



See how **pro-taxpayer** and **pro-property rights** your Texas state legislators were on transportation and property rights legislation in the 84th Session of the Texas State Legislature in 2015

For overall methodology and a list of the bills used to compile this report, please see the last two pages.

REPORT CARD

Governor Greg Abbott

Texans overwhelmingly elected a new Governor, Greg Abbott, last year who campaigned against toll roads. He emphasized in the debates, “My plan does not involve any toll roads, period. I’m not interested in adding toll roads in my plan.” Largely passive on toll legislation, Governor Abbott did not help the grassroots or the lawmakers seeking to curb tolls, and canceled his appearance for Toll-free Texas Day at the Capitol just 48 hours prior to the event. He did help us block any private toll road contracts from being authorized (known as public private partnerships). These contracts put taxpayers on the hook for the private company’s losses and result in toll rates as high as 90 cents a mile! He did make increasing highway funds an emergency item, which did pass.

C

Lt Governor Dan Patrick

His pick for Committee Chair for Senate Transportation Robert Nichols was problematic from the beginning. The Senate budget did end many diversions of the gas tax (primarily the 5% that went to DPS), but left the 25% that goes to public schools.

Patrick failed to push our top reforms (which he committed to in writing when he ran for office), settling for just getting TxDOT more money instead. He failed to support Senator Don Huffines’ attempt to amend HB 20 to block state funds from going to toll roads. He failed to push for tolls to come off the road when paid for. He bowed to his committee chair, Nichols, who said that would be a ‘tough vote’ for senators to make so they shouldn’t bring it to the floor.

He did keep his promise to block any private toll road contracts from being authorized (known as public private partnerships). These contracts put taxpayers on the hook for the private company’s losses and result in toll rates as high as 90 cents a mile! He did make increasing highway funds a priority, which did pass. None of those new funds can go to toll roads. However, 100% of the billions in annual gas tax revenues still can. Over \$7 billion already has, which is double taxation.

C

Speaker Joe Straus

His choice for Committee Chair of House Transportation, Joe Pickett, was a better option than previous sessions when Rep. Larry Phillips chaired the committee. However, Chairman Pickett and the Vice Chair were both Democrats when Texans elected a Lt. Governor overwhelmingly based in part on his promise to appoint Republicans as committee chairs to reflect the composition and political balance of the legislature where the majority is Republican.

While more anti-toll bills were heard in committee, few made it out without serious compromise provisions, some of which changed the entire nature of the bill. Others made it out too late in the session to have a chance at passing. Pickett’s bill to study the elimination of toll roads built with state money did pass, but the much stronger bill to take tolls off all toll roads once they’re paid for was not even allowed a hearing. The bill to prohibit freeway lanes from being converted to toll lanes was compromised in committee at the insistence of the Harris County Toll Authority, and was never voted out of committee. Even the bill to audit RMAs (government documents show wasted \$1 billion in our tax dollars) was watered down to make it only happen if the county commissioners voted for an audit.

Straus’ blocked anti-toll amendments from even being offered to HB 13 and HB 20. However, an amendment was offered to the budget that would have blocked state money from subsidizing toll roads, but it was voted down 87-54. A successful amendment to HB 122 was added to block Texas Mobility Funds from going to subsidize toll roads (but limited to only the next two years). The House budget did end many diversions of the gas tax (primarily the 5% that went to DPS), but left the 25% that goes to public schools. Straus did make increasing highway funds a priority, which did pass. None of those new funds can go to toll roads. However, 100% of the billions in annual gas tax revenues still can. Over \$7 billion already has, which is double taxation.

