December 21, 2007

The Honorable Kirk Watson Texas Senate P.O. Box 12068 Austin, Texas 78711

Dear Senator Watson:

I appreciate your efforts as the chairman of the Capital Area Metropolitan Planning Organization (CAMPO) to improve mobility in Central Texas. You showed tremendous leadership in securing approval of the Transportation Improvement Program (TIP). However, as you note in your letter, the state's cash flow projections are such that we cannot follow through with implementation of the TIP in the timeframe you and we prefer. Please allow me to elaborate.

During the past year you and other Metropolitan Planning Organization (MPO) leaders in the state have developed plans based on our forecast of available funds as of January 2007. Since then new laws have been passed at the federal and state level, new forecasts have been issued on the future of the Federal Highway Trust Fund, construction inflation has accelerated and our population has increased beyond previous forecasts which in turn has caused our existing highway system to deteriorate at an ever increasing rate. We now know our forecast of cash flow for the next ten years is inaccurate by more than \$3 billion.

First, let me emphasize that we recognize this occurrence is ill-timed, given the acrimony involved in approving your TIP in October. The Texas Transportation Commission's first public discussion of this matter occurred in May of this year, and they have discussed this matter at each commission meeting for the past eight months. Perhaps we have not been as blunt as we should have been as we began to come to grips with this crisis. For this failure, I accept full responsibility.

In responding to your questions, a simple question and answer format does not convey the whole story. The bottom line is that state transportation planners and MPOs across the state have planned to contract for more projects than the current cash flow projection indicates is feasible. In order to answer your questions as clearly as possible, allow me to take a step back and look at how transportation projects are developed from the time they are conceived to the moment in which the last contractor is paid. My response might seem remedial to you, but as outside parties and the press

are in possession of your letter, I feel it is important that my response be as thorough as possible.

Once a need for a transportation project is identified, the department works with the MPOs to "program" the project. We use the term "program" to describe the process by which MPOs and local TxDOT offices evaluate and approve the project along with other regional priorities and decide if the project should be advanced to the next step. The Texas Transportation Commission has delegated to the MPOs the responsibility to select projects based on an assessment at that time of how much funding will be available over the next several years when the selected projects will be completed and all bills related to the projects will be paid to the various contractors. While an MPO might program a billion dollar project in 2004, it might not go to construction until 2008 and it might not be completed until the end of 2012. As we have seen during the past year a lot can change after the project is programmed but before work starts. This uncertainty is not new to transportation planners.

In 2004, based on the best data available at the time, we informed CAMPO \$720 million would be available from TxDOT between 2005-2015 for new construction. And in fact projects approved by CAMPO have been started resulting in an expenditure or obligation to expend some \$191 million of those funds as of October 2008. The \$720 million forecast represents 9.26 percent of the total funds forecasted to be available for new construction in the all metropolitan areas of the state. The CAMPO share was agreed to during a series of consensus building meetings we hosted in 2002 and 2003.

Based upon our most recent evaluation of available cash flow our *preliminary* forecast for CAMPO would allow for approximately \$443 million for new construction, less the \$191 million expended or obligated to be expended to date. CAMPO is not alone—every corner of the state and every employee of TxDOT have been impacted by our revised estimate of available cash.

At the beginning of this year the commission had in place a plan to meet our transportation needs. We intended to use a combination of pay-as-you-go financing, toll roads, bond funds, and private investment to ensure that resources would be allocated in the most efficient manner. Had circumstances which I will discuss below not occurred, our plan would be intact and CAMPO along with everyone else in the state would be moving forward with transportation projects. Since the beginning of the year several developments have occurred that have caused us to revise our plan to expand highway capacity.

Rescissions: Over the last two years, Congress has rescinded \$666 million in future reimbursement of federal motor fuel taxes to support transportation projects in Texas. The current federal transportation appropriations bill includes another \$270 million cut for 2008. And the transportation authorization bill enacted in 2005 includes yet another \$700 million rescission in 2009 for our state.

Appropriations: Another development, about which you have written eloquently, is the amount of money the department was appropriated. TxDOT's appropriation for 2008-2009 was slightly increased from the previous biennium but this increase is simply the appropriation of bond proceeds that are committed to pay for ongoing and approved construction projects. Because these bond proceeds are fully committed to active projects the slight increase in appropriation does not equate to an increase in future projects. In other words, the slight increase in appropriation does not constitute a source of new revenue that will help us address the mobility crises facing the state.

