

November 25, 2016

NOV 28 2016

Sunset Commission Members,

As your committee evaluates and deliberates the workings of the Texas Department of Transportation and forwards your recommendations to the legislature, our non-profit grass roots organization would like to bring to your attention several areas where some fundamental rethinking should be undertaken by the Legislature.

The staff report puts forth a lot of good recommendations on procedures and policies but does not adequately deal with the fundamental issue of what TxDOT, as a fully-functional transportation agency, should do concerning transportation as a whole, all modes, including freight and passenger rail.

The points on the attached comments will address the failings of both TxDOT and the legislature to adopt multi-modal solutions for the future. We cannot afford to just keep pouring concrete and asphalt forever. We must look to additional means to move our citizens and our goods in a safe, timely and convenient fashion in and between our towns and cities.

We believe that the Sunset Commission has a duty to reevaluate the total approach to the State's role in supporting cost-effective transportation, not just building more highways.

Feel free to contact our organization if we can be of any future assistance. We would welcome the opportunity to be part of the dialogue, for a better Texas.

Sincerely,



Peter J LeCody

President / Texas Rail Advocates

www.TexasRailAdvocates.org

Board of Trustees: Karl Ziebarth, Taylor Sharpe, John Radovich, Matt Lannon, Bernie Rodriguez, Joshua Coran, Paul Mangelsdorf, George Blount, David Pedigo, Britt Harrington



Recommendations from Texas Rail Advocates concerning the Texas Department of Transportation not found in the Sunset Commission report.

1. Appendix A - A number of advisory committees have been created in Statue or by Rule. Those include Aviation, Border Trade, Port Authority, Public Transportation (mainly rural), Bicycle and Freight Advisory. **Conspicuously lacking is an advisory committee made up of passenger and freight rail users, providers and the general public.** If TxDOT is to be a truly multi-modal agency then an advisory panel is the right step forward. The panel should include representatives from Texas Short Line Railroads, whose nearly 50 operators provide a needed economic stimulus to local business and industry.
2. In the past several years TxDOT has not applied for numerous federal grants made available for passenger and freight rail projects, including under the TIGER program. Is this a lack of planning, concentrating more on other modes or lack of funding from the legislature?
3. The legislature has ignored the will of Texans by failing to fund The Texas Rail Relocation and Improvement Fund, known as the RRIF, (Proposition 1) which passed November 8, 2005 as a legislatively referred constitutional amendment. The measure created a Texas rail relocation and improvement fund in the state treasury and authorized grants of state revenue and issuance of public debt to relocate, rehabilitate, and expand privately and publicly owned passenger and freight rail facilities and to construct railroad underpasses and overpasses.
4. There are unused appropriations in other inactive State accounts which could be reallocated to fund the RRIF without needing new appropriations. This repurposing of funds already in hand but unused would fulfill a mandate approved by the Legislature and the voters of Texas.
5. Texas has the most rail miles and public rail-highway crossings of any state in the nation. We also have the unneeded distinction of having a significant number of fatalities and injuries at grade crossings. We suggest that TxDOT should identify the most critical rail-highway crossings on an annual basis and provide funding to alleviate these higher risk intersections. There are new, low-cost technologies available which could potentially reduce the risk of fatal incidents; TXDoT should investigate and trial them.
6. One minor point of note: On page 13 under Rail, not mentioned is the fact that TxDOT also owns a significant share of the North East Texas rail operation, the lines managed by the North East Texas Rural Rail District (NETEX). TXDoT has consistently failed to provide the kind of financial support tendered to the South Orient lines, even though the northeastern counties of Texas are a neglected and economically depressed area; NETEX could be an economic generator for those counties.