C

The House of Representatives



REPORT CARD



House District 131	Alma A.	Allen	60%	D-
House District 104	Roberto R.	Alonzo	55%	F
House District 145	Carol	Alvarado	60%	D-
House District 103	Rafael	Anchia	80%	B-
House District 56	Charles "Doc"	Anderson	44%	F
House District 105	Rodney	Anderson	80%	B-
House District 57	Trent	Ashby	64%	D
House District 54	Jimmie Don	Aycock	70%	C-
House District 3	Cecil Jr.	Bell	60%	D-
House District 123	Diego	Bernal	70%	C-
House District 76	César	Blanco	60%	D-
House District 138	Dwayne	Bohac	70%	C-
House District 25	Dennis	Bonnen	56%	F
House District 24	Greg	Bonnen	70%	C-
House District 113	Cindy	Burkett	** 75%	C
House District 58	DeWayne	Burns	40%	F
House District 83	Dustin	Burrows	70%	C-
House District 112	Angie Chen	Button	70%	C-
House District 40	Terry	Canales	56%	F
House District 98	Giovanni	Capriglione	80%	B-
House District 11	Travis	Clardy	67%	D
House District 147	Garnet	Coleman	60%	D-
House District 95	Nicole	Collier	60%	D-
House District 8	Byron	Cook	56%	F
House District 82	Tom	Craddick	60%	D-
House District 64	Myra	Crownover	50%	F
House District 17	John	Cyrier	70%	C-
House District 136	Tony	Dale	** 70%	C-
House District 72	Drew	Darby	50%	F
House District 134	Sarah	Davis	56%	F
House District 111	Yvonne	Davis	** 70%	C-
House District 22	Joe	Deshotel	50%	F
House District 46	Dawnna	Dukes	14%	F-
House District 142	Harold Jr.	Dutton	50%	F
House District 135	Gary W.	Elkins	40%	F
House District 23	Wayne	Faircloth	50%	F
House District 106	Pat	Fallon	60%	D-
House District 118	Joe	Farias	70%	C-
House District 20	Marsha	* Farney	36%	F-
House District 148	Jessica	Farrar	60%	D-
House District 130	Allen	Fletcher	70%	C-
House District 2	Dan	Flynn	70%	C-

* Authored bad bills or amendments ** Authored one or more good bills or amendments advocated by TURF



REPORT CARD



House District 69	James	Frank	60%	D-
House District 84	John	Fruzzo	60%	D-
House District 117	Rick	Galindo	60%	D-
House District 99	Charlie	Geren	40%	F
House District 109	Helen	Giddings	44%	F
House District 97	Craig	Goldman	70%	C-
House District 52	Larry	* Gonzales	50%	F
House District 75	Mary	González	70%	C-
House District 41	Robert "Bobby"	Guerra	70%	C-
House District 31	Ryan	Guillen	70%	C-
House District 119	Roland	Gutierrez	67%	D
House District 126	Patricia	Harless	60%	D-
House District 143	Ana	Hernandez	67%	D
House District 34	Abel	Herrero	60%	D-
House District 48	Donna	Howard	60%	D-
House District 127	Dan	Huberty	** 75%	C
House District 5	Bryan	Hughes	** 90%	A-
House District 32	Todd	Hunter	67%	D
House District 45	Jason A.	* Isaac	44%	F
House District 50	Celia	* Israel	50%	F
House District 100	Eric	Johnson	44%	F
House District 12	Kyle	Kacal	50%	F
House District 60	James "Jim"	Keffer	50%	F
House District 15	Mark	Keough	70%	C-
House District 88	Ken	King	56%	F
House District 61	Phil	King	60%	D-
House District 71	Susan L.	King	57%	F
House District 80	Tracy	King	60%	D-
House District 91	Stephanie	Klick	70%	C-
House District 102	Linda	Koop	50%	F
House District 93	Matt	Krause	80%	B-
House District 44	John	* Kuempel	36%	F-
House District 81	Brooks	Landgraf	70%	C-
House District 122	Lyle	Larson	** 78%	C+
House District 89	Jodie	Laubenberg	80%	B-
House District 67	Jeff	Leach	** 100%	A+
House District 35	Oscar	Longoria	67%	D
House District 43	Jose Manuel	Lozano	50%	F
House District 38	Eddie	Lucio III	57%	F
House District 77	Marisa	Márquez	43%	F
House District 116	Trey	Martinez Fischer	60%	D-
House District 39	Armando "Mando"	Martinez	50%	F
House District 120	Ruth Jones	McClendon	27%	F-
House District 16	Will	Metcalf	90%	A-