All done, after the legislature finished its work this year, \$1.57 billion of transportation tax revenue will be spent on non-transportation projects. This is a 15 percent increase over the previous biennium before we consider the impact of Rider 19.80 which conditionally appropriated \$300 million, about which I will comment below.

Inflation: Perhaps the most significant factor we face is the declining purchasing power of the State Highway Fund. The loss of purchasing power at the same time revenues decline in proportion to need represents a situation almost impossible to accurately project. Simply put, inflation alone is pushing projects further down the pipeline than what was originally planned as recently as the beginning of the year. According to a September 2007 report of the Federal Highway Administration: "highway construction and maintenance costs nationwide grew approximately three times faster from 2003 through 2006 than their fastest rate during any 3-year period between 1990 and 2003, substantially reducing the purchasing power of highway funds. These increases are largely the result of escalation in the costs of commodities used in highway projects, such as steel and asphalt, and reflect structural, not transitory, economic changes. Consequently, we expect these commodity costs to remain elevated, and possibly continue expanding, in the near term." In Texas, inflation has increased 62 percent over the last five years.

Highway Trust Fund: In addition to rescissions, in the past three months we have learned the Federal Highway Trust Fund is expected to become insolvent in 2009 by \$4 billion. As you can imagine, it is extremely difficult to project how much federal funding of any amount will be available after 2008.

Maintenance: As our population continues to increase faster than anyone believes possible so too does the wear and tear on our existing infrastructure increase faster than we would have imagined only a year ago. Add the impacts of hurricanes, wildfires, freezes, and droughts and it is not hard to understand we have to increase planned maintenance expenditures in 2010 and beyond.

Private Investment: I know this is controversial but the earnest truth is every toll road requires an equity investment along with revenue from toll bonds. In your area, 50 percent of the cost of the Central Texas Toll Project was financed from local, state and federal tax revenue. Knowing that the state simply does not have the free cash flow necessary to duplicate the CTTP Model around the state, we sought to supplement our tax revenue projects with private investment. We believed (and still do) that if the private sector was willing to risk equity to finance a project, that if the public would own a road that might not have otherwise been built, and that if only those who chose to use the road would pay for it, all Texans would benefit from such an arrangement. The passage of SB 792 and the subsequent actions of local and regional toll authorities have effectively imposed a moratorium on such arrangements.

Because of these circumstances, we have taken following actions to ensure we preserve the existing highway system and have sufficient cash flow to pay our bills.

Operating Costs and FTEs: Each TxDOT district and division has been instructed to reduce operating costs by 10 percent. We will impose a hiring freeze to which only the executive director can allow an exception. In fact, we will also look for opportunities to consolidate functions, both in our District Offices and Austin Divisions, in order to generate greater efficiencies and effect cost savings. As bonding authority and comprehensive development agreements allowed our program to expand over the last few years, we must now scale back as our resources diminish.

Construction Projects: After January and continuing for the remainder of the fiscal year 2008, we will not let any new added capacity projects to construction. We expected to let \$4.2 billion in 2008. We have scaled that back to \$3.1 billion. See attachment: "Projects to be Delayed from FY 08 Letting."

Engineering Consultants: It makes little sense to continue designing projects at current levels if we know we will not be able to fund construction of the projects consultants are designing. We have a goal to reduce our expenditures on outside engineering consultants in 2008 from \$439 million to \$250 million. The Austin District's budget went from \$45.3 million to \$19.6 million. The original and revised allocation levels are shown in the attachment: "Professional Services."

Right of Way: Similar to engineering consultants, we do not need to acquire right of way if there is nothing to build on the property. We have a goal to reduce our right of way acquisition budget in 2008 from \$500 million to \$275 million. The Austin District's budget went from \$27.3 million to \$18.2 million. The original and revised allocation to all districts is shown in the attachment: "Revised FY-2008 Strategy 102 Budget Allocations."

As you can see, the Central Texas region is not singled out for project reductions. However, some regions will fare better than others. For instance, SB 792 included a provision to allow the North Texas Tollway Authority the opportunity to leverage its revenue in order to match the offer made by a private company to finance construction of toll lanes on SH 121 in North Texas under a comprehensive development agreement. As a result, the region recently received a payment of \$3.2 billion to spend on mobility projects. Obviously this will offset short term reductions in construction projects in that area of the state.

