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From roads to rail: TxDOT head opens door to raiding road funds for rail

Posted on May 29, 2014 | BY TERRI HALL

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In what appears to be a contradiction with Texas House Speaker [Joe Straus' announcement](#) that his next budget will end all un-constitutional gas tax diversions to ensure taxes collected for roads indeed go to roads, Texas Department of Transportation (TxDOT) Executive Director Joe Weber recently signaled the need to depart from highway-only funding to use road taxes for rail.

Weber [told the Dallas Morning News](#) that "it's going to take more than new roads to keep Texans traveling smoothly if population growth estimates prove true." He also said TxDOT needs to increase funding for rail projects despite an environment where road dollars are already scarce. With the Department's shift to tolling, some of this money it plans to divert to rail will include toll revenues. Texans won't take kindly to paying tolls to fund rail that they can't or won't use.

Weber's position seems a contradiction in and of itself by acknowledging road funding is already inadequate to meet transportation needs, yet his plan to fix that is to steal yet more funding from roads to build rail. Weber did not respond to requests for clarification. There is a very limited amount of road dollars available and it can either be boosted to expand roads where needed to relieve congestion or raided for rail, which the vast majority of Texans won't or can't use since rail doesn't take you where you need to go.

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TxDOT has already diverted some of its Texas Mobility Funds to fund streetcar projects — \$92 million in San Antonio and \$90 million in El Paso. The Department has also funded \$140 million in rail-related projects in Dallas-Ft. Worth. Meanwhile, the agency persistently claims there's no money to fix our roads without tolls. Stealing from Peter to pay Paul has already become the practice at TxDOT with gas taxes and other public money being used to build toll roads, which is double taxation. Texans have been duped into thinking the toll they pay is for the road they're driving on, but those days are over. It's no longer the user pays model. Now tax money is building the toll road, but motorists are being taxed again to drive on it. Rather than increase transparency and truth in taxation, Weber wants to muddy the waters even further by using road taxes for rail. Until Weber's announcement, TxDOT diverted money

to rail under the radar. Now it appears to be official policy. Judging from its actions in prior legislative sessions, TxDOT will likely use all resources available to advocate for more 'flexibility' in the use of gas tax and other revenues under its control to spend however it sees fit – including on rail.

Rosy projections may not come to fruition

Population forecasts are likely not much different from toll road forecasts – wildly optimistic and largely inaccurate. Officials always have to create a crisis to convince taxpayers to part with their money to advance the agenda of special interests. Behind this new push for rail is the reality that President Obama's transportation vision emphasizes rail, and the Administration's transportation bill would shift funding away from highways. That means rail is where the money is to be had. Weary of waiting for lawmakers to shore up road funding, special interests are reading the tea leaves and see another gravy train opportunity through rail projects.

Regardless of Weber's motivation, rail is enormously more expensive than adding highway capacity. Purchasing and maintaining the rail cars alone adds tremendous cost that doesn't exist with roads since individuals pay for their own cars and for the maintenance of their own vehicles. Most Texans aren't clamoring to get into rail cars, they're begging for highway capacity and for their road & vehicle taxes to go to their intended purpose. It's going to require vigilance to ensure scarce road money doesn't get raided for rail programs while Texans aren't looking.

The mixed messages state leaders are sending – Straus promising to end raid of gas tax for non-road purposes, while Weber is calling for road funds to go to rail – could torpedo the effort to get voters to approve more road funding this fall when Prop 1 appears on the ballot. Prop 1 funds would be deposited into the State Highway Fund which can only go to roads, but voters may not realize that with all this talk of rail.

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