From: [Sunset Advisory Commission](#)
To: [Cecelia Hartley](#)
Subject: FW: Public Input Form for Agencies Under Review (Public/After Publication)
Date: Monday, November 28, 2016 8:11:56 AM

-----Original Message-----

From: sundrupal@capitol.local [<mailto:sundrupal@capitol.local>]
Sent: Friday, November 25, 2016 3:13 PM
To: Sunset Advisory Commission
Subject: Public Input Form for Agencies Under Review (Public/After Publication)

Agency: TEXAS DEPARTMENT TRANSPORTATION TXDOT

First Name: Peter

Last Name: LeCody

Title: President

Organization you are affiliated with: Texas Rail Advocates

Email: peter@texasrailadvocates.org

City: Dallas

State: Texas

Your Comments About the Staff Report, Including Recommendations Supported or Opposed:
November 25, 2016

Sunset Commission Members,

As your committee evaluates and deliberates the workings of the Texas Department of Transportation and forwards your recommendations to the legislature, our non-profit grass roots organization would like to bring to your attention several areas where some fundamental rethinking should be undertaken by the Legislature.

The staff report puts forth a lot of good recommendations on procedures and policies but does not adequately deal with the fundamental issue of what TxDOT, as a fully-functional transportation agency, should do concerning transportation as a whole, all modes, including freight and passenger rail.

The points on the attached comments will address the failings of both TxDOT and the legislature to adopt multi-modal solutions for the future. We cannot afford to just keep pouring concrete and asphalt forever. We must look to additional means to move our citizens and our goods in a safe, timely and convenient fashion in and between our towns and cities.

We believe that the Sunset Commission has a duty to reevaluate the total approach to the State's role in supporting cost-effective transportation, not just building more highways.

Feel free to contact our organization if we can be of any future assistance.
We would welcome the opportunity to be part of the dialogue, for a better Texas.

Sincerely,

Peter J LeCody
President / Texas Rail Advocates
800 Jaguar Lane
Dallas, Texas 75226
www,TexasRailAdvocates.org
peter@texasrailadvocates.org
Twitter: @railadvo

Board of Trustees: Karl Ziebarth, Taylor Sharpe, John Radovich, Matt Lannon, Bernie Rodriguez, Joshua Coran, Paul Mangelsdorf, George Blount, David Pedigo, Britt Harrington

Any Alternative or New Recommendations on This Agency:

Recommendations from Texas Rail Advocates concerning the Texas Department of Transportation not found in the Sunset Commission report.

1. Appendix A - A number of advisory committees have been created in Statue or by Rule. Those include Aviation, Border Trade, Port Authority, Public Transportation (mainly rural), Bicycle and Freight Advisory. Conspicuously lacking is an advisory committee made up of passenger and freight rail users, providers and the general public. If TxDOT is to be a truly multi-modal agency then an advisory panel is the right step forward. The panel should include representatives from Texas Short Line Railroads, whose nearly 50 operators provide a needed economic stimulus to local business and industry.
2. In the past several years TxDOT has not applied for numerous federal grants made available for passenger and freight rail projects, including under the TIGER program. Is this a lack of planning, concentrating more on other modes or lack of funding from the legislature?
3. The legislature has ignored the will of Texans by failing to fund The Texas Rail Relocation and Improvement Fund, known as the RRIF, (Proposition 1) which passed November 8, 2005 as a legislatively referred constitutional amendment. The measure created a Texas rail relocation and improvement fund in the state treasury and authorized grants of state revenue and issuance of public debt to relocate, rehabilitate, and expand privately and publicly owned passenger and freight rail facilities and to construct railroad underpasses and overpasses.
4. There are unused appropriations in other inactive State accounts which could be reallocated to fund the RRIF without needing new appropriations. This repurposing of funds already in hand but unused would fulfill a mandate approved by the Legislature and the voters of Texas.
5. Texas has the most rail miles and public rail-highway crossings of any state in the nation. We also have the unneeded distinction of having a significant number of fatalities and injuries at grade crossings. We suggest that TxDOT should identify the most critical rail-highway crossings on an annual basis and provide funding to alleviate these higher risk intersections. There are new, low-cost technologies available which could potentially reduce the risk of fatal incidents; TXDoT should investigate and trial them.
6. One minor point of note: On page 13 under Rail, not mentioned is the fact that TxDOT also owns a significant share of the North East Texas rail operation, the lines managed by the North East Texas Rural Rail District (NETEX). TXDoT has consistently failed to provide the kind of financial support tendered to the South Orient lines, even though the northeastern counties of Texas are a neglected and economically depressed area; NETEX could be an economic generator for those counties.

My Comment Will Be Made Public: I agree