Finally I would like to touch on the contingent appropriation Rider 19.80 providing \$300 million in general revenue to the department. I am extremely grateful to Lieutenant Governor Dewhurst for his advocacy of this appropriation. Behind the leadership of Chairman Ogden and Chairman Carona along with your support and the support of many of your colleagues the appropriation was a remarkable step in the right direction. Chairman Carona has asked us to put together a plan to use the \$300 million to address the difficulties facing CAMPO and other MPOs which are doing everything they can to adopt regional plans under difficult circumstances.

Again, we recognize the struggles you faced in approving the TIP and we are well aware that the decisions we face will not make things any easier. But whether you engaged the citizens of Central Texas in October or at some other date when we had a better understanding of our financial situation, the tough decisions you made were absolutely necessary. And by supplementing state dollars with toll bonds, you are providing the Central Texas region with more certainty in the project-funding process.

Your actions will have a lasting impact on the quality of life, the safety, and the economic prosperity of the citizens you serve. We look forward to continuing to work with you on this matter. If you would like additional information, I would be pleased to

meet with you to discuss this further. You may contact me at (512) 305-9501, or should your staff have any questions, they may contact Patrick Marotta at (512) 305-8983.

Sincerely,

Amadeo Saenz, Jr., P.E.

Executive Director

Attachments

cc: Te

Texas Transportation Commission

Members, Capital Area Metropolitan Planning Organization

PROJECTS TO BE DELAYED FROM FY 08 LETTING CATEGORIES 2, 3 AND 4, FEBRUARY THRU AUGUST 2008

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County	TAYLOR	WILLIAMSON	WILIAMSON	MILIAMSON	WILLIAMSON	UBERTY	NUECES	DALLAS	DALLAS	DALLAS	DALLAS	DALLAS	DALLAS	TARRANT	MONTGOMERY	MONTGOMERY	GALVESTON	вяагоніа	BRAZORIA	BRAZORIA	BRAZORIA	BRAZORIA	HARRIS	BRAZORIA	HARRIS	MONTGOMERY	HARRIS	WEBB	MAVERICK
District	ABILENE		AUSTIN	NUSTIN	ALISTIN	BEAUMONT	CORPUS CHRISTI N	DALLAS	DALLAS	DALLAS	DALLAS	DALLAS	DALLAS DA	FORT WORTH	HOUSTON	HOUSTON	HOUSTON G	HOUSTON	HOUSTON	нопетон	HOUSTON	HOUSTON	HOUSTON	HDUSTON BR	HOUSTON	HOUSTON MG	HOUSTON HA	LAREDO	LAREDO MA

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County	MAVERICK	MAVERICK	MAVERICK	MAVERICK	WEBB	SAN JACINTO 0	MIDLAND	MIDLAND	STARH		HIDALGO	ZAPATA 0	ZAPATA 0	TOM GREEN G	COMAL	COMAL	GUADALUPE 20	ж	ANDERSON DE	GREGG 26	BELL 01	BELL 01	MC LENNAN 01	HILL	MC LENNAN GD
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Professional Services (Strategy 111) Revised Allocations for FY 2008

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Dist/Div		nitial Allocations		s of November 2007
Abilene	\$	2,320,454	\$	1,005,453
Amarillo	\$	4,195,532	\$	1,817,924
Atlanta	\$	9,760,000	\$	4,229,008
Austin	\$	45,282,863	\$	19,621,065
Beaumont	\$	6,478,650	\$	2,807,199
Brownwood	\$	1,100,000	\$	476,630
Bryan	\$	3,500,000	\$	1,516,550
Childress	\$	1,828,392	\$	792,242
Corpus	\$	12,745,000	\$	5,522,409
Dallas	\$	56,405,000	\$	24,440,287
El Paso	\$	22,561,254	\$	9,775,791
Fort Worth	\$	20,186,376	\$	8,746,757
Houston	\$	60,141,491	\$	26,059,308
Laredo	\$	11,957,353	\$	5,181,121
Lubbock	\$	4,392,723	\$	1,903,367
Lufkin	\$	9,125,000	\$	3,953,863
Odessa	\$	3,498,500	\$	1,515,900
Paris	\$	4,000,000	\$	1,733,200
Pharr	\$	19,928,105	\$	8,634,848
San Angelo	\$	750,000	\$	324,975
San Antonio	\$	24,999,074	\$	10,832,099
Tyler	\$	9,963,000	\$	4,316,968
Waco	\$	12,063,099	\$	5,226,941
Wichita Falls	\$	6,262,173	\$	2,713,400
Yoakum	\$	2,191,068	\$	949,390
Sub Total	\$	355,635,107	\$	154,096,695
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BRG	\$	14,929,231	\$	14,929,231
CST	\$	8,901,076	\$	3,856,836
DES	\$	5,746,148	\$	2,489,806
ENV	\$	24,256,079	\$	10,510,159
MNT	\$	1,300,000	\$	563,290
TTA	\$	80,745,086	\$	46,320,846
TRF	\$	583,483	\$	252,823
TPP	\$	6,253,790	\$	5,290,417
Sub Total	\$	142,714,893	\$	84,213,408
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Total	\$	498,350,000	\$	238,310,103

