

TESTIMONY

Before the Texas State
Senate Committee on Transportation and Homeland Security

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Chairman Carona, Senator Shapiro, and Senator Nichols, thank you for the opportunity to address you today.

My name is David Stall and I am representing CorridorWatch.

As an organization representing tens of thousands of members across Texas our concern focuses primarily on the Trans Texas Corridor. However, there is considerable overlap into public policy as it affects other transportation related issues.

Let me begin by thanking you for the work you did during the last legislative session. Considerable time and effort was spent on addressing concerns we share. Unfortunately there was not time nor opportunity to address every concern and even some of those that were addressed have fallen victim to veto or circumvention.

The media often characterizes us as anti-toll. That is not correct. Others, in an attempt to dismiss our concerns, characterize us as xenophobic or conspiracy theorists. While both exist, our organization is neither.

Our major concerns lie within the borders of Texas. Our concerns center on the process that brought us the Trans Texas Corridor and the specific details of that project.

The Trans Texas Corridor begs the question what are we doing, and why are we doing it. Nowhere has the specific transportation goals of the TTC ever been clearly established. Not in law and not in the plan. Of course there are grand overarching objectives which in themselves have merit. Of course we need better, safer, and more efficient transportation. And we must come to terms with the limited revenue available to maintain, enhance and expand our transportation systems. But we seriously question that the Trans Texas Corridor is the answer.

From the beginning CorridorWatch has said the TTC is designed to produce revenue first and provide transportation second. The primary justification given for the development of the corridor has been the state's exploding population growth. However that population growth is predicted to occur largely within our urban centers and will result in vastly increased transportation needs within those urban centers as that new population and our existing population compete for routes between where they live and where they work, shop and recreate. The TTC will not provide that capacity. Nor is it demonstrated that it will significantly reduce present through traffic levels in numbers that will provide meaningful relief to those urban motorists.

The TTC is a flawed project that has grown out of a flawed process. The TTC is not the product of open debate and collaboration aimed at addressing the state's transportation needs. The TTC is the product of a mandate to generate revenue, albeit transportation revenue.

Monetization is a buzzword we hear increasingly used in the context of transportation facilities. In that usage monetization is extracting value from state assets. I would however suggest that state highway lands are not state assets, but public assets and that the state acquired them with resources provided by taxpayers. It may seem insignificant, but when you start down the path of separating state interests from the public interests you begin the process of pitting the government against the people.

Government should be the steward of public assets, not the mechanism by which public assets are used to extract a profit from the citizens as if government were private industry whose interests are independent of public interest.

CorridorWatch is not anti-toll. In fact we believe there are appropriate uses of toll financed facilities. That said, we do have serious concerns about toll agreements that limit future opportunities to protect a private partners profits.

Our transportation policy should promote flexibility and expand opportunities not foreclose on them.

We have concerns about creating a commitment to tolling where the toll mechanism is driven by a cost index that insures that tolls will compound the burden on taxpayers and motorists as other consumer costs rise. Should the inflation rates we experienced thirty years ago return within the next fifty years the impact could be catastrophic.

We have concerns about toll cost that are driven to the highest rates by a contrived market valuation. We say contrived because the facility is in fact a public owned monopoly and not subject to market forces. Placing a market value fee on public roadways is no more appropriate than market value fees on our public libraries or local police services.

Beyond non-compete and compete penalties there are other issues. By their very nature contracts remove flexibility as they create long term commitments to sustain private toll based transportation in the face of changing needs, technology, and funding systems.

As you know transportation financing today is in a state of flux. The system of fuel tax and registration fees may be transitioned to tolls, a mileage based tax, or some other yet undefined system. Making that funding transition with private operators who have a profit to protect will stand in stark contrast to your ability to retool the funding of publicly operated toll systems.

We have serious concerns about eminent domain abuse and an assault on private property rights.