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House District 108	Morgan	Meyer	70%	C-
House District 146	Borris L.	Miles	50%	F
House District 73	Doug	Miller	70%	C-
House District 26	Rick	Miller	60%	D-
House District 124	Ina	Minjarez	63%	D
House District 78	Joseph "Joe"	Moody	60%	D-
House District 30	Geanie W.	* Morrison	60%	D-
House District 36	Sergio	Muñoz Jr	60%	D-
House District 133	Jim	Murphy	50%	F
House District 53	Andrew	Murr	75%	C
House District 49	Elliott	Naishtat	60%	D-
House District 74	Alfonso "Poncho"	Nevárez	67%	D
House District 37	René	Oliveira	50%	F
House District 18	John	Otto	60%	D-
House District 9	Christopher "Chris"	Paddie	50%	F
House District 63	Tan	Parker	60%	D-
House District 129	Dennis	Paul	70%	C-
House District 144	Gilbert	Pena	50%	F
House District 21	Dade	Phelan	50%	F
House District 62	Larry	Phillips	38%	F-
House District 79	Joe	Pickett	** 73%	C
House District 87	Walter T. "Four"	Price	56%	F
House District 14	John	Raney	40%	F
House District 42	Richard Pena	Raymond	60%	D-
House District 27	Ron	Reynolds	60%	D-
House District 150	Debbie	Riddle	78%	C+
House District 115	Matt	Rinaldi	** 100%	A+
House District 51	Eddie	* Rodriguez	55%	F
House District 125	Justin	Rodriguez	60%	D-
House District 90	Ramon Jr.	Romero	** 80%	B-
House District 110	Toni	Rose	70%	C-
House District 70	Scott	Sanford	** 100%	A+
House District 6	Matt	Schaefer	70%	C-
House District 132	Mike	Schofield	** 80%	B-
House District 13	Leighton	Schubert	80%	B-
House District 66	Matt	Shaheen	** 100%	A+
House District 107	Kenneth	Sheets	** 75%	C
House District 59	J.D.	Sheffield	44%	F
House District 65	Ron	Simmons	** 75%	C
House District 7	David	Simpson	** 80%	B-
House District 128	Wayne	Smith	50%	F
House District 86	John	Smithee	56%	F
House District 4	Stuart	Spitzer	88%	B+
House District 68	Drew	Springer	70%	C-

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House District 85	Phil	Stephenson	50%	F
House District 92	Jonathan	Stickland	100%	A+
House District 29	Ed	Thompson	50%	F
House District 141	Senfronia	Thompson	60%	D-
House District 94	Tony	Tinderholt	80%	B-
House District 101	Chris	Turner	63%	D
House District 33	Scott	Turner	60%	D-
House District 139	Sylvester	Turner	64%	D
House District 1	Gary	VanDeaver	50%	F
House District 114	Jason	Villalba	60%	D-
House District 149	Hubert	Vo	50%	F
House District 140	Armando	Walle	70%	C-
House District 19	James	White	90%	A-
House District 55	Molly S.	White	88%	B+
House District 47	Paul	Workman	50%	F
House District 10	John	Wray	** 70%	C-
House District 137	Gene	Wu	60%	D-
House District 96	Bill	Zedler	70%	C-
House District 28	John	Zerwas	50%	F

