

The Trans-Texas Corridor: The Road to Salvation or the Highway to Hell?

4,000 miles of smooth finished blacktop. Six open lanes of road with never a traffic jam. Four lanes of truck traffic to keep the 18-wheelers from bothering Joe Motorist. High speed rail to get you from San Antonio to Dallas in just a couple of comfy hours. Oil and gas and water lines running from Oklahoma to the Mexican border. Private motels, shops, gas station to keep you from having to get off the road till you reach state-line limits. That's the dream of the backers of the Trans-Texas Corridor, the biggest public works project in the history of the state and the most ambitious road project in the USA since Ike decided to connect Maine with California and Wisconsin with Arizona by building the US highway system 50 years ago. But some people see it more as a nightmare than a dream. They see foreign companies owning the rights to Texas's infrastructure, whole towns being turned to dust because there won't be an exit ramp into them; vast agricultural and ranching land—close to 1 million acres all told—being gobbled up in a bid to put a feather in Governor Rick Perry's cap—to begin with—and later in the US Department of Transportation's cap when the plan is expanded to all 48 contiguous states. They see Texas water being traded for Mexican oil, toll fees as high as .44 cents a mile, non-compete clauses which will destroy Texas's current free highway system and a host of other problems with the gigantesaurus-sized plan. The nightmare thinkers are a lot more vocal than those trying to implement the plan. Surprising, as Governor Rick Perry has hailed it as "the most visionary transportation plans this state has ever seen" [I]t likely will forever change the way we build roads in Texas. And the Texas Department of Transportation (TxDOT), has said it will financially benefit all of Texas by "injecting billions of dollars in private spending into the state's economy and creating millions of jobs" and "But for all the hyperbole, what exactly is the Trans-Texas Corridor [TTC] and what will it really be: a boon or bust for Texas? At its simplest, the TCC is not one corridor but a series of several roads connecting the state's major population hubs with one another. It is intended to ease traffic congestion along the state's busiest corridors, and provide lanes not only for cars, but for high speed and commuter rail, freight trains and trucks carrying NAFTA goods from Mexico to Oklahoma, initially, and eventually all the way to Canada. It will also include a utilities corridor that will have protected pipelines and conduits carrying natural gas, oil, water, electricity and electronic data. In theory it will boost Texas's economy by making Texas more attractive to businesses which will see the corridor as a time, and therefore money, saving way to move their goods from point A to point B. In theory it will also "significantly reduce air pollution—according to TxDOT—with both the use of rail lines, supposed to make Texans give up their cars, and by having less congestion on the rest of the state's major thoroughfares. All of which sound pretty desirable. But when HB3588, a massive transportation bill authorizing the TTC, was passed by the state legislature in 2003 the bill's final impact was nowhere near understood, either by the politicians voting on it or by the general public. Article 1 of the executive summary of the final bill reads, in part, HB "3588 amends the Transportation code to create the Trans-Texas Corridor, a statewide network of transportation facilities that includes toll and non-toll state highways, turnpikes, freight or passenger railroads, public utility facilities" . Which sounds like political-speak for continued road building in a state that's got several metropolitan areas suffering from congestion. But the master plan for the TTC-35, the section of corridor to run parallel to I-35 from Laredo to Oklahoma, released in 2006, indicates it's anything but continued road building. The plan, released only after 175 Freedom of Information Act requests were filed, indicates that TTC-35 will be a 1,200 foot wide corridor to be leased to private companies who will design, build and maintain their specific sections, setting and collecting all tolls for contract periods ranging from 50-75 years. Sections of roads that coincide with the corridor—all of I-35 from San Antonio to Laredo, for example—will become part of the toll road. Additionally, motels, gas stations and stores built within the corridor will be part of the leasee's holdings, which it may sub-lease to others. And just to sweeten the deal to bring private funds to the table, the initial contract signed between the Spain-based Cintra corporation, their partner on the project, Zachry Construction Corporation and TxDOT for a 316-mile section of road to be built from Sam Antonio to Dallas, includes a non-compete clause. That clause will prevent TxDOT from improving any roadways that run parallel to the TCC for the length of the lease unless those improvements had already been approved prior to the signing of the contract. Sections of the contract that have been made public—Governor Perry has adamantly refused to disclose certain financial aspects on the grounds that they are proprietary to Cintra-Zachry—also indicated that Cintra will not be obligated to build more than four lanes of car and truck bearing blacktop "until and unless it is demonstrated that there is a demand for high-speed rail, commuter rail, freight and utilities" Tolling levels top it all off with TxDOT having agreed that they will be set "at what the market will bear," with Cintra having final say. A TxDOT release suggested they would be in the \$0.12--\$0.24 cent range per mile for autos. Opponents think they'll more likely be in the \$0.25--\$0.44 cent range. And on January, 27, 2007, TxDOT will be lobbying the US Congress on a proposal to "Work with Congress to amend federal Tax Code to exempt partnership distributions or corporate dividends related to ownership of toll road" from income taxation. The ambitiousness and audacity of the master plan provoked former Texas Comptroller Carole Keeton Strayhorn, in her recent and failed Gubernatorial bid, to call it "the biggest land grab in the history of Texas." While support for the TTC has come from a small coterie that includes Governor Perry, TxDOT, the US Federal Government and businesses with an interest in leasing and building the roads, opposition has come from all over the map. The Texas State Republican Party has found itself in bed with the Sierra Club and independents like Strayhorn, liberals like Houston state rep, Garnet Coleman, the ultra-conservative property-rights group Stewards of the Earth, farmers, ranchers and a host of groups which have been created with the sole purpose of trying to stop the TTC. "The initial plan for the TTC," said Terri Hall, regional director of the San Antonio Toll Party, "calls for the taking, by eminent domain, of 580,000 acres of private Texas property. That's more than 900 square miles. And there are secondary components to the TTC that

would bring that number up to 1 million acres. That's going to cut the state into pieces. While TxDOT downplays the issue of having a series of nearly quarter-mile, non-crossable roadways cutting Texas into a bunch of jigsaw puzzle pieces, it's very serious to the tens of thousands of farmers and ranchers who are going to see their property and livelihood slashed by the widest roadway in the hemisphere.