Revised FY-2008 Strategy 102 Budget Allocations As of Nov. 8, 2007 with 19% of FY-2008 Lapsed

1,736,978 1,362,093

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1,890,10 3,588,170

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2007	aluferto Date Spentas Va	10.00000000000000000000000000000000000	12.34%	2 17%	%00:0	4.66%	281%	1 84%	0.78%	4 35%	41.76%	22.53%	9.13%	31.00%	18.07%	28.11%	6.93%	2.07%	22:09%	2.83%	6,95%	8.68%	9:36%	20.46%	1.75%	6.28%	100.000	27.70%	0.02%	0.93%	0.00%	%00'0	福岡町町町町町町町町17.9 /2	第10.415%
	Lifei lo Dater Spent Lingskinrough		4,674,969	58,509	0	142,098	157 951	72,426	4.445	1.936,137	1,441,080	1,769,638	6,470,064	1,335,611	4,932,176	6,001,796	315,415	297,842	11,937,457	252,181	465,583	2,567,661	2,209,513	634,666	194,866	47,717	\$49,170,122	7,224,992	228	32,471	0	Ō	第152576690	 1 1 1 1 1 1 1 1 1 1
Original Budget Allocation on Sept. 1	Asia Voor Orginali Osmor Buggets	2.8822%	9.1733%	0.6529%	0.4953%	0.7390%	1.3622%	0.9555%	0.1383%	10.7703%	2:9672%	1.9023%	17.1658%	1.0437%	6.6107%	5.1710%	1:1020%	3.4865%	13:0875%	2.1567%	1,6216%	7.1644%	5.7168%	0.7513%	2.6994%	0.1841%	100%	18:2137%	0.6983%	2:4440%	0.0175%	78,6265%	# 9/00/PE # 10/00/9	顺学是一种"100% "
Oric	Orginal Budgeri Allocation	11,900,000	37,874,200	2,695,682	2,045,000	3,051,080	5,624,298	3,945,000	571,000	44,468,000	12,251,000	7,854,000	70,873,513	4,309,000	27,294,000	21,350,000	4,550,000	14,395,000	54,035,000	8,904,361	6,695,000	29,580,000	23,603,165	3,102,000	11,145,266	760,000	限2017,87,5,565	26,083,529	1,000,000	3,500,000	25,000	112,599,435	14 S143,207,964	編集556/083/529
District ID	i i i i i i i i i i i i i i i i i i i	PAR		WFS	AMA	. LBB	ODA .	SJT	ABL							SAT	CRP	BRY	DAL	AIL	BMI	PHR	LKU	CIMA	775	CHS	DISTRICTS	NI	MON.	l I A	BRG	S.I.WU Contingency	Divisions	Total Strategy 102
3511010	1615 2	-	2	ო	7	2	9	^	œ	6	9	Ξ	2	73	4	15	9	17	20 5	2 0	O Z	7	77	3	44	Ş	2	55	ဂ္ဂ	ထူ	ထို	66		Tota

40,735,965 1,534,443

1.9023%

1.0437% 6.6107% 24,053,108

5,678,660 3,993,690

2.1567% 1.6216% 7.1644% 5.7168%

17,134,40 13,511,61

2,715,159

1.1020% 3.4865% 13.0875%

5.1710%

8,218,59 9,290,09

13,247,27

27,682,230 375,875

2,555,182

0.1383%

10.7703% 2.9672%

1.3622% 0.9555%

6,718,824 3,461,599

Results

7,257,690

\$137,875,565 reduction in District Strategy 102 Allocation \$111,599,435 reduction in Divison Strategy 102 Allocation \$249,475,000 reduction in Total Strategy 102 Allocation

1,000,000

3.1637%

3,467,529

18,858,53 999,77

82.5205% 3.1637%

11.0730% 0.0791%

\$225.829.87

25,000

458,489

1,431,453 7,228,553

2,6994%

0.1841% 2001

0.7513%