



May 27, 2009

Dear Representative

Throughout the session, the members of the Senate Committee on Transportation and Homeland Security and I have worked to advocate for additional funding for transportation. Two clear problems exist with the current system of transportation funding. The State cannot fund all of the identified transportation needs given the State's current motor fuels tax rate; and local governments do not have adequate financial tools to continue to build transit systems. There are not enough dollars at the State level to adequately fund transportation needs in a timely manner and not enough financial authority at the local level to do so.

This session, Senate Bill 855 has been at the forefront of discussion. Certain conservative groups and bloggers have relentlessly mischaracterized and misled members into believing facts that are simply not true. Several of the concepts from Senate Bill 855 have now been added to House Bill 300 (TxDOT Sunset) and it will be up to you to do what is right for the urban regions of the state and support this important concept.

While it has changed dramatically over the course of the session, the version that is in H.B. 300 is not only the most transparent, but also involves the most oversight by both the legislature and the state. Briefly, Metropolitan Planning Organizations (MPOs) will have the opportunity to apply to the Texas Department of Transportation (TxDOT) to participate in the Urban Passenger Rail Demonstration Program. The application must not only include proof of necessity for the mobility project but also consider legislative support - allowing you to once again voice your opinion about the program and the proposed projects for your region. Up to five MPOs may be selected, each must have an urban county with a population of over 300,000 (with the exception of the Waco MPO which was specifically added by Senator Averitt of Waco). Once an MPO is selected, then the county commissioners must determine if they still wish to proceed with the program, at which point they must ask taxpayers in the county to vote on the proposed project and tax/fee before moving forward.

My Senate colleagues and I, who have voted for this legislation multiple times now, would like to take a moment to dispel some of the untruths that have been passed along as fact.

*Statement:* This legislation allows counties or Metropolitan Planning Organizations (MPO) to impose a tax or fee.

**FACT:** This legislation first enables an MPO to apply to TxDOT to be a part of the program. Then, if and only if the MPO is selected, the legislation permits the county commissioners to allow the voters of the county to vote on the issue. The county commissioners retain the option of not placing a referendum on the ballot at all.

*Statement:* Why should we allow a tax/fee increase in this economy?

*FACT:* The very earliest one dollar from this program could be collected is in March of 2011. Elections can be deferred indefinitely (or never called) at the discretion of local county commissioners. County commissioners are not going to call an election if they do not feel that the people of the county would be supportive. All of the fees are variable - for example, the driver's license fee is up to \$24. This means a county could select a fee anywhere from \$1-\$24 if they chose to place this option on the ballot. The county commissioners will only select fee and fee amounts that they feel would have support in their county.

*Statement:* This legislation would increase the gas tax by 30 cents, or 125% per gallon in affected counties.

*FACT:* The counties who participate in the program are permitted to put a 5 or 10 cent increase on the ballot. A total of 10 cents is the absolute maximum allowable under the language of the legislation. These counties may elect to not even place the motor fuels tax option on the ballot.

*Statement:* There is no transparency in this process.

*FACT:* The MPO application process includes two public meetings in addition to support from city, county, state and federal legislators. IF a project makes it to the ballot, it will only be because there has been overwhelming support in that community.

*Statement:* These funds can be used for toll projects and lobbying.

*FACT:* There is a specific prohibition on the use of funds for either purpose.

We recognize that this is not an easy vote for some. In the Senate, there is overwhelming support for this program from Republicans, Democrats, urban and rural members. This is an issue that should not be divisive. Instead, it should and has united leaders in both chambers who are willing to take a stand to make the vote to reduce congestion, improve air quality, and most importantly, empower citizens in our state's most urban regions to have a voice in the future of their transportation infrastructure.

Today, we ask you to lead. To take a stand. To voice your support for Article 41 of H.B. 300 and to truly embrace local control.

Sincerely,

	
	
	
	
	
	
	
	
	