Ron Smith, editor of the Southwest Farm Press says the farmers and ranchers who read his magazine and website are up in arms. "You've got farmers with 500-800 acres whose farms are going to be cut in half. The same with ranchers. They make a good point when they say that with the TTC having few crossovers it's not just going to make their lives difficult, it's going to drive them out of business." Farmers concerns include not only losing valuable property but access to property split by the TTC. And although final plans for the TTC have not been drawn as yet, Ric Williamson, chairman of the Texas Department of Transportation has often been quoted telling farmers that they can go ahead "and build a tunnel underneath the road if you want one." Such flip comments won't solve the problem. Farmers moving large tractors a couple of miles from their land to a cross-over wouldn't be a huge problem, but if the final Cintra Zachry (the builder-partner of Cintra on the TTC-35 segment) plans call for crossovers less frequently than that it could be a major problem, not just for the farmers but for the traffic on the access roads stuck behind their slow moving equipment. And it would be worse for a rancher who has to move his cattle from pasture to pasture during a given season. Imagine a cattleman having to move even 100 head down an access road several miles to the nearest crossover. "It could be worse than you think," says Smith. "Farmers are telling me the only way they'll be able to work fields on the other side of the corridor will be to set up a second farm headquarters there. That means tractors and other farm equipment that couldn't possibly pay for itself on a hundred, two hundred acres of land." Anna Mowery, long time Republican state rep. from Fort Worth says she worked with the Farm Bureau to try to make certain that TTC overpasses would be frequent enough to allow for reasonable farm connections. "I don't mind telling you that I think we need to do something, and toll roads seem like a reasonable way to go about improving our transportation needs. And what particularly interested me about the TTC was the inclusion of commuter and high speed rail. That was a real selling point to me. "But what bothered me about the original plan was that farmers might need second tractors to access land cut by the eminent domain-taken corridor. But I hung in with the Farm Bureau to ensure that the farmers and ranchers would have reasonable access." Asked if she knew how frequently there would be overpass access roads, she didn't know. Not surprisingly, since TxDOT, which spoke very briefly and conditionally to the Fort Worth Weekly for this story, has maintained silence on the issue. The truth is there is no answer. No one knows if the overpasses will be every 10 miles or every 40. And no one, despite Governor Perry's claim that no public monies will be used to build the TTC, knows if the costs will come to the farmers who want them, to the counties, or towns that need them or to public funds. "Bottom line," Mike Barnett, a spokesman with the Farm Bureau, told the Fort Worth Weekly, "is we were told to trust TxDOT and Cintra. And we don't. We are dead set against the whole TTC. And we'll fight for our farmers and ranchers as best we can to get them the best deal. But right now we have no idea what that will be." The TTC won't just cut farm and ranches; there may be points, particularly in the area from San Antonio to Laredo, for instance, where I-35 will be incorporated into the corridor—taking a road already purchased by tax dollars and making it a toll road—where whole towns will be cut in half. TxDOT refers questions to its web page and the ominously named Master Plan, which reassures readers that there will be plenty of access to affected towns. But that reassurance doesn't jibe with the Cintra-Zachry contract, which calls for the corridor to connect with all US highways, interstate and state highways, but says nothing about duplicating the number of access roads that already exist on I-35. And in the southern part of Texas, where I-35 is little more than a two lane road through towns, or a two lane road along which towns have grown up, it's not difficult to imagine that some of those towns will be wholly swallowed up by a 1,200 foot roadway. But the interest of the operators of the TTC is to make money. They will have a substantial investment—all components of the TTC combined will have a price tag as high as \$184 billion—to recoup, and it won't be in their interest to put 1,200-1,400 foot crossovers—which come with a price tag of \$2.66 million each—very frequently. Too, it won't be in their interests to even have exits very frequently. Exits will not only take people off the toll road, costing the private company leasee's money, but they are expensive to build. (There is some question of whether or not TTC builders would be responsible for crossovers and road connections at all, as a clause in the initial HB3588 has TxDOT responsible for those.) No. For Cintra-Zachry and any other company to repay their investors they are going to have to maximize profits and minimize costs. Maximizing profits means getting people on their roads and then keeping them there for the longest possible time. Which is where the sticky issue of the road builders/developers having the rights to build gas stations, stores and motels comes into focus. If a traveler is headed north to Oklahoma from Laredo today, he or she will likely stop at local eateries, purchase gas at a station near the road, and grab a room in a motel along the I-35 corridor. Which is why all those gas stations, motels and eateries have been built. A new road that provides all those amenities while not providing a great number of exits is likely to have a great deal of impact on current businesses. And it won't be positive. "I've wondered whether those farmers affected by this road would have the right to build motels on their land, or gas stations," said Mowery. "I haven't gotten an answer to that yet." Chances are they won't, based on the no-compete clauses in the initial TTC I-35 contract. But even if they were permitted to build one, with limited access and available motels on the road itself, why would a driver go out of his way? The limited-access clauses have a lot of people wondering what the rules will be when the public is finally allowed to see them. At the moment all we know is that any road that runs parallel to the TTC corridors will not be allowed to be improved unless plans for improvement were already approved prior to the contract signing for the TTC. That means no beautification, no widening, no new exits or entrances for the life of the contract. With the Cintra-Zachry contract that means 50 years. "Imagine if you live in a little town on a two lane

