kingwood TEA Party

Richard Keoughan, Texas TURF member, San Antonio

Richard Weinhold, Texans for Toll-Free Highways member, San Antonio

Rick Eisenbach, President, Grassroots America — We the People, Tyler

Robert E Watts, Texans for Toll-Free Highways member, Castle Hills

Robert Fuller, GOP Precinct Chair, Harris County Republican Party

Robert G. Farris, Sr., Co-Founder, Citizens Matter

Robert O'Neill, Texas TURF member, Spring Branch

Robert Raborn, Texas TURF member, Alleyton

Robert Randell Jones, Nat'l & TX Assoc. of Realtors; Texans for Toll-free Highways, Houston

Robert Stengel, Texans for Toll-Free Highways member, San Antonio

Col. Robert W. Throckmorton, US Air Force (Ret.), Texans for Toll-Free Highways member, San Antonio

Rodney Van Kirk, Texas TURF member, San Antonio

Roger, Jacey, Jaclyn, Jenna Hall, Texans for Toll-free Highways members, Spring Branch

Ross Henning, Texas TURF member, Pinehurst

Russell Brown, Texas TURF member, Austin

Sally Hunt, Texas TURF member, Corpus Christi

Scott and Donna Sasse, Texas TURF members, San Antonio

Sean Paul Turner, Texans for Toll-Free Highways member, San Antonio

Sheri Edwards, Brazoria County GOP Precinct Chair

Sherry Biglow, Texans for Toll-Free Highways member, Kerrville

Spencer & Linda Bulger, Texans for Toll-Free Highways members, San Antonio

Stephel Newman, Texans for Toll-Free Highways member, San Antonio

Stephen Kenoyer, Texas TURF member, San Antonio

Sudie Sartor, Treasurer, Texans for Toll-Free Highways, Hollywood Park

Sue Evenwel, State Republican Executive Committeewoman, SD 1

Susan Peabody, Northeast Tarrant Tea Party

Susan Zatopek Marburger, Alamo City Republican Women

Tamara Lord, Texas TURF member, Lavon

Teri Nine, Texas TURF member, Plano

Terry Harman, Randall County GOP Chair, Member, Texas TURF

Terry Lynch, Past President, Park Cities Republican Women

Thomas Edward Marburger, GOP Precinct Chair Bexar County

Tina Millican, Texas TURF member, Rockwall

Tom Wey, Texas TURF member, Houston

Trevor Dupuy, Highland Lakes TEA Party

Victor Heddins, John Birch Society, Coldspring

Weldon Denny, Texans for Toll-Free Highways member, Celeste

William Paul Hunt, Texas TURF member, Corpus Christi

William Wright, Texas TURF member, Fort Worth

CC:
Members of the US Senate Environment & Public Works Committee
Members of the US House Subcommittee on Transportation

*** Organizations are listed for identification purposes only.**

This Coalition is a project of Grassroots America - We the People PAC.

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