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The Senate



REPORT CARD



Senate District 7	Paul	Bettencourt	75%	C
Senate District 22	Brian	Birdwell	75%	C
Senate District 10	Konni	Burton	** 88%	B+
Senate District 25	Donna	Campbell	** 88%	B+
Senate District 4	Brandon	Creighton	80%	B-
Senate District 13	Rodney	Ellis	55%	F
Senate District 1	Kevin P.	Eltife	88%	B+
Senate District 30	Craig L.	Estes	75%	C
Senate District 24	Troy	Fraser	* 66%	D
Senate District 6	Sylvia R.	Garcia	66%	D
Senate District 2	Bob	Hall	** * 100%	A+
Senate District 9	Kelly	Hancock	78%	C+
Senate District 20	Juan "Chuy"	Hinojosa	66%	D
Senate District 16	Donald	Huffines	** 100%	A+
Senate District 17	Joan	Huffman	66%	D
Senate District 18	Lois	Kolkhorst	** * 100%	A+
Senate District 27	Eddie Jr.	Lucio	75%	C
Senate District 26	Jose	Menendez	88%	B+
Senate District 12	Jane	Nelson	78%	C+
Senate District 3	Robert	Nichols	** * 67%	F
Senate District 28	Charles	Perry	** 88%	B+
Senate District 29	José R.	Rodríguez	75%	C
Senate District 5	Charles	Schwertner	** 90%	A-
Senate District 31	Kel	Seliger	75%	C
Senate District 11	Larry	Taylor	75%	C
Senate District 8	Van	Taylor	** 90%	A-
Senate District 19	Carlos "Charlie"	Uresti	63%	D-
Senate District 14	Kirk	Watson	50%	F
Senate District 23	Royce	West	75%	C
Senate District 15	John	Whitmire	75%	C
Senate District 21	Judith	Zaffirini	63%	D-

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The Methodology

Over 75 bills were filed to replace or curtail tolling or to make it more transparent and accountable. When factoring in property rights and efforts to restrict eminent domain abuse, the total came to 96 bills. So with a pipeline full of bills, it should have sent a strong message to leadership that the taxpayers sent elected officials to Austin to significantly curb if not stop toll roads. But the momentum quickly came to a halt when only a handful of anti-toll bills got a hearing, and very few key bills passed. Of those that did, most were watered down.

Leadership failed to hear or pass bills to: tolls off the road when it's paid for, stop the flow of public money subsidizing toll roads (which is a double tax), prohibit the conversion of free lanes to toll lanes, allow county commissioners or the public to vote on toll roads (stripped provisions from HB 20 to require toll roads to have public support), subject toll agencies to sunset review, make MPOs elected officials, restrict eminent domain use by private companies, kill red light cameras, and more.

These lawmakers' grades factor in both their voting record and advocacy on behalf of taxpayers with regards to transportation, whether it was carrying our good bills and amendments, getting pro-taxpayer legislation moving, or otherwise defending transparency and good road policy.

Bills used for Report Card

GOOD
BILL

HB 122 (Pickett) - To stop TxDOT from issuing new debt from the Texas Mobility Fund, a fund that almost exclusively subsidizes toll projects. Rep. **Ron Simmons** successfully amended the bill on the floor to block those funds from being used on toll roads (but only for two years).

GOOD
BILL

HB 2612 (Pickett) - To study the elimination of toll roads funded with state money. It will lay out a plan to accelerate the pay-off of toll debt or buy them out in a lump sum sooner. Pickett failed to even give Rep. Matt Shaheen's bill, HB 1734, a hearing. It would actually force agencies to take the tolls off roads once they're paid for.

GOOD
AMENDMENT

Floor Amendment #425 to House budget (by Rep. Jeff Leach) - To block state funds from subsidizing toll roads, which is a form of DOUBLE TAXATION. Failed by a vote of 87-54.

GOOD
AMENDMENT

Amendment to HB 20 (in Senate Committee by Sen. Lois Kolkhorst) - To remove requirement of local funds/local leveraging in order to get priority for state road funds. Without her amendment, the bill would have given toll roads priority for state funds over non-toll projects.

