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Hays crossroads

TxDOT deal awaits word from county; but it won't wait forever

By Brad Rollins
Staff Reporter

San Marcos — Hays County's new leadership is free to walk away from a \$133.1 million road improvement package, but they aren't likely to get a better deal, one of the state transportation department's top brass said this week.

"This is a once-in-a-lifetime opportunity for an enormous amount of infrastructure funds to be funneled into Hays County. If the county chooses not to go forward, not to improve these roads, that would be the county's decision but I would not expect that the revenue is suddenly going to somehow magically appear to build these projects. The money just is not there," Austin district engineer Bob Daigh said.

The commissioners court unanimously agreed in September to pay the estimated \$155.5 million pricetag of widening Ranch Road 12 and Farm-to-Market Road 1626 and building a three-mile leg of an eastern loop around San Marcos. Under an arrangement called pass-through tolling, or financing, the state will reimburse the county up to \$133.1 million over 20 years based on how many cars use the roads.

As a separate agreement approved at the same time, the state will match the county on up to \$8 million to add a turn lane and shoulders to Texas 21.

The court later hired Austin consulting firm Prime Strategies Inc. as project manager and approved \$5 million from a 2001 bond package to conduct environmental assessments and start buying right-of-way. But they punted on how to come up with their share of the project, deferring until after the November election whether to ask voters for approval to sell general obligation bonds.

Then all three incumbents seeking re-election lost their bids and the decision fell to the new court, led by Judge-elect Elizabeth Sumter, who campaigned against the package. In an interview a day after her victory, she reiterated her opposition and said, "We're going to revisit that road package completely and see whether the new court thinks it's a good idea."

Since that interview she has been measured in her comments and, interviewed late last week, would only say that the new court will schedule workshops on the road package before deciding what to do with it.

"Everybody's going to get up to speed before we make any major decisions," Sumter said.

With her earlier comments, however, leaving the open the possibility of a move toward scrapping the contract, local and TxDOT leaders have been waiting for the new court to take office Jan. 1.

Daigh's comments on Thursday after a ribbon-cutting ceremony at the Wonder World Drive railroad overpass left little doubt about the state's position on an effort to re-visit the package.

"The structure of the deal that Hays County has received is extraordinarily favorable to Hays County and I would anticipate that any future deals will have much less favorable terms," Daigh said. "It is now up to the county to decide if they wish to pursue the deal as it's written."

The Texas Transportation Commission has approved 25 pass-through deals since the Legislature authorized the arrangement in 2003 in response to what TxDOT maintains are transportation needs far outpacing gas tax revenue.

Under the Hays County deal, the state will cut quarterly checks to the county at a rate of 14 cents for every car that uses the roadways. San Marcos entered into a similar agreement to pay for up to \$60.6 million to extend Wonder World Drive from Hunter Road to Ranch Road 12.

There is no expiration date on the deal, but the state presumably won't wait indefinitely for the county to act, said Commissioner Will Conley, who negotiated the deal.

"There are other counties and cities out there that would love to get this money under the same deal and are waiting to see what we do. Having \$133 million in limbo puts the state in a difficult position and there will come a point in the near future when the state will ask the county if we're going to come through or let it go," Conley said.

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One new court member, Pct. 3 Commissioner-elect Jeff Barton, said there might be room to "refine" the deal but that he does not expect a wholesale renegotiation would sit well with the state. In addition, consistently rising construction costs mean the court will need to decide soon if it wants to accept the current deal.

"There are good questions that people are asking [about the deal] and I'm never against asking questions or being skeptical about a decision this big," Barton said. "At the same time, we don't want to lose this big pot of money that's been offered to us and it seems to me we have a pretty compelling need for some major transportation improvements."

March 3 is the deadline for the court to call a countywide election on whether to sell bonds for the project in time for a May election, one of four uniform election dates.

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