Since the Crossroads of the Americas, the Trans Texas Corridor plan document was officially adopted by the TxTC in June of 2003, the TTC has been described as 10 lanes, six tracks, and a 200-foot utility zone. The Crossroads plan characterized the TTC as being 1000 to 1200 feet in width and virtually every official document that has followed defines the TTC as being 1200 feet in width, including the proposal made by Cintra-Zachry and accepted by TxDOT.

At 1200 feet in width the TTC will consume 146 acres per lane mile. That's a tremendous amount of real estate. What is the justification for such a large conversion of private land to state land?

Beyond the initial 4-lane toll road as in the case of TTC-35, the balance of land use is all speculative.

TxDOT freely refers to phased construction or development of elements that simply are not needed today and may never be required.

The TTC 50-year plan calls for 10 vehicle lanes provided in four sets, six rail lines, and a two hundred foot utility zone. Using TxDOT's own criteria all of those elements including safety buffers and drainage can safely be built inside an 800-foot corridor. Why then are we seeking an additional 50% taking of land?

We are concerned about the basic design of a corridor that put so many critical facilities in close proximity. Doing so increases the vulnerability of our critical infrastructure to accidental disruption and intentional attack.

We are equally concerned that the TTC is being touted as an evacuation route. For that purpose the TTC is woefully inadequate. Its limited capacity and severely limited access make the TTC a very poor primary option for mass evacuation.

Mostly however, we are concerned about a public policy that is absent substantive public input or participation.

During the last legislative session it was made abundantly clear that the citizens of Texas want to slow down and examine the TTC before rushing forward. The Legislature heard us and introduced no less than seven bills that included a two year moratorium. Two of those bills passed both houses. One of those bills was vetoed.

During the session we were collectively told that Amendment 13, the Kolkhorst facility agreement amendment to SB792, was unnecessary to have an effective moratorium on the Trans Texas Corridor.

Then at the conclusion of the session TxDOT gleefully announced that SB792 would be ineffective in slowing TTC-35, including contracts for construction. Any restraint in place today appears to be strictly political and not legal.

From Chairman Williamson down they treated the session as a battle between TxDOT and the Legislature.

At the first meeting of the TxTC following the legislative session they asked staff how they could circumvent the limitations set out by the legislature.

What expectation can the citizens of Texas have that their concerns will be heard when this state agency boldly turns a deaf ear to the will of the entire legislature?

Thank you for your service to the state and your attention this morning and I can leave you with the assurance that CorridorWatch will stay engaged and work towards helping meet the state's transportation need while representing the concerns of our members and all Texans.

David K. Stall

David Stall is a career public servant with more than thirty years experience in local government holding both elected and appointed positions. His career includes law enforcement, fire service, emergency management, public administration, and serving as a city councilman. He has been appointed to numerous municipal, county, and federal boards and commissions. He has been a leader in the fields of economic development, tourism, flood control and emergency management.

Currently Stall serves as City Administrator for the City of Shoreacres in Harris County. Previously he served as City Manager in Columbus and Nassau Bay, Texas. Other positions held include Chief Fire Marshal, Assistant Chief of Police, City Treasurer, Emergency Management Coordinator, and Houston Fire Academy instructor.

During his career he has attained many professional designations including Credentialed City Manager, Master Peace Officer, Law Enforcement Instructor, Fire Service Instructor and Emergency Management Instructor. He is a graduate of the Career Development Program of the Defense Civil Preparedness Agency (now FEMA) and a participant in the Texas Law Enforcement Management Institute.

Stall has significant experience in transportation planning that includes serving on a county airport advisory board, regional transportation planning organization, and coordinating a multi-jurisdictional transportation project with the Texas Department of Transportation.

David Stall together with his wife Linda Stall created CorridorWatch.org in 2004. Since then David and his wife have worked diligently to increase public awareness and understanding of the Trans-Texas Corridor. Through CorridorWatch they provide a statewide network of communication for citizens and local government officials with shared concerns. CorridorWatch provides access to valuable resources useful to identify and address a wide range of potential economic, social, political and environmental impacts related to the proposed Corridor projects. Today CorridorWatch.org has members in 199 Texas counties and 42 other states. CorridorWatch has provided technical and informational assistance to legislators in six states.