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Hays roads: What now?

County, cities still hoping to salvage some state funding

By Brad Rollins
Staff Reporter

San Marcos — In March 2005, Pct. 1 Commissioner Debbie Gonzales Ingalsbe joined other local leaders in the courthouse rotunda to accept \$1 million from the federal government to help pay for the San Marcos loop.

She spoke about the importance of an eastern loop around the city and smiled for cameras as U.S. Rep. Henry Cuellar presented an oversized check.

A little more than two years later, it is difficult to tell where the commissioner stands on the loop and, more broadly, an effort by the mayors of San Marcos, Kyle and Buda to salvage tens of millions in Texas Department of Transportation funding for the current incarnation of Farm-to-Market Road 110, which would start at McCarty Lane, run 12.5 miles around the city's east side and rejoin Interstate 35 at Yarrington Road north of town.

About \$29.4 million for the first three-mile segment of the road — a spur from the interstate to Texas 123 — was part of a \$172 million package rejected by a few more than 52 percent of voters on May 12.

Pointing to election returns that show the package won a majority in all but a handful of boxes in the fast-growing east side of the county, the corridor coalition is pushing the commissioners court to keep the loop alive, along with a widening of Farm-to-Market Road 1626, while dropping Ranch Road 12 from the agreement with the state. Safety improvements to Texas 21 are in play as well.

In the weeks since the bond election, the sides have shaped up along increasingly predictable lines: Pct. 3 Commissioner Will Conley and Pct. 2 Commissioner Jeff Barton are pushing a reworked version of the current deal; County Judge Elizabeth Sumter and Pct. 4 Commissioner Karen Ford oppose it, at least to the degree it involves county funding.

Ingalsbe finds herself in the middle again, under pressure from both road opponents — including some of her constituents whose lives will be literally crossed by the four- and five-lane road — and from road supporters who point to decades of discussion about a loop and years of preparation for this particular version. Both sides are keenly aware that Ingalsbe is up for re-election next year; neither is completely sure what position she will take on the roads package.

On the one hand, she has voted for the project at least a dozen times since 2001, not just to put it on the ballot as road opponents like to emphasize, but to spend more than a \$1 million on environmental assessments and permitting, surveying and engineering. On the other hand, she has publicly said she would have a difficult time disregarding the countywide election results, and has moved forward with plans for a less extensive widening of McCarty Lane to three or four lanes.

With the clock running on a 30-day deadline from TxDOT, the commissioners will have to decide soon between throwing out work on the loop project or disregarding what the road's opponents say is a message from voters to throw the current deal out and start over.




In a May 23 letter, TxDOT District Engineer Bob Daigh asked county officials to notify the state within 30 days whether it intends to cancel its agreement for the road funds. Under the pass-through tolling agreement, the county would have spent as much as \$172 million to upgrade the roads and build the loop segment and been reimbursed up to \$133 million over two decades. The agreement specifically allows the county to drop parts of the agreement and keep others but doing so negates the guaranteed minimum reimbursement.

About 20 corridor city residents Tuesday urged the commissioners court to accommodate such a deal with TxDOT.

"We urge the court to salvage any money available from TxDOT for improvement of roads in the county, particularly those that impact our community," said Diana Woods, the Umland city administrator. "Highway 21 has been studied for years by every political entity that I can think of. The time for study is over unless you consider the forensic studies on additional fatalities that will occur on this roadway."

In the San Marcos area, residents cast 1,664 votes for the road package and 1,333 votes against; in Kyle, the tally was 649 in favor and 451 against. In Buda, where FM 1626 is a clogged major artery between Hays County and Austin, 7,301 voted for and 1,448 voted against. But all

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those communities — especially San Marcos — turned out proportionally fewer voters than the Wimberley, Woodcreek, Driftwood and Dripping Springs areas.

Residents who took the lead in opposing the bond package say any effort to move forward with parts of the current package amounts to an end-run around the election results. Among these are a dogged group of residents in the McCarty Lane and Old Bastrop Highway areas who oppose construction of the loop segment. This is in Ingalsbe's precinct as road opponents like Maria Elena Gonzales, who unsuccessfully ran against Ingalsbe in the Democratic primary in 1996, often remind her.

"We need the best of government. We need a government that's responsible for every single penny that's out there because we have to work for that money. ...We played by rules and now there is a whole other set of rules," Gonzales said.

Later in the meeting, the court approved Sumter's proposal to establish a citizens committee to develop a new road package for a new bond election. She referred to language in the county's contract with TxDOT that says it can only be canceled if both parties agree and suggested that Daigh's 30-day deadline may not be make-or-break. She said TxDOT originally refused to resurface Farm-to-Market Road 1826 after residents complained of a shoddy overlay completed last year; a week after the election, State Rep. Patrick Rose announced that TxDOT would redo the road after all.

"TxDOT has demonstrated that it is not necessarily firm in what it says from one day to the next. Now we have a letter that says 'What are you going to do in the next 30 days?' and we also have a contract in front of us that says there has to be mutual consent of the parties to terminate. So I don't feel pressed to make a decision in 30 days. I believe we do have more time," Sumter said.

Mark Kennedy, the court's special counsel, pointed out a clause allowing TxDOT to terminate the deal for a material breach. He said the department could argue that failing to respond to a deadline may qualify as a breach.

Barton and Conley agreed to the committee but said doing so doesn't necessarily kill the possibility of retaining parts of the current agreement.

Both concede that a planned widening of Ranch Road 12 to five lanes is unpopular with many residents in the western side of the county and should go back to the drawing board. But Conley took exception with road opponents' assertions that the current package was developed without residents' input. An eastern loop is classified as a "Top Priority Road" in the 2025 transportation plan developed in May 2000 by a court-appointed Blue Ribbon Bond Committee and \$5 million for the project was approved as part of the 2001 bond package.

"To say that we developed the current package without any citizen input just isn't true," Conley said after the meeting. "I think some members of the court want to form a committee as a buffer to keep them from having to make any real decisions. I'm perfectly fine with having a committee but I don't think the court should use it as political cover."

Speaking only for moments during the lengthy back-and-forth, Ingalsbe meanwhile indicated that a joint effort with the city of San Marcos on the loop segment might be in the works.

"I want to continue my discussions with the city of San Marcos and the mayor. ...A lot of people do feel that it is a city road and [the city] should share responsibility for it. And I think they're willing to step up to the plate," Ingalsbe said. "I do feel that there is a lot of mistrust right now and that is unfortunate because it really clouds the decisions that we have to make and even the voters — the decision they make too."



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