

April 23, 2007

The Honorable John Carona  
Texas Senate  
P.O. Box 12068 – Capitol Station  
Austin, TX 78711  
Sent via FAX (2 pages total)

Re: HB 1892 and Political Contributions

Dear Senator Carona:

As former members of the Texas Transportation Commission, we had the privilege to participate in two monumental shifts in Texas transportation: new funding sources for mobility and moving project decisions to the regional level. Thanks to your leadership, both have been powerful weapons in the war on congestion.

The Legislature is taking an assessment of where these new programs are headed. That's certainly expected and in a democracy it's absolutely necessary. It has brought many issues to the surface such as the adequacy of traditional funding sources, private investment moratoriums, toll roads, local control, and contracting transparency. It also begs a look past the near term to long term funding solutions.

The two issues of local control and transparency prompt us to write you. When planning transportation, local control at the appropriate level is unquestionably a good idea, but with it comes an equal amount of responsibility. As the Senate considers HB 1892, which turns over state and federal infrastructure to local tolling authorities free of charge, we would encourage you not to ignore an important component in your deliberations: the application of "pay to play" laws to those who seek control of the state and federal highway systems. Also, by transferring title to these corridors without consideration further clouds a rather murky outlook as to how transportation projects will be paid for long term.

When the Texas Transportation Commission dismantled the decades-old practice of selecting transportation projects based on special interest lobbying and political favoritism it moved the power to choose and prioritize projects to the Metropolitan Planning Organizations (MPOs). Regional decision makers could better align resources to attain the state's goals of reducing congestion, improving air quality and expanding economic opportunity for all citizens of this state.

HB 1892, which may be before the Senate this week, seeks to push decision-making authority from an MPO down even further to a county toll road authority. When HB

1892 was before the Texas House, its author appropriately accepted an amendment that barred political contributions from companies and individuals who sought contracts from the county commissioners who govern a tolling authority. This is especially important when a local tolling authority seeks to take unilateral control of state and federal assets and the decisions of when and if to expand them.

That House amendment is missing in the Senate version. Transferring authority over the state highway system to a county government without providing a clear separation between politics and power can lead to the public's perception that it is an open door to corruption and influence peddling.

HB 1982 leaves a number of other questions unanswered, such as whether or not the federal government would recognize a local toll authority in lieu of a metropolitan planning organization, will safety standards be met, and will projects help meet an area's air quality goals. The question it should not leave unaddressed is whether or not the officials in charge of making contracting decisions make those choices in the best interest of its drivers and taxpayers.

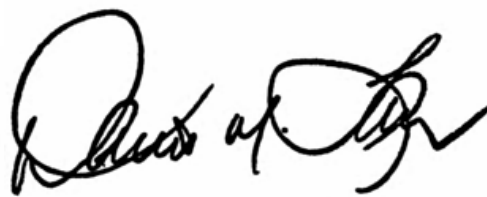
With the immense powers provided to Harris County Commissioners in this legislation, it is absolutely necessary that county officeholders not be tempted to accept contributions or conduct personal business with those who will design, finance, administer and build state transportation assets.

In the days ahead you have some difficult choices to make about the future of the state's transportation system. The choice that should be the easiest is to ensure that whoever is making the choices does so completely disconnected politically from the companies competing for multimillion dollar contracts.

Very truly yours,



John W. Johnson



David M. Laney