BAD
BILL

HB 1324 (Israel) - To impose a pilot program for bus-only lanes. Anytime lanes are dedicated to strictly one mode of travel, it shrinks the capacity available for unrestricted travel by cars, which is the primary mode of travel used by 95%-99% of travelers. The primary source of road funds for these bus lanes is the gasoline tax paid by auto users.

BAD
BILL

HB 594 (Israel) - To make taxpayers subsidize a toll discount for trucks in order to reduce truck toll rates on SH 130 for the next two years (tacked onto budget - Rider 49).

GOOD
BILL

SB 1184 (Huffines) - To audit RMAs (Nichols insisted it be watered down to the liking of the RMAs, and then leadership failed to get it through in time).

GOOD
BILL

HB 2620 (Burkett, similar bill filed in Senate by Lois Kolkhorst, & Bob Hall) - To make traffic and revenue studies available to the public. Such studies are currently allowed to be kept **SECRET** from the public and our elected officials until **AFTER** the contract is signed (leadership in the House let it die on the calendar. In the Senate, Nichols never gave it a hearing).

GOOD
BILL

HB 572 (Burkett, similar bill filed by Lyle Larson) - To subject NTTA (that's under investigation by the FBI) to sunset review. Burkett tried to tack onto a sunset bill as an amendment but got voted down. (Nichols never gave it hearing.)

GOOD
BILL

HB 20 (Simmons) - Attempts to put some needed funding and process reforms in place at TxDOT and the MPO level, but the provision to require public support for toll roads was stripped out. Sen. **Lois Kolkhorst** amended this bill to strip the requirement for local funding and local leveraging in order to get priority for state road funding (which would have given priority to toll roads over non-toll roads). House floor amendments by **Matt Rinaldi** and **Jonathan Stickland** tried to restrict priority to non-toll projects and strike language that would require local matching funds, but both were voted down. Rep. **Larry Phillips** spoke against all anti-toll amendments that made it to the floor. One Rinaldi amendment was accepted by the author to delete the term 'environmentally sustainable' and replaced it with 'environmental considerations' to avoid priority being given to bike lanes over auto lanes, which is part of sustainable development policies. Senate floor amendments by **Van Taylor** and **Bob Hall** attempted to stop a managed toll lane on US-75 and allow a non-toll revenue option using sales tax for the LBJ East project. Both amendments were withdrawn due to lack of support.

GOOD
BILL

SJR 5 (Nichols - Similar bills filed by Huffines, and in the House by Leach, Shaheen, Simmons, & others) - Constitutional Amendment requiring passage by two-thirds of the legislature. It's the largest infusion of money for the state highway fund in a generation. Can only go to non-toll roads. It was greatly watered down both in committee and in conference. It goes to the voters for approval November 3.

Property rights

BAD
BILL

SB 709 (Fraser) - Puts burden of proof in the administrative law hearings on landowners rather than developers in contested case hearings. Makes it harder and more expensive for landowners to keep developers & the TCEQ from wrongfully taking their property and/or harming the use of their property. Many conservatives voted for it because it was sold as a way to keep environmental groups from abusing the contested case hearing process to try and stop projects.

GOOD
BILL

HB 565 (Burkett, Bob Hall had similar bill in Senate) - To strip a grandfathered private toll corporation (Texas Turnpike Corporation) of its eminent domain authority.

BAD
AMENDMENT

Amendment to HB 565 (FA 1 - Kolkhorst) - To allow a grandfathered private toll corporation (Texas Turnpike Corporation) to enter into a version of a public private partnership with governmental entities, which enables it a backdoor way to get access to eminent domain and public funds through partnering with public entities.

GOOD
RIDER

Removal of Rider 48 by Senate Finance Committee (Schwertner) - To block state funds from going to private high speed rail projects.

GOOD
BILL

SB 1601 (Kolkhorst) - To strip private, for-profit high speed rail corporation of eminent domain authority.



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